

ADAMS AND REESE LLP

2008 APR 28 PM 4 07

TN REGULATORY AUTHORITY
DOCKET ROOM

April 28, 2008

Attorneys at Law

Baton Rouge
Birmingham
Houston
Jackson
Memphis
Mobile
Nashville
New Orleans
Washington, DC

Guilford F. Thornton, Jr.

(615) 259-1492
(615) 687-1507
gif.thornton@arlaw.com

Honorable Eddie Roberson, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

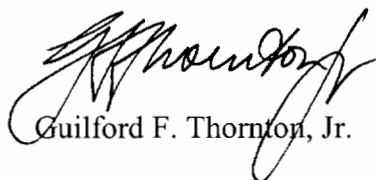
Re: Petition of Frontier Communications of America, Inc. to Amend its
Certificate of Convenience and Necessity
File #: 07-00155

Dear Chairman Roberson,

On behalf of Frontier Communications of America, Inc. ("Frontier"), I am enclosing with this letter an original and thirteen copies of Frontier's prefiled direct testimony in the above referenced matter. Copies are being distributed to counsel for the parties of record.

Should have any questions or require anything further at this time, please do not hesitate to contact me.

Sincerely,



Guilford F. Thornton, Jr.

cc: Gregg Sayre

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

IN RE:)
)
 PETITION OF FRONTIER) No. 07-00155
 COMMUNICATIONS OF AMERICA, INC.)
 TO AMEND ITS CERTIFICATE OF)
 CONVENIENCE AND NECESSITY.)

**PREFILED DIRECT TESTIMONY OF
FRONTIER COMMUNICATIONS OF AMERICA, INC.**

Frontier Communications of America, Inc. ("Frontier") formerly known as "Citizens Telecommunications Company," by its undersigned counsel and pursuant to Tennessee Code Annotated, Sections 65-2-103 and 65-4-201 through Section 65-4-204; Chapter 1220-4-8-.04 of the Tennessee Regulatory Authority's ("Authority") Rules and Regulations; hereby submits the following sworn testimony of David Michael Byrd ("Witness"):

Question: Please state your name for the record.

Witness: David Michael Bird.

Question: By whom are you employed?

Witness: I am a General Manager for Frontier Communications of America, Inc. (“Frontier”). I have been employed by Frontier Communications and/or its affiliate Citizens Telecommunications Company of Tennessee LLC d/b/a Frontier Telecommunications of Tennessee (“Citizens”) since 1995.

Question: Are you familiar with Frontiers' Petition to Amend its Certificate of Convenience and Necessity?

Witness: Yes.

Question: Do you have sufficient personal knowledge to testify as to the

1 matters contained in that petition?

2 Witness: Yes.

3
4 **1. Corporate Structure and Management (1220-4-8-.04 (c)-(e)).**

5 Question: Where does Frontier maintain its primary place of business?

6 Witness: Frontier maintains its principal place of business at:

7 3 High Ridge Park
8 Stamford, CT 06905

9
10
11 Question: Does Frontier maintain a registered agent in the State of

12 Tennessee?

13
14 Answer: Frontier's registered agent in the State of Tennessee is:

15
16 C T Corporation System
17 800 S. Gay Street
18 Suite 2021
19 County of Knox
20 Knoxville, TN 37929

21 Question: Who are Frontier's directors?

22 Answer: Frontier's Directors are:

23 Mary Agnes Wilderotter
24 Donald Shassian
25 Daniel McCarthy

26
27 Question: Who are Frontier's officers and directors?

28
29 Answer: Frontier's officers and directors are:

30
31 McCarthy, Daniel J. - Director
32 Shassian, Donald R. - Director
33 Wilderotter, Mary Agnes - Director
34 Wilderotter, Mary Agnes - Chairman
35 Sayre, Gregg C. - Assistant Secretary

1 Schwartz, David G. - Assistant Secretary
2 McCarthy, Daniel J. - President and Chief Operating Office
3 Larson, Robert J. - Vice President and Chief Accounting Officer
4 Shassian, Donald R. - Vice President and Chief Financial Officer
5 Whitehouse, David R. - Vice President and Treasurer
6 Golob, Michael - Vice President, Engineering
7 Glassman, Hilary E. - Vice President, General Counsel and Secretary
8 Peter B. Hayes - Vice President – Marketing
9 Kenneth Mason - Vice President – Regulatory
10
11
12
13

14 Question: How can the officers and directors be reached?
15

16 Answer: The officers and managers may be reached at the following address and
17 phone number:

18 3 High Ridge Park
19 Stamford, CT 06905
20 Telephone: 203-614-5600
21 Facsimile: 203-614-4651
22
23

24 Question: Who is responsible for Frontier's operations in Tennessee?
25

26 Answer: The person responsible for and knowledgeable about Frontier's
27 operations in Tennessee is as follows:
28

29 Greg Stephens
30 Frontier Communications Solutions
31 250 South Franklin
32 Cookeville, TN 38501
33 865-947-8240
34
35

36 Question: Does Frontier have a toll-free customer service telephone number for
37 customer inquiries?

38 Answer: Yes. Frontier's toll-free customer service telephone number for customer
39 inquiries is: 1-800-921-8101.

1 Question: What is the corporate structure of Frontier?

2 Answer: Frontier is a corporation organized on July 1, 1993 under Delaware
3 law. Frontier is wholly-owned by its parent, Citizens Communications Company. A copy of
4 Frontier's Articles of Incorporation, Certificate to Do Business in Tennessee and its
5 Organizational Chart for Citizens Communications Company is attached to Frontier's
6 Petition as Exhibit E, F and G respectively.

7
8 **2. Repair And Maintenance Information (1220-4-8-.04(f))**

9 Question: How does Frontier intend to respond to repair and maintenance issues?

10 Answer: Customers with service, billing and repair questions, and complaints
11 may reach Frontier twenty four (24) hours per day, seven (7) days per week using the
12 following toll free customer service number: 1-800-921-8101. Inquiries about customer
13 service issues may be directed to:

14 David Byrd
15 Frontier Communications Solutions
16 250 South Franklin
17 Cookeville, TN 38501
18 Telephone: 865-947-8240
19 Facsimile: 865-938-2850
20

21 Frontier will handle repair and maintenance in Tennessee as follows: Frontier's
22 customers may call the toll free number above to report service problems requiring repair or
23 maintenance. Frontier will respond to repair and maintenance calls promptly and, where
24 necessary, dispatch a service technician or otherwise responds to the trouble ticket as soon as
25 possible. Because customer satisfaction is extremely important to Frontier and to its success
26 in the competitive marketplace, all commercially reasonable efforts will be made to address
27 and resolve customer concerns as quickly as possible.

1 **3. Other States Where Frontier Operates (1220-4-8--.04(g))**

2 Question: Where else does Frontier operate?

3 Answer: Frontier is authorized and operating as a long distance reseller in all 50
4 states. Frontier is operating as a CLEC only in New York State. To the best of my knowledge,
5 Frontier has never been refused permission to operate in any state.

6
7 **4. Qualifications (1220-4-8-.04(b))**

8
9 Question: What are Frontier's managerial and technological qualifications?

10
11 Answer: The Authority granted Frontier its current CCN based in part upon finding that
12 Frontier possessed the requisite managerial and technical qualifications to provide
13 telecommunications services in Tennessee, including services as a CLEC. Since the grant of that
14 application, Frontier has supplemented its staff of experienced senior managers. Together,
15 Frontier's officers have decades of experience in the telecommunications industry. This
16 experience provides the technical and operational foundation necessary to execute the company's
17 business plan, to provide its proposed telecommunications services, and to operate and maintain
18 Frontier's facilities over which the proposed services will be deployed. Frontier remains
19 managerially and technically qualified to provide telecommunications services throughout the
20 State of Tennessee.

21 Question: What are Frontier's financial qualifications?

22 Answer: The Authority granted Frontier its current CCN based in part upon finding
23 that Frontier possessed the requisite financial qualifications to provide telecommunications
24 services in Tennessee. Since the grant of its certificate, Frontier has remained profitable and
25 maintained access to working capital necessary to fund its in-state operations.

26 Financial information relating to Citizens Communications Company and its subsidiaries

1 is available for inspection online at:

2 <http://www.czn.net/Invest/AnnualReport.aspx>

3
4
5 **5. Proposed Services (1220-4-8.04(i)).**

6 Question: What are the proposed services Frontier seeks to offer?

7 Answer: Frontier is currently authorized to provide all services authorized by its
8 CCN on a statewide basis, including but not limited to toll, local exchange, access, private line,
9 paging, and enhanced services, Centrex services, measured business lines, voice mail, ISDN, and
10 vertical features.

11 Question: What is the proposed additional service area?

12 Answer: As is set forth in the historical background in its Petition, Frontier
13 intends to provide services in the service territory of Ben Lomand Rural Telephone
14 Cooperative ("Ben Lomand") and then potentially other telephone cooperatives and small
15 ILECS to the extent that its CCN does not already permit it to provide services in these areas.

16 Question: Please describe the proposed facilities.

17 Answer: Frontier intends build its own facilities in areas where Citizens (its ILEC
18 affiliate) does not have facilities and lease facilities from Citizens when operating within
19 Citizens' service territory.

20
21 **6. Description of Regulatory Obligations and Commitments (1220-4-8-.04(a))**

22 Question: Is Frontier familiar with and will it adhere to all applicable Authority
23 policies, rules and orders?

24 Answer: Frontier is familiar with and will adhere to all applicable Authority

1 rules, policies and orders governing the provisions of local exchange telecommunications
2 services in the State of Tennessee, including those set forth in Rule 1220-4-8-.04(3).

3 Question: What other steps will Frontier take to adhere to all applicable
4 Authority policies, rules and orders?

5 Answer: Frontier submits a Small and Minority Owned Telecommunications
6 Business Participation Plan annually with the TRA. Frontier will adhere to its most current
7 Small and Minority Owned Telecommunications Business Participation Plan on file with the
8 Authority.

9 Also, in compliance with the Authority's rules, Frontier shall either directly or
10 through other arrangements, provide the emergency, directory, blocking, support,
11 interconnection and other services mandated by the Authority as required and applicable. 8.

12 Frontier will file tariff revisions, to the extent that it is necessary, subsequent to approval of
13 its application and prior to providing service in those areas of Tennessee covered by this
14 Petition.

15 Frontier's internal policies regarding changes of local and long distance carriers will
16 be consistent with applicable Federal Communication Commission ("FCC") telemarketing
17 and carrier change rules, and will comply with any applicable Tennessee policies, rules, and
18 orders governing such carrier changes.

19 Frontier is aware of the telemarketing statutes and regulations found in Sections 65-4-401
20 through Sections 65-4-408 of the Tennessee Code Annotated and in Chapter 1220-4-11 of the
21 Authority's Rules and Regulations and will comply with such rules if and when it uses
22 telemarketing in Tennessee.

23 Question: How will Frontier handle customer deposits?

24 Answer: Frontier will determine the need for and the amount of customer
25 deposits on a case-by-case basis. To the extent that Frontier does collect deposits, Frontier

1 will comply with the Authority's applicable rules and regulations.

2 Question: Will Frontier abide by numbering rules established by the FCC?

3 Answer: Frontier will abide by all of the numbering rules established by the FCC,
4 including sequential assignment of telephone numbers, as well as any rules established by the
5 Authority.

6 Frontier will comply with all of the FCC regulations concerning number resource
7 optimization in order to conserve numbering resources.

8 In requesting growth codes, Frontier will comply with applicable FCC regulations
9 relating to utilization thresholds. While the threshold will rise in increments of 5%, current FCC
10 regulations require that carriers achieve a 60% utilization prior to requesting growth codes.

11 Question: What number codes does Frontier intend to use?

12 Answer: Frontier Communications of America does not presently operate as a
13 CLEC in Tennessee. Frontier anticipates a need for an NXX code or possibly a one-thousand
14 block(s) of numbers in each rate center in which it decides to provision CLEC service.
15 Those plans are not finalized therefore the specific number of codes or locations is not
16 available at this time.

17
18 **7. Public Interest**

19 Question: Is this Petition in the public interest?

20 Answer: Yes. The Authority granted Frontier its current CCN based in part upon
21 finding that grant of Frontier's certificate was in the public interest. At that time, Frontier sought
22 and obtained statewide certification, but the Authority has since determined that this territory
23 does not include the territory served by Ben Lomand and presumably other telephone
24 cooperatives in Tennessee.

25 T.C.A. § 65-4-123 sets forth Tennessee General Assembly's legislative intent that the

1 “policy of this state is to foster the development of an efficient, technologically advanced,
2 statewide system of telecommunications services **by permitting competition in all**
3 **telecommunications services markets...**” (emphasis added). The Authority has also ruled that
4 Frontier’s interconnection agreement with Ben Lomand will serve the public interest by
5 providing competitive service. In addition, the relief requested is equitable given the fact that
6 Ben Lomand, through its subsidiaries, is competing in areas served by Frontier’s affiliate ILEC.
7 Thus, it would be unfair to prevent Frontier from providing competing services in Ben Lomand’s
8 territory.

9 The grant of this Application will also further the public interest by expanding the
10 availability of telecommunications services in throughout the State of Tennessee. In particular,
11 the public will benefit directly through the use of the competitive local services to be offered by
12 Frontier. The public will also benefit indirectly because the competitive presence Frontier in an
13 expanded service area will increase the incentives for both telecommunications providers to
14 operate more efficiently, offer more innovative services, reduce prices, and improve the
15 quality and coverage of their services. In addition, intrastate offering of these services is in
16 the public interest because the services will provide Tennessee customers with access to new
17 technologies and service choices and can permit customers to achieve increased efficiencies
18 and cost savings.

19 Grant of this Application will promote the availability of quality services and increased
20 consumer choice for Tennessee telecommunications consumers. Competition for customers in
21 areas served by telephones cooperatives and small incumbent LECs should result in benefits to
22 consumers in the form of lower prices, better quality, and increased investment in broadband
23 infrastructure. Frontier’s expertise in the telecommunications industry will allow it to provide
24 economic and efficient services, thereby affording customers with an optimal combination of
25 price, quality, and customer service. Accordingly, Frontier anticipates that its proposed services
26 will increase consumer choice of innovative, diversified, and reliable service offerings and
27 further the public interest.

VERIFICATION

I hereby state under oath that I am over the age of eighteen years old and have personal knowledge of the matters set forth above, which are true and correct statements.

FURTHER AFFIANT SAYETH NOT.

David M. Byrd

Sworn to and subscribed before me on
this the 28th day of April, 2008

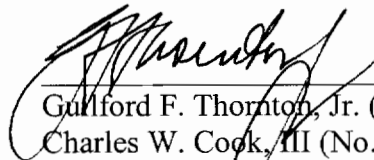
Donald L. Smith
Notary Public

My commission expires:

exp July 20, 2009



1
2
3 Respectfully submitted,
4

5
6 

7 _____
8 Guilford F. Thornton, Jr. (No. 14508)

9 Charles W. Cook, III (No. 14274)

10 ADAMS AND REESE LLP

11 424 Church Street, Suite 2800

12 Nashville, TN 37215

13 Telephone: (615) 259-1456

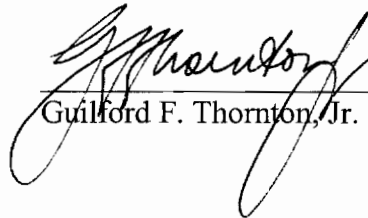
14 Attorneys for Frontier Communications
15 of America, Inc.
16
17
18

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following
by first class U.S Mail Postage prepaid:

H. LaDon Baltimore
Farrar & Bates
211 Seventh Avenue, North, Suite 420
Nashville, Tennessee 37219

Charles B. Welch
Farris Mathews Brobango & Hellen PLC
618 Church Street, Suite 300
Nashville, Tennessee 37219



Guilford F. Thornton, Jr.