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filed electronically in docket office on 12/17/07

December 17, 2007

**By Overnight Mail and Email**

Sharla Dillon, Docket Room Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

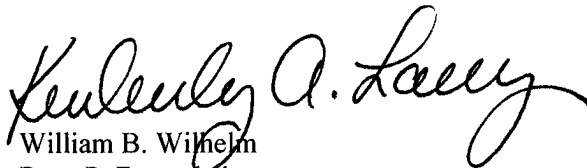
**Re: Docket No. 07-00256: Response to Data Request No. 1**  
**Joint Petition of Computer Network Technology Corporation and**  
**Bandwidth.com CLEC, LLC for Authority to Complete the Transfer of the**  
**Certificate of Public Convenience and Necessity to Provide Competitive**  
**Telecommunications Services of Computer Network Technology Corporation**  
**to Bandwidth.com CLEC, LLC**

Dear Ms. Dillon:

On behalf of Computer Network Technology Corporation and Bandwidth.com CLEC, LLC (collectively "Petitioners"), enclosed for filing with the Commission are an original and four (4) copies of the above-referenced Response to Data Request No. 1.

Please date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact the undersigned at (202) 373-6000.

Respectfully submitted,



William B. Wilhelm  
Brett P. Ferenczak  
Kimberly A. Lacey

Counsel for Petitioners

cc: Jerry Kettles (via email)  
Carlos Black (via email)

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**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY**

Joint Petition of	)	
	)	
<b>Computer Network Technology Corporation</b>	)	
	)	
and	)	Docket No. 07-00256
	)	
<b>Bandwidth.com CLEC, LLC</b>	)	
	)	
For Authority to Complete the Transfer of the	)	
Certificate of Public Convenience and Necessity to	)	
Provide Competitive Telecommunications Services	)	
of Computer Network Technology Corporation to	)	
Bandwidth.com CLEC, LLC	)	
	)	

**RESPONSE TO DATA REQUEST NO. 1**

Computer Network Technology Corporation (a/k/a McDATA Services Corporation)  
("CNT") and Bandwidth.com CLEC, LLC ("Bandwidth") (CNT and Bandwidth collectively,  
"Petitioners"), provide the following response to the Tennessee Regulatory Authority ("TRA") Data  
Request No. 1:

- 1. 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:** Computer Network Technology Corporation (a/k/a McDATA Services Corporation) ("CNT") and Bandwidth.com CLEC, LLC ("Bandwidth") (CNT and Bandwidth collectively, "Petitioners"), filed with the FCC a combined Domestic and International Section 214 Application for the assignment of CNT. The Domestic Section 214 Application was assigned WC Docket No. 07-261, while the International Section 214 Application was assigned FCC File No. ITC-ASG-20071109-00457. On November 30, 2007, the FCC released a Public Notice establishing a Streamlined Pleading Cycle for the Domestic Section 214 Application: comments concerning the application were due on December 5, 2007; reply comments were due on December 12, 2007; and automatic approval is expected on December 22, 2007. On November 30, 2007, the FCC released a

Public Notice accepting the International Section 214 Application with streamlined treatment. The International Section 214 Application is expected to be automatically approved effective December 14, 2007.

2. **The Joint Petition indicates that CNT does not provide intrastate telecommunications services in Tennessee. Does CNT provide interstate services to customers within Tennessee? If so, how many customers are served?**

**Response:** CNT does not provide interstate services in Tennessee. CNT has no customers in Tennessee.

3. **Will the Petitioners be required to file with the FCC a self-certification letter per CC Docket No. 00-257 with respect to CNT's operations in Tennessee?**

**Response:** As stated above, CNT has no customers in Tennessee.

4. **Provide information required by TRA Rule 1220-4-8-.04. Information concerning compliance with these rule can be found at <http://state.tn.us/tra/telecomfiles/clecpkg.pdf>.**

**Response:** The Petitioners hereby provide information requested by TRA Rule 1220-4-8-.04 as outlined at <http://state.tn.us/tra/telecomfiles/clecpkg.pdf>.

A. **Administrative Requirements**

1. **Demonstration of the ability and willingness to adhere to applicable TRA policies, rules and orders.**

As indicated in the Joint Petition, the Petitioners are able and willing to adhere to the applicable TRA policies, rules and orders.

2. **Corporate name of service provider**

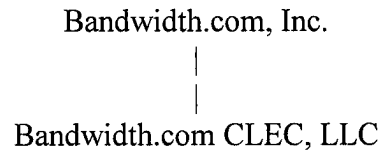
This information is contained in Section IV of the Joint Petition.

3. **Corporate address of service provider**

This information is contained in Section IV of the Joint Petition.

**4. Organizational chart of corporate structure**

The corporation structure of Bandwidth is:



**5. Corporate Principal Officers (names and addresses)**

This information is contained in Section IV of the Joint Petition.

**6. Principal Officers in Tennessee**

Bandwidth does not have any principal officers located in Tennessee.

**7. Copy of articles of incorporation, partnership agreement or by-laws of the service provider.**

This information was provided as Exhibit A to the Joint Petition.

**8. Copy of license to do business in the state of Tennessee.**

A copy of Bandwidth's Authorization to Transact Business and Registration of Trade Name were filed with the TRA on December 5, 2007.

**B. Managerial Requirements**

**1. Data regarding key management staff.**

The biographies of key management staff were provided as Exhibit D to the Joint Petition.

**C. Technical Requirements**

**1. Geographic area coverage: Nashville, Memphis, Knoxville, entire state, etc. Specify areas which will be excluded.**

Bandwidth.com intends to provide interexchange services throughout the entire state of Tennessee. Bandwidth.com intends to provide local exchange services in all service areas that are currently designated open to competition (BellSouth (AT&T), Untied/Sprint (Embarq) and any other ILEC that does not enjoy a rural exemption under Section 251(f) of the Telecommunications Act of 1996).

2. **Services offered (if voice grade service is provided, will services be listed in TRA 1220-4-8-.04(3)(b) offered)?**

Sage intends to offer a broad variety of local exchange services, including basic exchange services, custom-calling features, directory assistance, operator services, and directory listings. Emergency 911 and enhanced 911 calling will be provided to local exchange customers in accordance with TRA and FCC guidelines. Sage will provide all services required under TRA Rule 1220-4-8-.04(3)(b).

3. **Specify engineering expertise: Retain firm, staff electrical engineer, etc. Data regarding experience of key technical staff.**

This information is being gathered and will be provided as soon as possible.

4. **State if there are a special CPE (Customer Provided Equipment) requirements that would not be compatible with an incumbent carrier.**

There will be no special Customer Provided Equipment requirements.

5. **Repair and Maintenance**

- a. **Ensure customer service will meet needs of customer**

Customer service is available by calling a toll-free number, by email or on-line at the [www.bandwidth.com](http://www.bandwidth.com) website.

- b. **Phone number for repair and maintenance (customer service)**

1-800-808-5150

- c. **Address for written communication of repair and maintenance**

Customer Service  
Bandwidth.com, Inc.  
4001 Weston Parkway, Suite 100  
Cary, North Carolina 27513

- d. **Name and address of Tennessee contact person responsible for and knowledgeable about providers operations**

This information is being gathered and will be provided as soon as possible.

**D. Financial Requirements**

- 1. Estimated cost of network, switches and unbundled network elements (UNE's)**

This information is being gathered and will be provided as soon as possible.

- 2. Most recent audited financial statement: balance sheet, income statement, and statement of cash flow**

The most recent audited consolidated financial statements of Bandwidth.com, Inc. were provided, under seal, as Exhibit E to the Joint Petition.

- 3. Projected financial statement (three (3) years): balance sheet, income statement, and statement of cash flow**

This information is being gathered and will be provided as soon as possible.

- 4. Capital Expenditures Budget (three years)**

- a. Equipment to be deployed**
- b. Cost of equipment**
- c. Sources of funding Tennessee network, equipment, UNE's: cash, loan commitments, vendor credits, letters of credit, etc. (complete detail)**

This information is being gathered and will be provided as soon as possible.

- 5-6. Will your company's equipment or facilities in Tennessee be in excess of \$5,000,000? If not, please provide a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000).**

Bandwidth is working to secure the necessary bond or letter of credit and it will be provided as soon as possible.

**E. TRA Rules for Local Telecommunications Providers**

**Application should serve notice of its application on the eighteen (18) incumbent local exchange telephone companies in Tennessee with a statement regarding the company's intention of operating geographically.**

To the extent that the TRA determined that Petitioners must provide notice of the Petition to the ILECs, Petitioners will provide such notice.

**F. Toll Dialing Parity Plan for Applicants Providing Voice Grade Services**

**If the applicant does not intend to provide voice grade service, this does not apply. However, if the applicant chooses at some point in the future to provide voice grade service, they must file an appropriate toll dialing parity plan for TRA consideration at least 60 days prior to offering voice grade service. If applicant offers voice grade service, than a Toll Dialing Parity plan shall be filed with the application.**

Bandwidth is in the process of developing its toll dialing parity plan and will file it as soon as possible.

**G. Numbering Issues**

- 1. What is your company's expected demand for NXXs per NPA within a year of approval of your application?**

This information is being gathered and will be provided as soon as possible.

- 2. How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?**

This information is being gathered and will be provided as soon as possible.

- 3. When and in what NPA do you expect to establish you service footprint?**

This information is being gathered and will be provided as soon as possible.

- 4. Will the company sequentially assign telephone numbers within NXXs?**

Bandwidth will abide by all of the numbering rules established by the FCC, including sequential assignment of telephone numbers, as well as any rules established by the TRA.

- 5. What measures does the company intend to take to conserve Tennessee numbering resources?**

Bandwidth will abide by all of the numbering rules established by the FCC, including sequential assignment of telephone numbers, as well as any rules established by the TRA.

- 6. When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?**

In requesting growth codes, Bandwidth will comply with all applicable FCC regulations relating to utilization thresholds. While the threshold will rise in

increments of 5%, current FCC regulations require that carriers achieve a 70% utilization prior to requesting growth codes.

**H. Tennessee Specific Operational Issues**

- 1. How does the company intend to comply with TCA § 65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.**

This information is being gathered and will be provided as soon as possible.

- 2. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers in the database?**

Yes. Bandwidth is aware of the Tennessee County Wide Calling database and the procedures to add telephone numbers to the database.

- 3. Is your company aware of the local calling areas provided by Incumbent Local Exchange Carriers in your proposed service areas?**

Yes. Bandwidth is aware of the local calling areas provided the ILECs in its proposed service areas.

- 4. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro calling areas.**

This information is being gathered and will be provided as soon as possible.

- 5. Please provided the name and telephone number of an employee of your company that will be responsible to work with the TRA on resolving customer complaints.**

Joe Campbell, Vice President of Operations  
Bandwidth.com, Inc.  
4001 Weston Parkway, Suite 100  
Cary, North Carolina 27513  
Tel: (919) 297-1044  
Fax: (919) 297-1101  
Email: jcampbell@bandwidth.com



6. **Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA §65-4-401 et seq. and Chapter 1220-4-11?**

Bandwidth has not yet determined if it will telemarket its services in Tennessee. Bandwidth acknowledges that it must comply with the above-referenced telemarketing statutes and regulations should it choose to do so.

I. **Miscellaneous**

1. **Sworn pre-filed testimony is needed for CLEC applications. This testimony should describe the services to be provided, the applicant's technical, managerial and financial abilities to provide the services and affirm that all information submitted is true and correct.**

Pre-filed testimony will be provided as soon as possible.

2. **Tariff should be filed subsequent to applications approval and before commencing operations.**

Bandwidth is preparing its tariffs and will file it prior to commencing operations.

3. **Identify all states where certificated as telecommunications provider and the status of states where certification is pending.**

This information is contained in Section I of the Joint Petition. Since filing the Joint Petition, Bandwidth has obtained certification to provide telecommunications services in Georgia, Idaho (IXC), Kentucky, New Hampshire, North Dakota, and Washington.

4. **Applicants involvement in pertinent mergers, acquisitions, etc.?**

Bandwidth.com, Inc., the parent of Bandwidth, and CNT have entered into an Asset Purchase Agreement where by Bandwidth.com, Inc., has agreed to purchase substantially all of CNT's regulated telecommunications services operations. Further information is detailed in the Joint Petition.

5. **Are customer deposits required? If so, amounts required? Is the applicant bonded for the amount of the deposits?**

Bandwidth has not yet determined if it will require customer deposits. Bandwidth acknowledges that it must comply with all applicable regulations and bonding requirements for customer deposits should it choose to do so.

6. **Identify all complaints filed with state or federal regulatory agencies involving your company or affiliated entities. Identify the nature of the complaint, which governmental agency or office received the complaint, and how the complaint was resolved.**

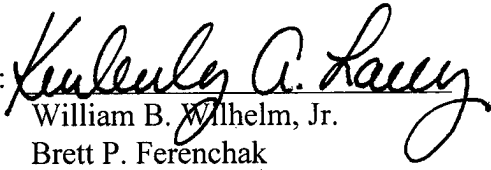
Bandwidth has not had any complaints filed against it.

7. **Please state if applicant plans to offer services in areas served by any incumbent local exchange telephone company with fewer than 100,000 total access lines?**

At this time, Bandwidth does not plan to offer local exchange services in areas served by any ILEC with fewer than 100,000 total access lines.

For reasons stated in the Petition, Petitioners respectfully submit that the public interest, convenience, and necessity would be furthered by a grant of the Petition.

Respectfully submitted,

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COUNSEL FOR PETITIONERS

Dated: December 17, 2007