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October 17, 2007

Jerry Kettles, Chief  
Economic Analysis & Policy Division  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

filed electronically in docket office 10/17/2007

***Re: Petition of Southern Digital Network, Inc. d/b/a FDN Communications  
and NuVox Communications, Inc. for approval of an Internal  
Corporate Reorganization and Transfer of Customer Base  
Docket Number: 07-00231***

Dear Mr. Kettles:

In response to your data request of October 10, 2007, NuVox provides the following responses.

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

RESPONSE: Petitions or notices have been filed and are pending in North Carolina, South Carolina, Georgia, Louisiana, Mississippi, and Florida.

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

RESPONSE: Because the customers are being transferred from one carrier to another, affiliated company, the FCC treats this as a pro forma transaction and does not require the filing of an application to transfer assets. The parties will file the required slamming notification with the FCC, as required, by CC Docket 00-257, at least thirty days prior to the transfer of the customers.

3. As required by FCC Rules in CC Docket No. 00-257, provide a copy of the self-certification letter filed with the FCC.

RESPONSE: See above. A copy of the FCC slamming notification will be filed with the TRA at the same time it is filed with the FCC.

4. Provide the number of customers that NuVox Communications, Inc. d/b/a NuVox Communications ("NuVox") and Southern Digital Network, Inc. d/b/a FDN Communications ("SDN") currently have in Tennessee.

RESPONSE: NuVox has 3,231 customers in Tennessee. SDN has 42.

5. Will all SDN customers in Tennessee be transferred to NuVox?

RESPONSE: Yes. All customers of SDN will be transferred unless the customer elects another carrier.

6. Concerning TRA Rule 1220-4-2-.56(2)(d)(4), please explain how the customer notice in Exhibit B of 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: The letter informs customers that the customer will be notified of any future rate increases as required by "the terms of your existing contract or by state law." Since other TRA rules already require thirty days written notice to customers of any rate increase (see TRA Rule 1220-4-8-.07(2)), the letter, in effect, tells customers they will receive the notice required by Rule 1220-4-2-.56(2)(d)(4).

Furthermore, NuVox commits to the Authority that NuVox will not request any rate increase within ninety days of the transfer. Therefore, the notice requirement of the rule is moot.

The draft letter to customers is designed to be used in several states and filed with the FCC. It would be difficult for NuVox to amend the letter at this time. Under these circumstances, NuVox asks that, to the extent the TRA believes that the letter is not consistent with Rule 1220-4-2-.56(2)(d)(4), the difference is immaterial and the Authority should grant a waiver pursuant to Rule 1220-4-2-.56(d)(2).

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC



By:

Henry Walker