



RECEIVED  
2007 DEC 20 PM 2:43  
T.R.A. DOCKET ROOM

**Attorneys at Law**

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

**Guilford F. Thornton, Jr.**

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

**BY HAND DELIVERY**

December 20, 2007

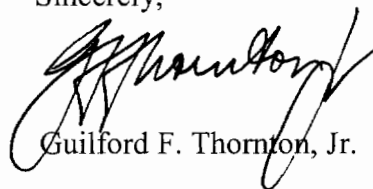
Honorable Eddie Roberson, Chairman  
c/o Sharla Dillon, Docket & Records Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

**RE: Docket No. 07-00253: In Re: Citizens Telecommunications Company of  
Tennessee's ("Citizens") Proposed Tariff No. 20070432 to General Customer  
Services Tariff Regarding Charges for Wireless/VoIP Enhanced 911 Service  
Answer of Citizens to Complaint and Petition for Leave to Intervene of  
Verizon Wireless**

Dear Chairman Roberson:

Enclosed for filing please find the *Answer of Citizens to Complaint and Petition for  
Leave to Intervene of Verizon Wireless* in the above-referenced case.

Sincerely,



Guilford F. Thornton, Jr.

GFT/abp  
Encl.

cc: All parties of record

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>CITIZENS TELECOMMUNICATIONS COMPANY</b>	)	<b>Docket No. 07-00253</b>
<b>OF TENNESSEE'S PROPOSED TARIFF NO.</b>	)	
<b>20070432 TO GENERAL CUSTOMER SERVICES</b>	)	
<b>TARIFF REGARDING CHARGES FOR</b>	)	
<b>WIRELESS/VoIP ENHANCED 911 SERVICE</b>	)	

---

Citizens Telecommunications Company of Tennessee L.L.C. ("Citizens") hereby responds to Verizon Wireless' Complaint and Petition to Intervene. In summary, Verizon Wireless lacks standing to challenge the charges of which it complains, because the Tennessee Emergency Communications Board ("Board") stands ready to reimburse Verizon Wireless for these charges, just as the Board already reimburses every other wireless carrier paying Citizens' pseudo Automatic Number Identification ("pANI") charges. Hence, Verizon Wireless' Petition to Intervene should be denied and the Complaint should be rejected. However, Citizens is willing to attempt to address Verizon Wireless' concerns by seeking the Board's approval to pay Citizens directly, and Citizens is filing such a request with the Board. Citizens therefore respectfully moves the Authority to hold the pending Complaints and Petitions to Intervene in abeyance while Citizens addresses this issue with the Board.

In specific response to Verizon Wireless' Complaint and Petition to Intervene, Citizens admits, denies and alleges as follows. Any allegations in the Complaint and Petition to Intervene that are not specifically admitted herein are denied.

1. Citizens admits the allegations of paragraphs 1, 2, 3 and 4 except that Citizens denies the allegations in footnote 1. Citizens has filed to postpone the effective date of its tariff to

January 14, 2008, and any issue of the minimum period between the filing and effective date of Citizens' tariff is therefore moot.

2. Citizens denies the allegations of paragraph 5. Verizon Wireless has been recently paying Citizens' bills for pANI charges and is being reimbursed for these charges by the Board, as more fully discussed below.

3. Citizens denies the allegations of paragraph 6.

4. In response to paragraphs 7 and 8, Citizens admits that the Public Safety Answering Point ("PSAP") is, and should be, ultimately responsible for Citizens' pANI charges but otherwise denies the allegations in paragraphs 7 and 8. In further response, Citizens wishes to bring to the Authority's attention the essential fact, not mentioned by Verizon Wireless, that the Board on behalf of the PSAPs in Citizens' territory routinely approves reimbursement of Citizens pANI charges paid by wireless carriers such as Verizon Wireless, and that Verizon Wireless does not and will not ultimately bear the costs in question. Hence, Verizon Wireless lacks standing to complain about Citizens' charges because it need only file a simple request with the Board for reimbursement of these charges, just as every other wireless carrier using pANIs in Citizens' territory is already doing. Notwithstanding Verizon Wireless' complaint, Verizon Wireless is currently following the accepted industry practice of paying Frontier's pANI charges and obtaining recovery of these charges from the Board. Frontier believes that Verizon Wireless' actions speak louder than its words. The existing process is working well, and Verizon Wireless in its Complaint raises no legal interest or factual basis that warrants the overturning of the existing process.

5. Citizens denies the allegations of paragraphs 9 through 19 and all remaining allegations of the Complaint (other than paragraph 20, to which no response is required), except

as to the provisions of the Tennessee Code, the Authority's rules and Federal Communications Commission decisions, which speak for themselves.

6. Citizens requests the Authority to deny Verizon Wireless' Petition to Intervene, because Verizon Wireless has it in its power to be fully reimbursed for the tariffed charges of which it complains. Hence Verizon Wireless does not have a direct or cognizable interest in the subject matter of its Complaint. There is no justiciable controversy between Citizens and Verizon Wireless with respect to Citizens' proposed charges, because Verizon Wireless through a simple application process will be and, on information and belief is being, fully reimbursed for these charges by the Board. Therefore Verizon Wireless is not the true party in interest with respect to Citizens' tariffed charges.

### **Motion to Hold in Abeyance**

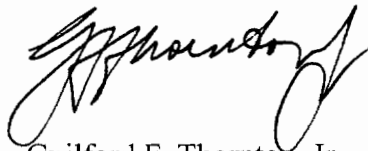
Citizens respectfully requests that the Authority hold the pending Complaints and Petitions to Intervene in abeyance while Citizens attempts to arrange for direct payment by the Board to Citizens of the charges in question, as opposed to the existing process that Verizon Wireless and all other carriers except for Sprint Nextel are following, pursuant to which Citizens bills the carriers and the carriers obtain reimbursement from the Board.

WHEREFORE, Citizens respectfully requests that the Authority:

- (A) Hold the pending Complaints and Petitions to Intervene in abeyance while Citizens works with the Board to attempt to arrange for direct payment of the charges in question, which would render the complaints moot;

- (B) Deny Verizon Wireless' Petition to Intervene on the ground that Verizon Wireless lacks standing to complain about charges that are ultimately paid by the Board; and
- (C) Deny Verizon Wireless' Complaint on the ground that there is no legal or factual reason to disturb the existing process by which the Board ultimately pays Citizens' pANI charges.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Thornton, Jr.", with a stylized flourish at the end.

Guilford F. Thornton, Jr.  
Charles W. Cook III  
Adams and Reese LLP  
424 Church Street, Suite 2800  
Nashville, TN 37219  
615-259-1492

Gregg C. Sayre  
Associate General Counsel  
**Frontier Communications**  
180 South Clinton Avenue  
Rochester, New York 14646-0700

## CERTIFICATE OF SERVICE

I hereby certify that on the 20<sup>th</sup> day of December, 2007, a true and correct copy of the foregoing *Answer of Citizens to Complaint and Petition for Leave to Intervene of Verizon Wireless* has been served on the parties set forth below, via U.S. Mail:

Melvin J. Malone  
MILLER & MARTIN PLLC  
1200 One Nashville Place  
150 Fourth Avenue, North  
Nashville, TN 37219-2433  
Fax: (615) 256-8197

Elaine D. Critides  
VERIZON WIRELESS  
1300 I Street, N.W., Suite 400W  
Washington, DC 20005

  
\_\_\_\_\_  
Guilford F. Thornton, Jr.