

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

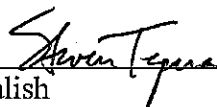
**Petition of Vertex Communications, Inc. )      Docket No. 07-00181**  
**to Transfer its Customer Base to      )**  
**dPi Teleconnect, LLC      )**

**RESPONSES TO DATA REQUEST NO. 1**

Per the request of the Tennessee Regulatory Authority ("TRA"), attached are the responses to TRA's Data Request No. 1.

Respectfully Submitted,

**FOSTER MALISH BLAIR & COWAN, LLP**



Chris Malish  
Texas Bar No. 00791164  
cmalish@fostermalish.com  
Steven Tepera  
Texas Bar No. 24053510  
stepera@fostermalish.com  
1403 West Sixth Street  
Austin, Texas 78703  
Phone: (512) 476-8591  
Fax: (512) 477-8657

1. Have the Petitioners filed similar petitions or notices in other states? If so, provide a listing of states and actions taken.

RESPONSE: Notices have been filed in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

To date, the company knows of no issues with any of the above Public Utility Commissions. Accordingly, the only action taken has been to file to petitions. The company believes that all of the above states have or soon will approve the petition.

2. Have the Petitioners filed a similar petition with the FCC? If so, list any action taken and the associated docket number. If a schedule to complete the review of your petition has been established by the FCC, provide such with your response.

RESPONSE: Notice has also been provided to the FCC. The FCC has not yet informed Petitioners of a schedule.

3. Provide the number of customers that Vertex Communications, Inc. ("Vertex") and dPi Teleconnect, LLC ("dPi") currently have in Tennessee.

RESPONSE: Vertex: 2,915 customers / dPi: 940 customers

4. Will any assets be transferred from Vertex to dPi as a result of the customer transfer?

RESPONSE: A limited amount of assets other than the customer base will be transferred to dPi from Vertex. dPi Teleconnect will become the owner of the Vertex Communications name, website, proprietary operating system, etc.

5. Provide a copy of the contract between Vertex and dPi that governs the transfer of customers.

RESPONSE: The Agreement is attached.

6. Provide the Authority with information about Vertex, including its principal place of business, the telecommunications services the company provides, states in which the company is authorized to provide telecommunications services and the name, address, telephone and fax number of a contact person.

RESPONSE: Vertex Communications, Inc., 210 East Main Street, Walhalla, SC 29691.

Contact: Mr. Brent Saxon  
President & CEO  
Vertex Communications, Inc.  
210 East Main Street  
Walhalla, South Carolina 29691  
1-864-482-0108 (office)  
1-864-993-7704 (cell)  
1-864-482-0146 (fax)  
[brent@vrtxcom.com](mailto:brent@vrtxcom.com)

The company is authorized in Tennessee, Georgia, Alabama, South Carolina, North Carolina, Florida, Mississippi, Louisiana, Kentucky and Texas.

7. Provide the Authority with information about dPi, including its principal place of business, the telecommunications services the company provides, states in which the company is authorized to provide telecommunications services and the name, address, telephone and fax number of a contact person.

RESPONSE: dPi Teleconnect, LLC, 2997 LBJ Freeway, Suite 225, Dallas, TX 75234. Contact person: Brian Bolinger, same address, (972) 488-5500 X4018, fax: (972) 488-8636.

dPi is authorized to provide telecommunications in:

Alabama  
Arizona  
Arkansas  
California  
Connecticut  
Delaware  
Florida  
Georgia  
Hawaii  
Idaho  
Illinois  
Indiana  
Iowa  
Kansas  
Kentucky  
Louisiana  
Maine  
Maryland  
Massachusetts  
Minnesota  
Mississippi

Missouri  
Michigan  
Nebraska  
Nevada  
New  
Hampshire  
New Jersey  
New Mexico  
New York  
North  
Carolina  
Ohio  
Oklahoma  
Pennsylvania  
Rhode Island  
South  
Carolina  
Tennessee  
Texas  
Utah  
Vermont  
Virginia  
Washington  
West Virginia  
Wisconsin  
Wyoming

8. Provide a signed verification from both Petitioners, verifying that the information contained in the Petition is true and correct to their best knowledge, information, and belief.

RESPONSE: It is attached.

9. Provide an explanation as to why the proposed transaction is in the public interest.

RESPONSE: The acquisition will accomplish the uninterrupted continuation of service to Vertex customers, which service will be provided under the same terms and conditions as they received from Vertex, without charge or fee of any kind. Customers will retain whatever long distance carrier they had before the transition. If customers had a preferred provider freeze in place prior to the transition, it will likewise remain in place afterwards.

The customers of Vertex will be given the opportunity to receive telecommunications services from dPi or may chose to switch their service to a different carrier.

The technical, managerial and financial personnel of dPi will serve both the existing dPi customers and the Vertex customers with the same high level of expertise.

10. Explain how the Petitioners have complied with TRA Rule 1220-4-2-.56(2)(d)(2) concerning customer notification letters.

RESPONSE: Attached please find the letter sent to all Vertex Communications customers notifying them of the transfer. The communication complies with all customer notification requirements.

11. Concerning TRA Rule 1220-4-2-.56(2)(d)(4), please explain how the customer notice attached to the Petition informs transferred customers that they will receive a thirty-day written notice of any rate increase that may affect their service up to ninety days from the date of the transfer.

RESPONSE: Customers were provided notification at least 30 days prior to the transfer notifying the customers that there would be no rate increase and therefore complies with the TRA Rule.

12. As required by TRA Rule 1220-4-2-.56(2)(d)(1), provide a copy of the self-certification letter filed with the FCC as required in CC Docket No. 00-257.

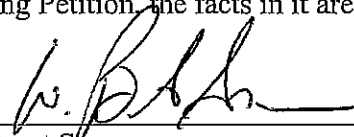
RESPONSE: Please find attached.

RESPONSE TO  
REQUEST FOR INFORMATION 8

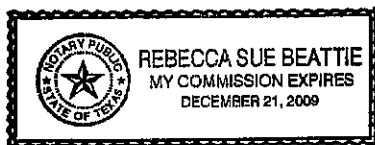
**VERIFICATION**

STATE OF TEXAS       §  
COUNTY OF DALLAS   §

On this day, Brent Saxon, President of Vertex Communications, Petitioner herein, appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said he read the foregoing Petition, the facts in it are within his personal knowledge, and are true and correct.

  
\_\_\_\_\_  
Brent Saxon

SWORN TO AND SUBSCRIBED before me by Brent Saxon on the 15th day of October, 2007.

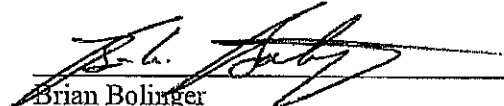


  
\_\_\_\_\_  
Notary Public

VERIFICATION

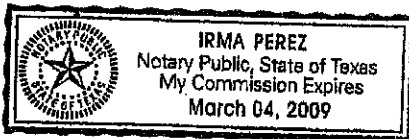
STATE OF TEXAS           §  
COUNTY OF DALLAS      §

On this day, Brian Bolinger, Vice President for Defendant herein, appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said he read the foregoing Defendant's Original Answer, the facts in it are within his personal knowledge, and are true and correct.

  
\_\_\_\_\_  
Brian Bolinger

SWORN TO AND SUBSCRIBED before me by Brian Bolinger on the 13<sup>th</sup> day of September, 2007.

  
\_\_\_\_\_  
Notary Public





RESPONSE TO  
REQUEST FOR INFORMATION 12



### NOTICE

Your current local telephone service provider is Vertex Communications, Inc. ("Vertex"). Effective thirty days from the receipt of this bill insert your phone service will be provided by dPi Teleconnect, LLC ("dPi"), as Vertex has agreed to be acquired by dPi. Please rest assured that there will be no change in the quality or availability of your service. You will keep your current telephone number and there will not be any type of change to the price you are paying for service. Additionally, there will be no fees that you will incur as part of this change and you can continue to make your monthly telephone payments at your neighborhood payment location.

You may choose to select a different service provider but please note that if you do, you may incur a charge. If wish to have your service provided by another telecommunications utility, you should contact that telecommunication utility or the local telephone company within the next 30 days. If you make no selection, you will be transferred to dPi.

We recognize that you have a lot of different telephone companies to choose from and we appreciate your loyalty during this transition process. Vertex has enjoyed serving you and dPi is committed to the highest ideals of quality and unsurpassed customer service. As a result, if you are not satisfied with this transition, in any way, we encourage you to contact us so that we may resolve any outstanding questions you might have, at (800)-350-4009. If you have any complaints about past service with Vertex, you may also lodge such complaints with dPi at (800)-350-4009.

Once again, thank you for you patronage and patience during this transition. We know that you will appreciate all the products and high quality of service you will receive from dPi.

DOCKET FILE COPY (ORIGINAL)

FOSTER MALISH & BLAIR, L.L.P.

ATTORNEYS AT LAW

CHRISTOPHER MALISH

A REGISTERED LIMITED LIABILITY PARTNERSHIP

1403 WEST SIXTH STREET

AUSTIN, TEXAS 78703

(512) 476-8591

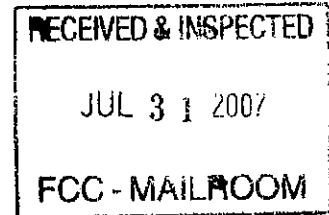
FAX (512) 477-8657

www.fostermalish.com

WRITERS EMAIL:

chrismalish@fostermalish.com

July 25, 2007



Via certified mail, return receipt requested

To Whom it May Concern  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: CC Docket No. 00-257  
47 CFR 64.1120(e) notice for dPi and Vertex customers

Dear Sir or Madam:

Pursuant to 47 CFR 64.1120(e), please find enclosed a copy of a customer notice relating to the transfer of customers of Vertex Communications, Inc. ("Vertex") to dPi Teleconnect, LLC ("dPi") which is being sent to Vertex customers in their current billing statement. The services to be provided include all those available from the customer's LEC and available on a resale or I.W.C. basis. The date of the transfer is expected to be 30 days from the date the end user receives his or her billing statement, which occurs on a rolling basis. dPi has or will comply with the requirement to provide advance subscriber notice in accordance with Sec. 64.1120(e)(3), with the obligations specified in that notice, and with other statutory and Commission requirements that apply to this streamlined process.

Please let us know if you have any questions or concerns.

Very truly yours,

Christopher Malish

enc: customer notice

cc: Brian Bolinger

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_