



BOULT CUMMINGS®
CONNERS • BERRY PLC

April A. Ingram
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T.R.A. DO

February 8, 2006

Chairman Ron Jones
Tennessee Regulatory Authority
460 Jas. Robertson Parkway
Nashville, TN 37243-0505

VIA HAND DELIVERY

Re: CCN Application of Symtelco, LLC

06 - 000 32

Dear Chairman Jones:

Enclosed are an original and 13 copies of the Application of Symtelco, LLC for a Certificate of Convenience and Necessity to operate as a Competing Local Exchange Carrier in Tennessee.

Please note we are submitting all copies of Exhibit F separately under seal. This Exhibit contains confidential financial statements which should not be made available to the general public.

We have also enclosed a check for the \$50.00 filing fee. If you have any question about this submittal, please call me at 252-2302.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

April A. Ingram

AAI/ai

Enclosures

cc: Mr. Greg Hogan
Mr. Craig Neeld

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

February 8, 2006

*In re: Application of Symtelco, LLC for a Certificate)
to Provide Competing Interexchange Services and)
Local Exchange Telecommunications Services)*

Docket No. _____

**APPLICATION FOR AUTHORITY TO PROVIDE RESOLD INTEREXCHANGE AND
LOCAL TELECOMMUNICATIONS SERVICES AND FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES**

Pursuant to applicable Tennessee Statutes and the Rules and Regulations of the Tennessee Regulatory Authority and Section 253 of the Federal Telecommunications Act of 1996 ("Act"), Symtelco, LLC ("Symtelco" or "Applicant") respectfully requests that the Tennessee Regulatory Authority ("TRA") grant Symtelco authority to provide facilities-based local exchange telecommunications services, including exchange access telecommunications services, within the State of Tennessee.

In support of its Application, Symtelco submits the following:

I. Administrative Requirements

A. Symtelco is willing and able to comply with all applicable rules and regulations in Tennessee pertaining to the provision of competing local telecommunications services.

B. Corporate name of service provider:

Symtelco, LLC

C. Corporate address of service provider:

Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515
Website: www.Symtelco.com

All correspondence, notices, inquiries, and other communications regarding this Petition should be addressed to:

Craig Neeld, Consultant to Symtelco, LLC
Technologies Management, Inc.
210 N. Park Avenue
P.O. Drawer 200
Winter Park, Fl 32790-0200
Telephone 407-740-3008
Facsimile: 407-740-0613
Website: **cneeld@tminc.com**

with a copy to:

April A. Ingram, Esq.
Boult Cummings Conners & Berry, PLC
1600 Division Street, Ste. 700
P.O. Box 340025
Nashville, TN 37203
Telephone 615-252-2302
Facsimile: 615-252-6302
Website: **aingram@bccb.com**

Contact name and address at the Company is:

Mr. Greg Hogan, President
Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515

D. Organizational chart of corporate structure:

See Exhibit A

E. Corporate Principal Officers (names and address):

The names and address of the Applicant's corporate officers are listed in Exhibit B of this Application.

F. Principal Officers in Tennessee (names and address if different from corporate):

The Company does not have any employees in the State of Tennessee. Company operations will be managed centrally at the Cumming, Georgia headquarters location.

G. Copy of Articles of Incorporation

Symtelco's Articles of **Incorporation** are provided in Exhibit C of this Application.

H. Copy of license to do business in the state of Tennessee.

Please see Exhibit D.

II. Managerial Requirements:

Data regarding key management staff:

Symtelco is managerially qualified to provide facilities-based local exchange services within the State of Tennessee. Symtelco has an excellent senior management team, backed by experienced employees, who are competent in telephony engineering, operations and marketing. Attached hereto as Exhibit E is a list of names and biographies of the senior management team of Symtelco.

III. Technical Requirements:

A. Proposed network data:

1. Geographic area coverage: Symtelco intends to offer service throughout areas currently served by BellSouth.
2. The Company does not intend to deploy switches, but rather will offer service based on a BellSouth Commercial Agreement.
3. Symtelco is not planning to build any facilities in Tennessee. The Company will lease lines, switches and interconnection (including the recombination of these elements into a complete service) from BellSouth.
4. The Company does not intend to deploy equipment in Tennessee.
5. Symtelco proposes to provide resold and facilities-based local exchange service via a BellSouth Commercial Agreement. Applicant's local traffic will be routed entirely over the networks of the underlying incumbent LEC.

Symtelco shall, either directly or through arrangements with its underlying carrier provide the following services: 1) access to 911 and E911 emergency service; 2) white page directory listings and directory assistance; 3) consumer access to and support for the Tennessee Relay Center in the same manner as the incumbent local exchange telephone companies; 4) free blocking service for 900/976 pay per call services in accordance with TRA policy; 5) Lifeline and Link-up services to qualifying citizens of the state; 6) educational discounts in existence as of June 6, 1995 TRA Rule 1220-4-8-.04.

B. Since all elements of the network, including lines, switches and interconnection are to be provided by BellSouth, Symtelco will rely on the engineers of BellSouth to construct and maintain its network services.

C. There are no special CPE requirements that would not be compatible with an incumbent carrier. Since all elements of the network are to be provided by BellSouth, all elements and CPE, if any, will be compatible with the BellSouth network.

D. Repair and Maintenance:

1. Symtelco understands the importance of effective customer service for local service consumers. Symtelco has a toll free customer service telephone number that is available with live operator response 24 hours per day, 7 days per week.
2. The toll free telephone number for customer inquiries, complaints and repair for Symtelco is 866-766-1515. In addition, customers may contact the Company in

writing at the headquarters address or via email to: cs@symtelco.com

3. The contact for resolution of customer complaints with the TRA is:

Mr. Greg Hogan, President
Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515

4. The contact person responsible for and knowledgeable about the Company's operations is:

Mr. Greg Hogan, President
Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515

IV. **Financial Requirements:**

- A. Estimated cost of network, switches, and unbundled network elements (UNEs):

Symtelco is not proposing to build a network or to deploy switches, but will utilize network and switching provided by BellSouth. UNEs will be provisioned according to the interconnection agreement between BellSouth and Symtelco.

- B. Most recent audited financial statements (including Balance Sheet, Income Statement and Statement of Cash Flows):

Symtelco possesses the financial qualifications required of applicants requesting expanded authority to provide local exchange service on a facilities-basis. Applicant has access to the financing and capital necessary to provide facilities-based local exchange services throughout the State of Tennessee. In support of this Application, most current financial statements, which are being filed as Confidential, are provided as Exhibit F-1.

- C. Projected financial statements (3 years):

Please see Exhibit F-2.

- D. Capital Expenditures Budget (3 years):

Not applicable. No construction is to be undertaken by Symtelco. The costs of Tennessee operations will consist of leasing network elements and additional administrative and sales overhead. Symtelco is operating as a facilities-based local exchange service provider in several states. The incremental administrative and sales costs are not projected to be significant for the Company. No new funds or capital will be required to expand the Company's services in Tennessee.

- E. Reciprocal Compensation for terminating ISP traffic:

Not Applicable.

- F. Bond requirement:
Please see Exhibit G.

V. Small and Minority-Owned Telecommunications Business Participation Plan:

Please see Exhibit H.

VI. TRA Rules for Local Telecommunications Providers:

The Company provides evidence with this application that notice of the application has been served on the eighteen (18) incumbent local exchange companies in Tennessee. Please see Exhibit I.

VII. Toll Dialing Parity Plan for Applicant's Providing Voice Grade Service:

Please see Exhibit J.

VIII. Numbering Issues:

- 1. What is your company's expected demand for NXXs per NPA within a year of approval of your application?**

None.

- 2. How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?**

None. As a provider with a BellSouth Commercial Agreement all orders will be provided through BellSouth.

- 3. When and in what NPA do you expect to establish your service footprint?**

The Company intends to offer service in territory currently served by BellSouth.

- 4. Will the company sequentially assign telephone numbers within NXXs?**

Not Applicable. As a provider with a BellSouth Commercial Agreement all orders will be provided through BellSouth.

- 5. What measures does the company intend to take to conserve Tennessee numbering resources?**

The Company will comply with resource conservation measures as per BellSouth procedures.

- 6. When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?**

Not Applicable.

IX. Tennessee Specific Operational Issues:

- 1. How does the company intend to comply with TCA §65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.**

Initially Symtelco plans to mirror or offer the calling areas of BellSouth. To the extent that BellSouth provides countywide calling, Symtelco will as well.

- 2. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers on the database?**

Yes, the Company is aware of the database and the procedures involved.

- 3. Is your company aware of the local calling areas provided by the Incumbent Local Exchange Carriers in your proposed service areas?**

Yes. The Company is aware of all local calling areas provided by the Incumbent Local Exchange Carriers within Tennessee.

- 4. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro calling areas.**

The Company will mirror the local calling areas of BellSouth. Symtelco's billing system is designed to comply with specific calling areas and allow toll free calling when required by regulations.

- 5. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TRA in resolving customer complaints.**

Mr. Greg Hogan, President
Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515

- 6. Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA §65-4-401 et seq. and Chapter 1220-4-11?**

Yes, the Company will utilize telemarketing and the Internet as sales channels and is aware of the state's regulations.

X. Miscellaneous:

- A. Sworn pre-filed testimony is provided in Exhibit K.
- B. Upon certification and prior to commencing service, **Symtelco** will file a proposed tariff for its end user local exchange offerings (containing rates along with terms, and conditions of service) with the Authority for its review.
- C. Status of Symtelco in other states:
- Symtelco currently provides service in California, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Texas.
- D. Symtelco is not currently involved in any mergers or acquisitions.
- E. Symtelco has included a copy of its irrevocable letter of credit in the amount of \$20,000.
- F. Complaints filed with state and federal regulatory agencies:
- None
- G. Proposed Service Area:
- Symtelco proposes to offer its services throughout the State of Tennessee in areas currently served by BellSouth which are designated open to competition. Currently, the Company does not intend to offer service in areas served by any incumbent local exchange telephone company with fewer than 100,000 total access lines. Symtelco will mirror the local calling areas of the incumbent local exchange companies.
- H. The Company will provide a Wireline Activity Report to the TRA on a monthly basis once the Company begins operations in the state.

XI. Public Interest:

Grant of Symtelco's Application to provide facilities-based local exchange services is in the public interest and serves the public convenience and necessity. In enacting the Federal Telecommunications Act of 1996, the United States Congress determined that it is in the public interest to promote competition in the provision of telecommunications services, including local exchange services. **Experience with competition in other telecommunications markets, such as long distance, competitive access, and customer premises equipment, demonstrates the benefits that competition can bring to consumers. Consumers are enjoying increased services, lower prices, higher quality, and greater reliability. This is true not only with respect to the service offerings of the new entrants, but also as a result of the response of incumbent monopoly providers to the introduction of competition.**

Most competition in the local exchange market has been for business customers. Symtelco plans to also bring the benefits of competition to Tennessee's residential consumers. Symtelco's proposed services will provide multiple public benefits by increasing the competitive choices available to users in Tennessee. Enhanced competition in telecommunications services likely will further stimulate economic development in Tennessee. In addition, increased competition will create incentives for all carriers to offer lower prices, more innovative services, and more responsive customer service.

XII. Statement of Compliance:

Symtelco agrees to abide by TCA §65-4-201 and all applicable state statutes and all applicable Orders, Rules and Regulations entered and adopted by the Tennessee Regulatory Authority.

WHEREFORE, Symtelco, LLC respectfully requests that the Authority enter an Order granting Symtelco's Application for a Certificate to Provide Competing Local Telecommunications Services throughout the State of Tennessee.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____



April Ingram (No. 18052)
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, Tennessee 37203
(615) 252-2302

Counsel for Symtelco, LLC

VERIFICATION

STATE OF GEORGIA

) : ss

COUNTY OF FORSYTH

Greg Hogan, hereby declare under penalty of perjury, that I am President of Symtelco, LLC, the Petitioner in this proceeding; that I am authorized to make this verification on behalf of Symtelco, LLC; that I have read the foregoing Petition and exhibits; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

Greg H _____, President
Symtel , LLC

Subscribed and sworn to before me this _____ day of Febru 2006.

Cheryl A. Whitley
Notary Public



Exhibits

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Exhibit A

Corporate Structure

Symtelco does not have a parent company or any subsidiaries. The Company is owned 100% by its Officers: Greg Hogan, Sandra Clay, and Frank Zimmerer.

Exhibit B

Corporate Officers and Directors

Symtelco, LLC
Officers and Directors

The following individuals serve as officers and directors of Symtelco, LLC and may be reached through the Company's corporate headquarters at 1385 Weber Industrial Drive, Cumming, Georgia 30041:

Officers

Greg Hogan	President
Sandra Clay	Treasurer
Frank Zimmerer	Secretary

Exhibit C

Articles of Incorporation

ARTICLES OF ORGANIZATION
OF
CONCENTRIC COMMUNICATIONS, LLC

The **name** of the Limited Liability Company is:

Concentric Communications, LLC

II.

The latest date upon which the Limited Liability Company may dissolve is December 31, 2052.

III.

The name and address of each organizer of the Limited Liability **Company** is:

Name

Michael E. Jacobs

11625 Rainwater Drive, Suite 350
Alpharetta, Georgia 30004

IV.

The street address and county of the Limited Liability Company's initial registered office is 1385 Weber Industrial Drive, Forsyth County, Cumming, Georgia 30041, and its initial registered agent at that office is Frank ~~Zimmerer~~.

V.

The mailing address of the Limited Liability Company's principal place of business is 1385 Weber Industrial Drive, Cumming, Georgia 30041.

IN WITNESS WHEREOF, the undersigned has executed these Articles Of Organization this 5th day of September, 2002.

Michael E. Jacobs
Michael E. Jacobs
Organizer

SECRETARY OF STATE
SEP -6 A 10 46
CORPORATIONS DIVISION

WRITELCONSENT OF THE MEMBERS
OF
CONCENTRIC COMMUNICATIONS, LLC
IN LIEU OF SPECIAL MEETING


The undersigned, being all of the members of Concentric Communications, LLC (the "Company"), pursuant to Section 14-11-309 and 14-11-310 of the Georgia Limited Liability Company Act (the "Act"), as amended, do hereby consent to the adoption of, and do hereby ~~confirm~~, approve, adopt and ratify the following actions:

1. The Articles of Organization of the Company as filed with the Secretary of State of Georgia on September 6, 2002, shall be amended to change the name of the Company to. **"SYMTELCO," LLC.**

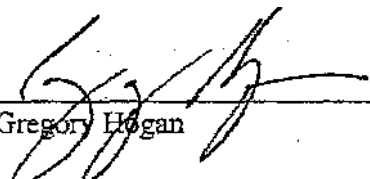
2. The Members furthermore hereby authorize Gregory Hogan to execute Articles ~~of Amendment~~ giving effect to the aforesaid name change ~~on~~ behalf of the Company and to cause such Articles to be filed with the Secretary of State.

Dated as of the 17th thy of October, 2002.

MEMBERS:


Frank Zimmerer


Sandra Clay


Gregory Hogan

ARTICLES OF AMENDMENT
OF
CONCENTRIC COMMUNICATIONS, LLC

Pursuant to O.C.G.A. § 14-11-210 of the Georgia Business Corporation Code, CONCENTRIC COMMUNICATIONS, LLC, a Georgia limited liability company, hereby submits the following Articles of Amendment:

The name of the limited liability company is CONCENTRIC COMMUNICATIONS, LLC and the charter number of the limited liability company is 0245420. Its Articles of Organization were filed on September 6, 2002.

Article One of the Articles of Organization is hereby amended to read as follows:

"The name of the Limited Liability Company is: "SYMTELCO, LLC"

The foregoing Amendment was duly unanimously adopted by the members of the Limited Liability Company *as* of October 17, 2002, and the undersigned member was thereby authorized to execute these Articles of Amendment.

IN WITNESS WHEREOF, CONCENTRIC COMMUNICATIONS, LLC, has caused these Articles of Amendment to be executed by its duly authorized members on this 17th day of October, 2002.

CONCENTRIC COMMUNICATIONS, LLC

Gregory Hogan, Member

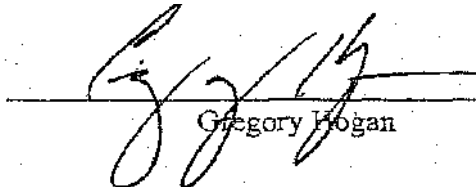
 (SEAL)
Gregory Hogan

Exhibit D

Tennessee Authority

Secretary of State

Division of Business Services

312 Eighth Avenue North

6th Floor, William R. Snodgrass Tower

Nashville, Tennessee 37243

DATE: 07/29/05

REQUEST NUMBER: 5520-1049

TELEPHONE CONTACT: 16151 741-2286

FILE DATE/TIME: 07/21/05 0927

EFFECTIVE DATE/TIME: 07/21/05 0927

CONTROL NUMBER: 0499144

TO:

SYMTELCO LLC

1385 WEBER

INDUSTRIAL DRIVE

CUMMING, GA 30041

RE:

SYMTELCO LLC

APPLICATION FOR CERTIFICATE OF AUTHORITY -
LIMITED LIABILITY COMPANY

WELCOME TO THE STATE OF TENNESSEE. THE ATTACHED LIMITED LIABILITY COMPANY
CERTIFICATE OF AUTHORITY HAS BEEN FILED WITH AN EFFECTIVE DATE AS INDICATED
ABOVE

A LIMITED LIABILITY COMPANY ANNUAL REPORT MUST BE FILED WITH THE SECRETARY OF
STATE ON OR BEFORE THE FIRST DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF TH

LIMITED LIABILITY COMPANY'S FISCAL YEAR. ONCE THE FISCAL YEAR HAS BEEN
ESTABLISHED, PLEASE PROVIDE THIS OFFICE WITH WRITTEN NOTIFICATION. THIS OFFICE
WILL MAIL THE REPORT DURING THE LAST MONTH OF SAID FISCAL YEAR TO THE LIMITED
LIABILITY COMPANY AT THE ADDRESS OF ITS PRINCIPAL OFFICE OR TO A MAILING
-ADDRESS PROVIDED TO THIS OFFICE IN WRITING. FAILURE TO FILE THIS REPORT OR TO
MAINTAIN A REGISTERED AGENT AND OFFICE WILL SUBJECT THE LIMITED LIABILITY
COMPANY TO ADMINISTRATIVE REVOCATION OF ITS CERTIFICATE OF AUTHORITY.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE
REFER TO THE LIMITED LIABILITY COMPANY CONTROL NUMBER GIVEN ABOVE.

FOR: APPLICATION FOR CERTIFICATE OF AUTHORITY -
LIMITED LIABILITY COMPANY

FROM:

SYMTELCO LLC

1385 WEBER

INDUSTRIAL DRIVE

CUMMING, GA 30041-0000



RILEY C. DARNELL
SECRETARY OF STATE

Exhibit E

Management Profiles

Greg Hogan- President

Greg Hogan has been involved in the telecommunications industry since 1979 with executive level management experience in all facets of product management, customer support, sales, marketing, and business development. Since joining Symtelco as one of the founding members he has directed the company's growth as a CLEC where the company is providing local telecommunications services in Georgia, Florida, Kentucky, and California. Prior to joining Symtelco he spent eighteen months as the Director of Sales and Marketing with Ernest Communications, a UNE-P based competitive local exchange company serving niche based business customers in over twenty states. While at Ernest Communications, Hogan oversaw the company's doubling in size and implemented progressive customer support practices to insure each customer's unique needs and demands were not lost in the company's rapid expansion. Prior to his tenure at Ernest, he served in various sales, marketing and product management functions for nine years at Protel, Inc., most recently serving as Vice President of Sales and Marketing for North America. Protel, based in Lakeland Florida is North America's largest provider to public telephones providing payphones to Bell Operating companies and small business owners alike. In his capacity at Protel, he oversaw all business development negotiations with Bell Operating Companies, Incumbent LECs, Operator Service Providers and Interexchange long distance companies. Hogan is active in the responsible growth of the telecommunications industry having served on the Board of Directors of the American Public Communications Council and the Texas Payphone Association. Additionally he has served on a number of task forces dealing with business and consumer issues such as the Canadian Standards Association task force to develop payphone keypads to more easily accommodate use by persons with limited mobility and sight or hearing impairment.

Frank Zimmerer-Secretary

Frank T. Zimmerer has over 35 years experience in the telecommunications industry. His career began with management positions with AT&T and New Jersey Bell Telephone. From there he was employed in various sales, operations and management positions with several privately held telecommunications manufacturing and service companies. Zimmerer has extensive experience in operations, sales and executive administration. In addition to his telephony experience, he has relationships and experience in the general business and financial world. He has successfully guided large companies and small start-ups as well.

Sandra Clay-Treasurer

Sandra Clay has over 37 years experience in the telecommunications industry. She started her telecommunications career with Southwestern Bell Telephone and later transferred to Pacific Bell Telephone. She held various management positions before accepting a retirement package as Operations Manager. Sandra is one of the six recipients of the 2002 Asian Women in Business Leadership awards.

Exhibit F-1

Current Financial Statements

*Symtelco, LLC separately submits, under Seal as Confidential, the December 31,
unaudited financial statements*

Exhibit F-2

Projected Financial Statements

*Symtelco, LLC separately submits, under Seal as Confidential, their three-year
projected financial statements*

Exhibit G

Letter of Credit

Omni
National
Bank



IRREVOCABLE LETTER OF CREDIT

OMNI NATIONAL BANK

Six Concourse Parkway
Suite 2300
Atlanta, Georgia 30328
770.396.0000 telephone
770.350.1300 facsimile
www.onb.com

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

REFERENCE: Name of Company authorized by TRA: Symtelco, LLC
Company ID # as assigned by the TRA:
Irrevocable Letter of Credit Number: #46
Effective Date: October 4, 2005
Expiration Date: October 5, 2006

Sir/Madam:

You have requested of Omni National Bank (the "Lender") that we establish an Irrevocable Letter of Credit which will remain available on behalf of Symtelco, LLC (the "Company") who has applied to the Tennessee Regulatory Authority (the "TRA") for authority to provide telecommunications services in the state of Tennessee. The purpose of this Letter of Credit is to secure payment of any monetary sanction imposed against the Company, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TRA.

We hereby establish and issue, in favor of the TRA an Irrevocable Letter of Credit in the amount of Twenty Thousand (\$20,000.00) lawful money of the United States of America. The TRA may draw upon this Letter of Credit, at any time and from time to time, by delivering a Letter of Credit notice, substantially in the form set forth below (a "Notice"), which Notice shall specify the amount (the "Draw Amount") to be drawn and the bank account (the "Bank Account") to which the Draw Amount should be delivered and shall be signed by an official designated and duly authorized by the TRA, to Lender at the address listed below, or to such other address as the Lender shall notify the TRA in writing by certified mail. Promptly after the delivery of each Notice, the Lender hereby covenants and agrees to deliver, by wire transfer or immediately available funds, the Draw Amount to the Bank Account.

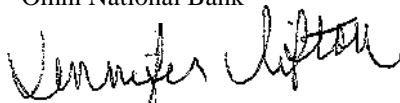
This Letter of Credit shall be deemed automatically renewed without amendment for successive one-year periods and may be canceled by the Lender by giving thirty (30) days advanced written notice by certified mail of such cancellation to the TRA and the Company, it being understood that the Lender shall not be relieved of liability that may have accrued under the Letter of Credit prior to the date of cancellation.

The Lender hereby represents and warrants that it is qualified and authorized to issue this Letter of Credit and is a bank designated by the Treasurer of the State of Tennessee as an authorized depository bank for the deposit of state funds.

Except as otherwise expressly stated, this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credit (1993 Revision) International Chamber of Commerce Publication No. 500, or any revisions thereto.

Sincerely,

Omni National Bank



Jennifer L. lifton
Vice. President
Five Concourse Parkway
Suite 100
Atlanta, Georgia 30328

Exhibit H

Small & Minority-Owned Telecommunications Business Participation Plan

**TENNESSEE
SMALL AND MINORITY-OWNED
TELECOMMUNICATIONS BUSINESS
PARTICIPATION PLAN**

SUBMITTED TO
TENNESSEE REGULATORY AUTHORITY

BY

Symtelco, LLC, ("SYMTELCO")

**SMALL AND MINORITY-OWNED
TELECOMMUNICATIONS BUSINESS
PARTICIPATION PLAN**

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**SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS
PARTICIPATION PLAN**

1. PURPOSE

- 1.1** This small and minority-owned telecommunications business participation plan ("Plan") is submitted by the Applicant as required by T.C.A. §65-5-212.
- 1.2** The administration of this Plan is the responsibility of the Applicant.

2. DEFINITIONS

- 2.1** The Applicant is a private corporation who resells interexchange telecommunication services of in the state of Tennessee. They are based in Cumming, Georgia and have no employees, property, or equipment in Tennessee at this time.
- 2.2** As a competitive vendor of telecommunications service, the Applicant is non-dominant in its industry. The nature of the Applicant's business limits their opportunity to support the use of Small and Minority Business in Tennessee. However, let the submission of this Plan evidence their desire to participate as practically possible.
- 2.3** Small and Minority Business - For the purpose of this Plan, "minority business" means a business that is solely owned, or at least fifty-one (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000) per T.C.A. §65-5-212.

3. APPLICANT'S RESPONSIBILITY FOR SMALL AND MINORITY-OWNED TELECOMMUNICATION BUSINESS PARTICIPATION PLAN AND POLICY STATEMENT

- 3.1** The Applicant intends to afford Small and Minority-Owned Telecommunications Businesses the maximum practicable opportunity to participate in the performance of contracts in accordance with T.C.A. §65-5-212.
- 3.2** The Applicant is a reseller of telecommunications service whose business operations include:
- (a) Sale and Marketing of Telecommunications Services
 - (b) Customer Care
 - (c) The Applicant uses vendors and suppliers to support their reseller business in the following areas:
 - Telecommunications Service Providers
 - Sales Agents of Telecommunications Services
 - Telecommunications Billing and Collection Services
- 3.3** **Greg Hogan, President would coordinate Small and Minority-Owned Telecommunications Business referrals.**
- 3.4** Initial Small and Minority-Owned Telecommunications Business contacts for the Applicant would be made through their Coordinator who will seek to identify and include firms in Tennessee through the Department of Economic and Community Development.

office of Minority Business Enterprise and Small Business office.

4. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN PERIOD OF EFFECTIVENESS

- 4.1** The Applicant will maintain a pro-active and continuous approach toward inclusion of such firms in their supplier base. Consequently, their Plan and the associated duties and activities would not have a fixed time period for effective, but rather represent The Applicant's ongoing policies and procedures. The Applicant has no physical presence in Tennessee. When and if their business condition changes in Tennessee, the effectiveness of this Plan would be enhanced.

5. PLAN ADMINISTRATION

5.1 The Applicant's Plan Administrator is:

Mr. Greg Hogan, President
Symtelco, LLC
1385 Weber Industrial Drive
Cumming, Georgia 30041
Telephone 678-455-2770
Facsimile: 770-844-0845
Toll Free: 866-766-1515

- 5.2** The Administrator manages the Plan, as described below in the Administrator's duties. The Administrator has direct interface with procurement personnel, contract administrators, and program and project personnel to ensure compliance with the provisions of the Plan.

- 5.3** The Administrator's specific job duties, as they relate to this Plan and the Applicant's business operations in the state of Tennessee, are as follows:

- (a) Developing and maintaining the Applicant's Supplier Master List which **would include a listing of Small and Minority-Owned Telecommunications Businesses** in Tennessee who are deemed eligible to be suppliers for the Applicant.
- (b) Reviewing the Applicant policies and procedures in to ensure that Small and Minority-Owned Telecommunications Businesses in Tennessee have an equitable opportunity to be awarded contracts when possible.
- (c) **Allowing for inclusion of Small and Minority-Owned Telecommunications Businesses** in those solicitations for products or service which they are capable of providing.
- (d) Coordinating activities during the conduct of any compliance review by Tennessee state agencies.
- (e) Preparing and submitting periodic contracting reports as required.

6. PLAN TO ASSURE EQUITABLE OPPORTUNITY

6.1 The Administrator shall ensure that appropriate source listings and services are properly utilized in support of the Plan. Sources/listings include but are not limited to the following:

- (a) The Applicant approved Master Supplier List.
- (b) Sourcing information received from the Department of Economic and Community Development's Office of Minority Business Enterprise and Small Business Office in Nashville.

6.2 Outreach efforts will be made as follows:

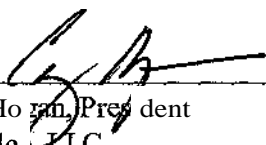
- (a) The Administrator shall cultivate and maintain a relationship with the Community Development's Office of Minority Business Enterprise and Small Business Office in an effort to locate and qualify capable Small and Minority-Owned Telecommunications Businesses for participation in contracting opportunities.
- (b) The Administrator shall ensure that the Applicant provides adequate and timely consideration of the potentialities of Small and Minority-Owned Telecommunications Businesses in “~~make-or-buy~~” decisions.
- (c) The Administrator shall ensure that the Applicant counsels and discusses contracting opportunities with representatives of Small and Minority-Owned Telecommunications Businesses.
- (d) The Administrator shall ensure that the Applicant offers assistance to Small and Minority-Owned Telecommunications Businesses to explain the following:

Requests for quotations, progress payments, technical and quality assurance programs, advice on types of business typically being contracted, and the mechanics of procurement requirements and quality expectations.

7. **PLAN REPORTING**

7.1 The Applicant will submit such periodic reports and cooperate in those studies or surveys as may be required to determine the extent of compliance with this Plan.

7.2 The Applicant Supplier Master List will identify Small and Minority-Owned Telecommunications Businesses in Tennessee. The Supplier Master List shall be utilized in identifying potential contractors.



Greg Horn, President
Symtele, LLC

Exhibit I

Notice of Filing

Symtelco has filed an Application for a Certificate of Convenience and Necessity to provide telecommunications services. I certify that copies of the Application have been served upon the following carriers via U.S. mail, postage prepaid, on the date noted below:

- | | | |
|----|--|---|
| 1. | Ardmore Telephone Company, Inc.
P.O. Box 549
517 Ardmore Avenue
Ardmore, TN 38449 | P.O. Box 130
Loretto, TN 38469 |
| 2. | BellSouth Telecommunications, Inc.
333 Commerce Street
Nashville, TN 37201-3300 | 9. Millington Telephone Company, Inc.
4880 Navy Road
Millington, TN 38053 |
| 3. | CenturyTel of Adamsville
PO Box 405
116 Oak Street
Adamsville, TN 38310 | 10. Sprint-United
112 Sixth Street
Bristol, TN 37620 |
| 4. | CenturyTel of Claiborne
PO Box 100
507 Main Street
New Tazewell, TN 37825 | 11. TDS Telecom-Concord Telephone
Exchange, Inc.
PO Box 22610
701 Concord Road
Knoxville, TN 37933-0610 |
| 5. | CenturyTel of Ooltewah-Collegedale
PO Box 782
5616 Main Street
Ooltewah, TN 37363 | 12. TDS-Telecom-Humphreys County
Telephone Company
PO Box 552
203 Long Street
New Johnsonville, TN 37134-0552 |
| 6. | Citizens Telecommunications Company
of Tennessee
PO Box 770
300 Bland Street
Bluefield, WV 24701 | 13. TDS Telecom-Tellico Telephone
Company
PO Box 9
102 Spence Street
Tellico Plains, TN 37385-0009 |
| 7. | Citizens Telecommunications Company
of the Volunteer State
P.O. Box 770
300 Bland Street
Bluefield, WV 24701 | 14. TDS Telecom-Tennessee Telephone
Company
P.O. Box 18139
Knoxville, TN 37928-2139 |
| 8. | Loretto Telephone Company, Inc. | 15. TDS-Crockett Telephone Company,
Inc.
PO Box 7
Friendship, TN 38034 |
| | | 16. TEC-People's Telephone Company,
Inc. |

16. TEC-People's Telephone Company, Inc.
PO Box 310
Erin, TN 37061
17. TEC-West Tennessee Telephone
Company, Inc.
P.O. Box 10
244 E Main Street
Bradford, TN 38316
18. United Telephone Company
P.O. Box 38
120 Taylor Street
Chapel Hill, TN 37034

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Symtelco, LLC local application upon the enclosed listing of incumbent LECs operating in the State of Tennessee, by mailing such copy by first class mail, postage prepaid.

On this the _____ day of February 2006

A handwritten signature in black ink, appearing to read 'April Ingram', is written over a horizontal line.

April Ingram

Exhibit J

Toll Dialing Parity Plan

Symtelco, LLC
IntraLATA Toll Dialing Parity Plan
For Tennessee

1. Purpose

In compliance with FCC Order 96-333,38, Symtelco, LLC Symtelco, LLC ("Symtelco") hereby files its plan for implementing IntraLATA Toll Dialing Parity. The intent of this Plan is to provide a proposal that, upon implementation, would provide customers the ability to select the telecommunications carrier of their choice for routing their intraLATA toll calls.

Symtelco will be following their established guidelines and procedures for implementation of intraLATA Parity of toll calls.

2. Implementation Date and Areas of Availability

Upon commencement of service, Symtelco will offer 2-PIC service in all BellSouth states including Tennessee.

For services provided via a Symtelco switch, all **switchlines** will offer 2-PIC capability.

3 Method of Selection Process and costs

Symtelco will follow the 2-PIC strategy established by BellSouth. With the 2-PIC methodology, customers will be able to presubscribe to one telecommunications carrier for interLATA toll calls and presubscribe to the same or different carrier, including their existing local exchange company, for all intraLATA toll calls.

Existing Customers

Symtelco has no existing customers in Tennessee. Symtelco proposes to provide intraLATA equal access as a feature of the company's Tennessee local exchange service upon launch of that service. Therefore, no notification to existing Customers is required. Existing customers have a 90-day grace period to make a free intraLATA presubscription selection. No charge applies to carrier changes made within this time limit.

New Customers

Processes will be in place to provide new customers with an opportunity to choose their intraLATA toll carrier from a list of available carriers. The list of intraLATA toll carriers, including Symtelco, will be presented in a competitively neutral manner to new customers who do not make a positive choice for an intraLATA carrier. Customers who do not choose a carrier for intraLATA toll calls will be identified as a "no-PIC" and will have to dial an access code to make intraLATA calls. New customers will have 30 days from the date they order local exchange service to make their free selection. No charge applies to PIC selections made within this time limit. After the time limit expires, the tariffed rate of \$5.00 for PIC changes will apply.

4. Customer Notifications

Customers will be advised the opportunity to choose an intraLATA toll carrier separate from their interLATA carrier at the time they place an order initiating service. They will also be advised that they may choose a carrier other than their local exchange carrier and that a list of available intraLATA toll carriers is available upon request from customer service. Symtelco also believes that promotional material by other carriers will make customers aware of the choices available to them.

Cost Recovery

Symtelco does not anticipate any charges from BellSouth to implement their Parity Plan and therefore, will not be assessing the customer any additional charges.

Miscellaneous Items

Slamming - Symtelco will be subject to rules relating to slamming as indicated in Tennessee Regulatory Authority Rule 1220-4-2-. 56, Sections (2) B (19) and 1220-4-2.58, Sections (1)-(16).

Nondiscriminatory Access B Symtelco will provide nondiscriminatory access for their customers, including any Resellers, as it relates to access of telephone numbers; operator assistance; directory assistance; and directory listings.

Exhibit K

Preffied Testimony

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

FEBRUARY 7, 2006

*In re: Application of Symtelco, LLC for a Certificate)
to Provide Competing Interexchange Services and)
Local Exchange Telecommunications Services)*

Docket No. _____

**Testimony of
Greg Hogan, President
on behalf of Symtelco, LLC**

1 I, Greg Hogan, do hereby testify as follows in support of the application of Symtelco, LLC
2 ("Symtelco") for a Certificate of Convenience and Necessity as a competing
3 telecommunications service provider to provide facilities-based local exchange and exchange
4 access telecommunications services throughout the State of Tennessee.

5
6 **Q. Please state your name, title and business address.**

7 A. My name is Greg Hogan. My business address is 1385 Weber Industrial Drive, Cumming,
8 Georgia 30041.

9 **Q. On whose behalf are you testifying in this proceeding?**

10 A. I am testifying on behalf of Symtelco, LLC, the Applicant in this Cause.

11 **Q. What is your position and responsibilities with Symtelco, LLC?**

12 A. I am the President of Symtelco, LLC. I am responsible for general operations of the company,
13 including directing the company's entry into new markets and for investigating and
14 developing new lines of business for the company. These responsibilities allow me to
15 interact with all operations of the company.

16 **Q. Please describe your previous professional experience.**

17 A. I joined Symtelco in September 2002 with the express purpose of creating a
18 telecommunications company to provide local telephone service and other telecom services
19 primarily to small businesses. During the past three years we have received certification to
20 provide local service in nine states and we are now providing service in California, Florida,
21 Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Texas. Prior
22 to joining Symtelco, I spent eighteen months as the Director of Sales & Marketing with
23 Ernest Communications, a UNE-P based competitive local exchange company serving niche
24 based business customers in over twenty states. While at Ernest I oversaw the Company's
25 doubling in size and implemented progressive customer support practices to insure each
26 customer's unique needs and demands were not lost in the Company's rapid expansion. Prior
27 to Ernest, I served as Vice President of Sales and Marketing for North America at Protel,
28 Inc., a Lakeland, FL based company which is North America's largest provider to public
29 telephones.

1 **Q. What is the purpose of your testimony?**

2 A. The purpose of my testimony is to present evidence describing the technical, managerial and
3 financial fitness of Symtelco to provide resold and facilities-based local telecommunications
4 services in Mississippi. This testimony will also describe the services proposed by Symtelco
5 and the proposed tariff structure. Finally, the purpose of my testimony is to show that the
6 public interest will be served by approval of the application of Symtelco for a certificate of
7 public convenience and necessity.

8 **Q. Are all Statements in Symtelco's application true and correct to the best of your**
9 **knowledge, information and belief?**

10 A. Yes. I have reviewed the complete application package and believe it to be true and correct
11 to the best of my knowledge, information and belief.

12 **Q. Is Symtelco authorized to do business in Tennessee?**

13 A. Yes. Symtelco received a Certificate of Authority from the Tennessee Secretary of State
14 dated July 29, 2005, authorizing it to do business in Tennessee as a foreign corporation. The
15 company remains in good standing in the state of Tennessee. A copy of the Certificate of
16 Authority was attached as Exhibit D to the Company's Application.

17 **Q. Please describe the authority for which Symtelco has applied in Tennessee.**

18 A. Symtelco is asking that the Authority issue a Certificate of Public Convenience and Necessity
19 authorizing Symtelco to provide facilities-based local exchange and exchange access services
20 in Tennessee.

21 **Q. In what geographic area does Symtelco request authority to provide local exchange**
22 **services?**

23 A. Symtelco initially intends to offer service in the area presently served by BellSouth.

24 **Q. Please describe Symtelco's managerial qualifications.**

25 A. Symtelco has the managerial resources necessary to provide customers in the State of
26 Tennessee with high quality telecommunications services. The members of Symtelco's

1 senior management team have extensive management and telecommunications experience.
2 Exhibit E of the Company's Application provides biographies for the Symtelco management
3 team that demonstrates Symtelco's managerial expertise to provide the services for which
4 authority is requested.

5 **Q. Please describe Symtelco's technical qualifications.**

6 A. The senior management team of Symtelco has a varied and detailed background in
7 telecommunications. In addition, Symtelco has experience offering local exchange services
8 on a facilities-basis in California, Florida, Georgia, Kentucky, Louisiana, North Carolina,
9 South Carolina and Texas. Since all elements of the network, including lines, switches and
10 interconnection are to be provided by BellSouth, Symtelco will rely on the engineers of
11 BellSouth to construct and maintain its network services.

12 **Q. Is Symtelco financially qualified to provide the local exchange services it proposes**
13 **within Tennessee?**

14 A. Yes. Symtelco has ample capital to provide the services for which authority is requested.
15 Symtelco is providing its current and projected Financial Statements as proof of its financial
16 stability to provide the required services within Tennessee. This information is attached in
17 Exhibit F of the Company's Application. The Company is not planning to install any plant
18 or equipment in the state. Serving additional markets via a BellSouth Commercial
19 Agreement for local exchange do not require any capital investment. The incremental cost of
20 expansion is minimal.

21 **Q. Please describe the types of services that Symtelco will offer in Tennessee.**

22 A. Applicant intends to provide local exchange services, custom calling and CLASS features
23 and bundles services such as local and long distance services in a combined package. In
24 addition, the Company will provide to its Customers additional custom calling and class
25 features, access to emergency call services (e.g. 911), directory assistance and other ancillary
26 services.

1 **WM Symtelco offer service to all consumers within its service area?**

2 A. Symtelco's primary market is business customers.

3 **Q. WM Symtelco's proposed local exchange tariff contain all material terms and**
4 **conditions applicable to its provisioning of local exchange services?**

5 A. Yes. All applicable terms, including those required by the Authority, will be set for in the
6 Company's tariff. Symtelco understands that it will be necessary for it to obtain Authority
7 approval of its local exchange tariff prior to providing such services in Tennessee.

8 **Q. What facilities will Symtelco use to provide its proposed services?**

9 A. Symtelco will offer services through a commercial agreement with BellSouth.

10 **Q. Does Symtelco currently offer service in Tennessee?**

 A. No.

12 **Q. How will Symtelco handle customer service matters?**

13 A. Symtelco will provide comprehensive support services to its customers. Customer service is
14 available 24 hours a day, 7 days per week through trained representatives. The toll free
15 telephone number is 866-766-1515.

16 **Q. Does Symtelco currently offer service in other jurisdiction?**

17 A. Yes. Symtelco currently provides service in California, Florida, Georgia, Kentucky,
18 Louisiana, Mississippi, North Carolina, South Carolina, and Texas.

19 **Q. Does Symtelco plan to offer local exchange telecommunications services in areas served**
20 **by any incumbent local exchange telephone company with fewer than 100,000 access lines?**

21 A. No. Symtelco will offer service in the territory currently served by BellSouth.

22 **Q. Briefly describe how approval of Symtelco's Application is in the public interest.**

23 A. Granting Symtelco's application will introduce a telecommunications service provider
24 committed to providing high quality, innovative, and technologically advanced services that

1 will further increase telecommunications competition within the State of Tennessee.
2 Symtelco's network will utilize state-of-the art technology. Symtelco's service offerings will
3 increase consumer choice, improve the quality and efficiency in telecommunications services
4 and will likely lead to the reduction of consumer costs, as well as stimulate development of
5 additional services by providing competitive incentives to other providers. Thus, granting
6 Symtelco's application is in the public interest.

7 **Q. Does Symtelco intend to comply with all TRA rules, statutes, and orders pertaining to**
8 **the provision of telecommunications services in Tennessee, including those for**
9 **disconnection and reconnection of service?**

10 **A.** Yes. Symtelco intends to comply with all TRA rules, statutes and orders pertaining to the
11 provisioning of telecommunications services in Tennessee, including those for disconnection
12 and reconnection of service.

13 **Q. Has any state ever denied or revoked Symtelco's authorization to provide intrastate**
14 **service?**

15 **A.** No.

16 **Q. Has Symtelco ever been investigated or sanctioned by any regulatory authority for**
17 **service or billing irregularities?**

18 **A.** No.

19 **Q. Does Symtelco intend to comply with all TRA rules, statutes, and orders pertaining to**
20 **the provision of telecommunications services in Tennessee, including those for**
21 **disconnection and reconnection of service?**

22 **A.** Yes. Symtelco intends to comply with all TRA rules, statutes and orders pertaining to the
23 provisioning of telecommunications services in Tennessee, including those for disconnection
24 and reconnection of service.

1 **Q.** Has any state ever denied or revoked Symtelco's authorization to provide intrastate
2 service?

3 A. No.

4 **Q.** Has Symtelco ever been investigated or sanctioned by any regulatory authority for
5 service or billing irregularities?

6 A. No.

7 **Q.** Who is knowledgeable about Symtelco's operations and will serve as the company's
8 regulatory contact?

9 A. Greg Hogan, President of Symtelco will serve as the Company's regulatory contact.

10 **Q.** Does this conclude your testimony at this time?

A. Yes.

12

13

14 I swear that the foregoing testimony is true and correct to the best of my knowledge.

15

16

17

18

19

20 Notary Public

21 State of Georgia, County of Forsyth

22

23 My Commission expires: February 6, 2007

Cheryl A. Whitley

