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TENNESSEE REGULATORY AUTHORITY



July 9, 2009

BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee
ATTN: Mr. Gregg F. Morton
President - Tennessee
333 Commerce Street
Nashville, TN 37201-3300

RE: **URGENT REQUEST** for Information Relating to Annual Fees
Docket No. 08-00115

Dear Mr. Morton:

In accordance with Tenn. Code Ann. § 7-59-301, *et seq.*, also known as the Competitive Cable and Video Services Act (the "CCVSA"), the Tennessee Regulatory Authority ("TRA" or "Department") is currently preparing to assess the annual fees for the fiscal year ended June 30, 2009. The CCVSA specifically requires that all holders of state-issued certificates of franchise authority pay an annual fee as a condition of maintaining the franchise authority.¹

In ascertaining the 2009 annual fees, which are required to be assessed on July 31, 2009, the CCVSA provides that the TRA "shall calculate the total number of subscribers obtaining service from holders of a state-issued certificate of franchise authority *based on quarterly franchise fee statements as of the end of the second quarter each year provided pursuant to § 7-59-306.*"² (*Emphasis added*). Nonetheless, Tenn. Code Ann. § 7-59-306 does not mandate payment of a franchise fee, which necessarily accompanies the aforementioned quarterly franchise fee statement, prior to forty-five (45) days following the end of the subject quarter.³ In other words, the second quarter franchise fee statements, from which the TRA is to glean the number of subscribers obtaining service from each franchise holder, are not required to be submitted to municipalities and counties until August 14, 2009.

¹ Tenn. Code Ann. § 7-59-305(2)(A).

² *Id.* at (2)(B).

³ Tenn. Code Ann. § 7-59-306(c)(1).

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In light of this apparent discrepancy within the statute, the TRA requests that you provide the total number of subscribers obtaining service from your organization within the areas covered by your state-issued certificate of franchise authority and any subsequent amendments thereto as of June 30, 2009. Due to the fast approaching assessment deadline of July 31, 2009, we further ask that this information be submitted no later than July 24, 2009 to the address below:

**ATTN: Laura Foreman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243**

Please be advised that should the subscriber information we have requested not be received by the date indicated above or is determined to be incomplete, the TRA will utilize the maximum of the range of the population service area(s) which you designated and relied upon in remitting the original application fee, and any subsequent amendments, in order to calculate the percentage of the total annual fees to be assessed to your organization.

Should you have any questions or concerns regarding this matter, please feel free to contact me at (615) 741-2904 x150 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards,

A handwritten signature in black ink that reads "Lisa Cooper". The signature is written in a cursive, flowing style.

Lisa Cooper
TRA Programs Manager