

# TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman  
Eddie Roberson, Director  
Pat Miller, Director  
Ron Jones, Director

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460 James Robertson Parkway  
Nashville, Tennessee 37243-0505  
T.R.A. DOCKET ROOM

February 1, 2006

Ms. Melissa Conway, Counsel  
Kelley, Drye, and Warren, LLP  
3050 K Street, N.W., Suite 400  
Washington, DC 20007

RE: Docket 06-00300: Application of Acceris Management and Acquisition LLC and  
First Communications, LLC for Approval of an Asset Transfer

Dear Ms. Conway:

In order to fully analyze the above-referenced application, the Tennessee Regulatory Authority ("TRA or Authority") requires additional information. Please provide the information requested below by February 7, 2006, and refer to this correspondence as Data Request No. 2 in the response.

1. Have the applicants filed a Domestic Section 214 application with the FCC for the transfer of assets of Acceris Management and Acquisition LLC to First Communications, LLC d/b/a First Communications of Ohio, LLC? If so, provide the associated docket number.
2. Consistent with TRA Rule 1220-4-2-.56(2)(d), provide a customer notification letter that meets the requirements of the above-referenced rule (see attachment). Specifically, provide a customer notification letter that informs customers that the acquiring telecommunications service provider agrees to provide 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.

If you have any questions, or need further assistance, please call Carlos Black at 615-741-2904, ext. 196 or e-mail him at [Carlos.Black@state.tn.us](mailto:Carlos.Black@state.tn.us). Please respond by sending the original and 13 copies to:

Ms. Sharla Dillon, Docket Room Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505  
Email: [sharla.dillon@state.tn.us](mailto:sharla.dillon@state.tn.us)

Sincerely,

Jerry Kettles, Chief  
Economic Analysis & Policy Division

c: Ms. Mary Cegelski  
Mr. Drew Backstrand

## **Requirements for a Valid Tennessee Customer Notification Letter**

When a customer base is transferred between 2 or more telecommunications providers, the providers must give sufficient notice to the customers and obtain their approval. The TRA will deem that the notice and approval requirements have been met if the letter complies with TRA Rule 1220-4-2-.56(2)(d)

The letter must:

Be pre-approved by the TRA

Be mailed by the current telecommunications provider (not the acquiring provider) with the logo or name of the current provider displayed on the exterior envelope, and the logo or name of both the current and acquiring provider on the letterhead.

Describe the customer transfer and explain that the customer's local or long distance service will be transferred to the acquiring service provider by a certain date specified in the notification letter, unless the customer selects a different provider

Be mailed no less than thirty (30) days prior to the actual customer transfer (although the TRA may waive this requirement for good cause shown)

Inform customers that the acquiring provider agrees to pay any fees charged to the customer for changing the service to the acquiring provider

Inform customers that, for up to ninety (90) days from the date of the transfer of customers, the acquiring provider agrees to provide the customers a thirty (30) day written notice of any rate increase that may affect their service.