

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 5, 2006

IN RE:

JOINT PETITION OF TRINSIC
COMMUNICATIONS, INC. AND
ACCESS INTEGRATED NETWORKS, INC.
FOR EXPEDITED APPROVAL OF
TRANSFER OF CUSTOMER BASE

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DOCKET NO.
06-00060

ORDER APPROVING CUSTOMER NOTIFICATION LETTER

This matter came before Chairman Ron Jones, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 20, 2006 for consideration of the *Joint Petition of Access Integrated Networks, Inc., and Trinsic Communications, Inc. for Expedited Approval of Transfer of Certain Customers* ("Joint Petition") filed on February 24, 2006 requesting approval of a transfer of the customer base pursuant to Authority Rule 1220-4-2-.56(2)(d).

JOINT PETITION

The *Joint Petition* filed by Trinsic Communications, Inc. ("Trinsic") and Access Integrated Networks, Inc. ("AIN") (together, the "Petitioners") notified the Authority of the proposed transfer of customer base between the Petitioners. Upon approval of the *Joint Petition*, the Petitioners propose to transfer approximately 3,500 Trinsic customers to AIN.

Trinsic is a Delaware corporation with principal offices located in Tampa, Florida. Trinsic currently provides local exchange and long distance telephone services to residential and to small, medium, and large business customers nationwide, including Tennessee. The Authority granted Trinsic authorization to provide competing telecommunications services in Docket No.

00-00861 on March 22, 2001. Trinsic is also authorized by the FCC to provide interstate and international telecommunications services.

AIN is a corporation organized under the laws of the State of Georgia with principal offices located in Macon, Georgia. AIN is a full-service telecommunications company that provides local and long distance services to residential and small to medium-sized business customers in nine states, including Tennessee. The Authority granted AIN authorization to provide competing telecommunications services in Docket No. 99-00064 on December 3, 1999.

The Petitioners attached the FCC self-certification letter to the *Joint Petition* and state that prior to implementing the transfer, notification will be sent to all affected customers using envelopes and letterhead bearing the Trinsic logo. The notification will advise the customers of the following: the pending change of their carrier selection to AIN; that there will be no changes to the rates, terms, and conditions of service(s) to be provided by the acquiring carrier without sufficient notice; that there will be no charge to the customer associated with the change; that the subscriber has the right to select a different preferred carrier; a toll-free customer service telephone number for inquiries about the transfer; the fact that all subscribers receiving the notice, including those who have arranged preferred carrier freezes through their local service providers, will be transferred to the new carrier if they do not select a different preferred carrier before the transfer date; and whether the acquiring carrier will be responsible for resolving outstanding complaints against the selling or transferring carrier. Consistent with TRA Rule 1220-4-2-.56(2)(d)(4), the *Joint Petition* states that the acquiring provider agrees to provide the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers and will include this information in the initial notification letter to the customer.

According to the *Joint Petition*, after the proposed transfer, Trinsic will continue to provide service only to its existing multi-location business accounts in Tennessee. In addition, the *Joint Petition* asserts that the transfer will be made in a seamless fashion that will avoid disruption to consumers, and there will be no change in affected customers' rates, features, and terms and conditions of service.

THE MARCH 20, 2006 AUTHORITY CONFERENCE

The Petitioners request approval of the transfer of customer base pursuant to Authority Rule 1220-4-2-.56(2)(d). This Rule applies because the transaction involves the transfer of Trinsic's competitive local exchange customers to AIN and Authority Rule 1220-4-2-.56(2)(d) states that the telecommunications provider of a customer shall not be changed without the customer's authorization. Authority Rule 1220-4-2-.56(2)(d) provides as follows:

(d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:

1. The acquiring telecommunications service provider shall provide the Authority a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.
2. A notification letter, pre-approved by the Authority, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. For good cause shown, the Authority may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, but is not limited to, evidence that the current provider is no longer providing service in Tennessee.


3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

At the March 20, 2006 Authority Conference, the panel found that the transfer is subject to approval pursuant to Authority Rule 1220-4-2-.56, and although the customer notification letter does not explicitly state that the acquiring provider agrees to pay any fees charged to the customer associated with changing service, the panel found that the language of the letter adequately conveys that customers will not incur charges as a result of the transfer. Upon a finding that the Petitioners have complied with the Authority rule in all other respects, the panel voted unanimously to approve the customer notification letter and reminded Petitioners that the letter should be mailed to customers no less than 30 days prior to the transfer.

IT IS THEREFORE ORDERED THAT:

The customer notification letter filed by Trinsic Communications, Inc. and Access Integrated Networks, Inc. is approved pursuant to Authority Rule 1220-4-2-.56(2)(d).



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director