

M Giles
Consulting, LLC

filed electronically in docket office on 03/24/08

March 24, 2008

Via Overnight Delivery

And Electronic (Email) Delivery sharla.dillon@state.tn.us

Ms. Sharla Dillon , Docket Clerk
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Response to Staff Data Request of March 6, 2008, in the Application of Baldwin County Internet/DSSI Service, L.L.C. for Authority to Provide Competing Local and Interexchange Telecommunications Services, **Docket No. 08-00026**

On February 11, 2008, Baldwin County Internet/DSSI Service, L.L.C. (BCI) filed an Application for a Certificate of Convenience and Necessity to provide competing telecommunications services in the state of Tennessee. The Application was assigned Docket No. 08-00026. On March 6, 2008, the Utilities Division of the Tennessee Regulatory Authority (TRA) sent a request for further clarification and information to the Company. This responds to the TRA's request for information.

- 1) Please provide a \$20,000 corporate surety bond or irrevocable letter of credit. This bond or letter of credit will be verified by the Authority prior to consideration for authority.

Response: an irrevocable Letter of Credit is being sent under separate cover by Wachovia Bank to the Authority, attention Ms. Lisa Foust. It should arrive on or before delivery of this response.

- 2) Provide more detailed biographical information for the principal officers and all key management personnel responsible for operations in Tennessee, including, but not limited to, educational background, detailed work history, including employer names and addresses, titles/positions held, duties and responsibilities and a description of relevant telecommunications experience. Additionally, provide a detailed description of the current duties and responsibilities of each officer and all key management personnel of Baldwin County Internet/DSSI Service, LLC.

Response: an amended Exhibit E to the Application, Biographies of Principal Officers, is attached to this response. It includes more detailed personal information. In addition, Mr. Scott Seab, the Vice President – Regulatory Affairs has been added to Exhibit E and to Exhibit D, List of Principal Officers.

6601 County Rd 166
McKinney, Texas 75071-7309
P 214-762-7576 F 972-562-7449

Mike.giles@att.net

The current duties and responsibilities of each office follow and have been added to the amended Exhibit D:

Jeffery L. Hathaway , Chief Executive Officer

- Overall management of the company
- Determine strategic direction
- Provide executive direction to company
- Represent company before commissions

Richard M. Alder, Executive Officer and Vice President of Operations

- Manages day-to-day operations of company
- Documents company-wide processes to streamline workflow
- Implements strategic direction of company
- Responsible for network connectivity to FTTH (fiber to the home) developments
- Project management of development headend construction

Eric Landry, NOC (Network Operations Center) Director

- Manages Network Operations Center which oversees all technical operations of company
- Utilizes latest technology to connect the company's FTTH services
- Responsible for technical design and compliance with all rules for service
- Manages personnel of NOC to ensure optimum performance

Diane Cartmell, General Manager Service Bureau Central (Customer Service)

- Manages personnel of Service Bureau Central
- Responsible for all customer service activities, including order-taking, service completion, repair reports and correction
- Responds to commission complaints

Scott Seab, Vice President – Regulatory Affairs

- Responsible for all regulatory compliance
- Manages all regulatory contacts with state commissions and the Federal Communication Commission
- Negotiates and reviews real estate matters (rights of way, easements, towers, head-end leases); manages partner-developer contracts

- **Responsible for all statewide cable television franchise agreements: responsible for franchise negotiations and agreements with LFAs, pole attachments, MDU/hospitality, and related third party contracts for various providers**
 - **Oversees all CLEC certifications**
 - **Negotiates and manages all interconnection agreements**
 - **Manages all state and Federal regulatory reporting**
- 3) Provide information regarding any additional funding available to Baldwin County Internet/DSSI Service, LLC, Include complete details on other sources of funding for Tennessee operations, including loan commitments, letters of credit, etc. Include details on the line of credit indicated in the financial section of the petition.

Response: When BCI changed its strategic direction in mid-2007, the company sold most of its assets and end-use customers, while transitioning to an intermediate transport company. There are two sources of funding for all future investment. The first is the arrangement with the facility construction company which invests the funds, builds the facilities, and leases or sells (and finances the sale) the facilities to BCI to, in turn, lease them to the service provider. This is expected to account for the majority of the influx of funds and requires very little up-front investment by BCI. A second source is available through Mr. Hathaway, who has the ability to invest further from his personal funds from the sale of the assets in mid-2007.

- 4) The pre-filed testimony of Mr. Jeffrey Hathaway indicates that "the company will provide service to any customer willing to order and pay for the service." Will Baldwin County Internet/DSSI Service, LLC service end users? If so, will the company provide white page directory listings, access to 911 and E91 1 emergency services, free blocking for 900/976 calls, access to and support for the Tennessee Relay Center in the same manner as incumbent local exchange telephone companies, Lifeline and Link Up to qualifying customers, equal access to authorized inter and intra LATA long distance providers, and access to educational discounts existing on June 6, 1995, in compliance with TRA Rule 1220-4-8-.04?

Response: the statement regarding "providing service to any customer willing to order and pay for the service" refers to providing the Company's transport service which is the only service offered by the Company or identified in the Application, Mr. Hathaway's testimony and the tariff filed with the Application. The company will provide transport service to any company desiring and willing to pay for the transport service.

In Question 16 of Mr. Hathaway's testimony, he states "BCI will provide high-bandwidth/high-speed, optical fiber transport services to other carriers, transiting ROWs and connecting them to any POI." There are no plans to provide any end-user or basic local exchange service at this time. The response to Question 6 of the Application states:

6. Types of Local Exchange Service to be provided:

The Company does not plan to provide basic local exchange service at this time. BCI provides transport services to other service providers who provide basic local exchange service. It does not provide any content on the circuits – only transport of other companies' data, voice (usually VoIP - Voice over Internet Protocol), cable television and internet traffic.

At such time (if ever) that it begins offering basic local exchange service, the company attests that it will file to amend its certificate and its tariff, and provide services in accordance with the applicable statutes and rules of Tennessee.

- 5) Provide a sworn statement that Baldwin County Internet/DSS Service, LLC will abide by all applicable state and federal laws and TRA Rules.

Response: attached is an Affidavit from Jeffery L. Hathaway attesting to the Company's intent to abide by all applicable laws and rules.

- 6) If the company does offer service to end users, how will the company comply with Tenn. Code Ann. § 65-21-114 regarding toll free calling within counties in Tennessee?

Response: See response to Question 4. This question is not applicable to BCI.

As required by Rule 1220-1-1-.03(4), the Company is mailing the original and four (4) copies of this request by overnight mail, along with electronic delivery by email.

Any questions regarding this filing may be directed to my attention at 214-762-7576, email at mike.giles@att.net, or physical address, 6601 County Rd 166, McKinney, TX 75071-7309.
Thank you for your assistance in this matter.

Sincerely,



Michael N. Giles
Consultant for
Baldwin County Internet/DSSI Service, L.L.C.

Cc: Ms. Lisa Foust

**LIST OF BALDWIN COUNTY INTERNET/ DSSI
SERVICE, L.L.C.'S PRINCIPAL COMPANY OFFICERS**

Baldwin County Internet/DSSI Service, L.L.C. is an independent LLC, owned solely by Jeffery L. Hathaway, Chief Executive Officer. He also is the only employee of the Company, with all other management and business functions outsourced.

<u>Name/Address</u>	<u>Title</u>	<u>Percent Ownership</u>
Jeffery L. Hathaway 22645 Canal Road, Suite B Orange Beach, AL 36561	Chief Executive Officer	100%

Duties and responsibilities:

- Overall management of the company
- Determine strategic direction
- Provide executive direction to company
- Represent company before commissions

Non-Employee Officers

Richard M. Alder Executive Officer and Vice President of Operations

Duties and responsibilities:

- Manages day-to-day operations of company
- Documents company-wide processes to streamline workflow
- Implements strategic direction of company
- Responsible for network connectivity to FTTH (fiber to the home) developments
- Project management of development headend construction

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Duties and responsibilities:

- Manages Network Operations Center which oversees all technical operations of company
- Utilizes latest technology to connect the company's FTTH services
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- Manages personnel of NOC to ensure optimum performance

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Duties and responsibilities:

- Manages personnel of Service Bureau Central
- Responsible for all customer service activities, including order-taking, service completion, repair reports and correction
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Scott Seab, Vice President – Regulatory Affairs

Duties and responsibilities:

- Responsible for all regulatory compliance
- Manages all regulatory contacts with state commissions and the Federal Communication Commission
- Negotiates and reviews real estate matters (rights of way, easements, towers, head-end leases); manages partner-developer contracts
- Responsible for all statewide cable television franchise agreements: responsible for franchise negotiations and agreements with LFAs, pole attachments, MDU/hospitality, and related third party contracts for various providers
- Oversees all CLEC certifications
- Negotiates and manages all interconnection agreements
- Manages all state and Federal regulatory reporting

**BIOGRAPHIES OF THE PRINCIPAL OFFICERS AND
OTHER KEY TECHNICAL STAFF OF
BALDWIN COUNTY INTERNET/ DSSI SERVICE, L.L.C.**

The biographies of the principal officers and any other key technical staff

Jeffery L. Hathaway, Chief Executive Officer, has over six years experience directly in the telecommunications industry as the owner and Chief Executive Officer of Baldwin County Internet/DSSI Service, L.L.C. (BCI), and over 25 years in the technology industry. Prior to forming Baldwin County Internet/DSSI Service, L.L.C., Mr. Hathaway had over 20 years experience holding various technical, sales, and executive positions in both Fortune 100 companies and smaller companies. He has significant entrepreneurial experiences in early-stage startup companies, including BCI. Mr. Hathaway's experience encompasses the gamut of executive leadership roles. During the period 1982 to 2002, he spent 8 years working inside billion-dollar corporations, including Xerox, Businessland and Brother International. The balance of his career and experience has been spent founding, building and selling several system integration businesses. He helped start Baldwin County Internet/DSSI Service, L.L.C. in 2002 and continued with the Company to the present, building it into a successful start-up company. During the 20 years prior to that he held different sales, supervisory and managerial positions in Xerox, Businessland, and Brother International. Mr. Hathaway's educational background includes a Certificate as an Electronics Technician from Radio-Electronics Technologies/ITT and an Associates Degree in Electronics Technology from Westshore Community College.

Richard M. Alder, Executive Officer and Vice President of Operations, has been with Connexions Technologies/Accelera since 2006. Prior to his association with Connexion Technologies/Accelera he was Executive Vice President for Madison River Communications, which was Connexion/Accelera's original Service Provider, from 1999 - 2006. He served in various capacities during his tenure at Madison River including President of MebTel, one of Madison River's independent telephone companies (CLECs), Executive Vice President of Business Analysis and Marketing, Executive Vice President - North Carolina Operations, and Vice President of Business Analysis. He held the position of Vice President of Major Account Sales for TAMCO/Telimage in 1996-1999 and worked as a Project Manager/Consultant for USRobotics/3COM from 1996-1997. From 1993 - 1996, he was President of Telecommute Solutions. From 1983 - 1993, he served in various positions in Centel/Central Telephone/Centel Business Systems and prior to those positions, he worked for Southwestern Bell as a Network Service Supervisor. Mr. Alder has over 27 years of operational experience in the telecommunications industry. He holds a B.S. in Mechanical Engineering from Texas Tech University (1976) and an MBA from the University of Houston (1987).

Eric Landry, NOC (Network Operations Center) Director, has been with Accelera/Connexion Technologies since 2007. He has over 20 years of telecommunications experience planning, managing, maintaining and administering all aspects of voice, data, wireless, and IP (Internet Protocol) networks. Prior to his association with Accelera/Connexion Technologies Mr. Landry was Director of Service Management Centers for Talk America. He also held various technical and engineering positions with Network Telephone Corporation, AirAd, Sjoberg, Landry and St.Pierre, Inc., and also served as Vice President, Systems and Engineering for Network USA, a division of Network Paging Corporation. Mr. Landry holds a B.S. in Computer Science from the University of Louisiana, Lafayette, Louisiana (1984).

Diane Cartmell, General Manager Service Bureau Central, has over 30 years experience in customer service in multiple states, including Maine, New Hampshire and Alabama. Her recent employment positions include Noritake Company, Inc. from 1996 – 2007 as a Store Manager/Buyer, Comfort Suites as a Night Manager from 2003 to 2007, and Hampton Inn from 2004 through 2007 as the Front Desk Night Manager/Interim Hotel Manager. Ms. Cartmell joined Connexion Technologies in July 2007, bringing with her a successful history of strong commitment to excellent customer service. This was the reason for her recruitment to the Company. This is her first experience in the telecommunications industry, but her management and customer service experience extends to several different industries including Retail, Hospitality, Food and Beverage. Ms. Cartmell's team includes 3 management positions and growth for 75 agents. Ms. Cartmell received a diploma from Memorial High School in 1975.

R. Scott Seab, Vice President-Regulatory Affairs, has focused his legal career on addressing the legal issues that traditional telecommunications and cable operators encounter, primarily: local, state, and federal regulatory compliance, employment law, contract negotiations, and acquisitions. He has 18 years of legal experience and management skills gained from clients & employers including the U.S. Army JAG Corps (Captain) and the Colorado Springs City Attorney's Office as an Assistant Prosecutor. He has also owned or worked for various Internet Service Providers (ISPs), including being part-owner of Southern Colorado Internet Provider dba SCIP.NET, which was sold to High Plains Internet in 2000; and several Competitive Local Exchange Carriers (CLECs). Mr. Seab served as Vice President - Regulatory Affairs with NOW Communications, Inc., beginning with the company start-up on February 29, 1996 (just 20 days after Congress signed the Telecommunications Act of 1996), and remained with the company until it was sold in late 2003. At that time, the company had operations in 41 states with nearly 50,000 customers. He then joined Adelphia Communications Corporation as in-house counsel (Director—Law & Public Policy), managing over 75 local franchising authorities in Adelphia's nine-state Western Region, engaging in franchise renewals, pole attachment/land use agreements, directing political & lobbying campaigns. He stayed on after the Comcast acquisition of Adelphia, to aid in the transition, departing in April, 2007. Mr. Seab joined a new "Fiber To The Home" (FTTH) telco/cable operator start-up, PanOptic, Inc. d/b/a PorchLight Communications, in Colorado Springs, Colorado, as its General Manager and General Counsel. Within nine months, he had obtained for the company over six local franchise agreements for its

operating areas along with all national and local programming agreements. He also served as the "HR Department", managing new employee files and training a staff that grew from four to ten employees in that period. In January 2008, Mr. Seab joined a more established and seasoned operator, Connexion Technologies, as the Vice President – Regulatory Affairs. His educational background includes: a B.A. in Pre-Law from the University of Louisiana at Monroe (1987) and a J.D. from Tulane University (1990).

AFFIDAVIT

ALABAMA
BALDWIN COUNTY

Personally appeared before me, an officer duly authorized to administer oaths, Jeffery L. Hathaway, who after being duly sworn, deposes and says that he is Chief Executive Officer of Applicant, Baldwin County Internet/DSSI Service, L.L.C.

I make this affidavit on the basis of my personal knowledge. I hereby attest that Baldwin County Internet/DSSI Service, L.L.C. will abide by all applicable state and Federal laws and by all applicable rules of the Tennessee Regulatory Authority.

Jeffery L. Hathaway

Chief Executive Officer, Baldwin County
Internet/DSSI Service, L.L.C.

Subscribed and sworn before me this

18th day of March, 2008

(seal)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 28, 2011
BONDING AND SURETY REQUIRED FOR ALL NOTARIES

