

NEXUS COMMUNICATIONS, INC.

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Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

In Re: Application of Nexus Communications, Inc., for a CCN as an Eligible
Telecommunications Carrier, Docket No. 08-00119

Dear Chairman Kyle,

I want to thank the Tennessee Regulatory Authority for designating Nexus Communications, Inc., as an "eligible telecommunications carrier" ("ETC") in Tennessee. See Docket No. 08-00119, Order of October 27, 2008 and Order of June 17, 2009. As a result of the TRA's actions, Nexus is already providing Lifeline service to several thousand qualified customers in Tennessee.¹

Nexus sent copies of the TRA orders to the Universal Service Administrative Company ("USAC"). Based upon the orders, Nexus applied for and received from USAC two Study Area Codes to provide local telephone service to Lifeline customers using either wireline or wireless technology depending upon the customer's choice. This is consistent with FCC Rule 47 C.F.R. § 54.201(h), which states (emphasis added):

(h) A state commission shall designate a common carrier that meets the requirements of this section as an eligible telecommunications carrier irrespective of the technology used by such carrier.

In other words, the FCC rule states that a commission "shall" designate a qualified carrier as an ETC "irrespective of the technology used" to serve the customer. This rule allows a state designated ETC to provide local telephone service to Lifeline customers using wireline, wireless or any other technology the carrier offers and the customer selects.²

As a certified carrier in Tennessee, Nexus is subject to the full jurisdiction of the Authority in regard to the enforcement of Lifeline and Linkup regulations whether or not Nexus elects

¹ As of October 30, 2009, Nexus has approximately 3,960 wireless Lifeline customers and 2,057 wireline Lifeline customers in Tennessee.

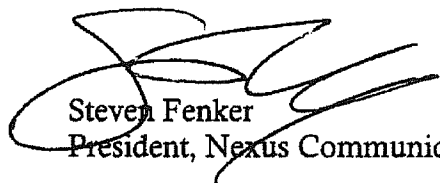
² For example, many incumbent carriers now offer local voice service both over the public switched network and through VOIP. The FCC rule allows a Lifeline customer to select either technology.

"market regulation" under Chapter 278. See T.C.A. § 65-5-109(n)(vii). Since the TRA has designated Nexus as an ETC in accordance with the FCC's rules and since Rule 54.201(h) requires that Nexus be permitted to offer telephone service to qualified Lifeline and Linkup customers irrespective of the technology used, it necessarily follows that the TRA also has the delegated power and responsibility to enforce Lifeline and Linkup rules applicable to both Nexus' wireline and wireless services in Tennessee.

Furthermore, to the extent necessary or required, Nexus voluntarily submits to the jurisdiction of the TRA and agrees that the TRA may enforce as applied to Nexus state and federal rules concerning the offering of Lifeline and Linkup service in Tennessee irrespective of the technology used by Nexus to provide these services. This letter is intended to serve as notice of the carrier's submission to the TRA's jurisdiction and its agreement to be bound by the TRA's rulings regarding the provision of Lifeline and Linkup service in this state.³

Thank you again for the TRA's cooperation in this matter.

Sincerely,


Steven Fenker
President, Nexus Communications

cc: Director Mary Freeman
Director Kenneth Hill
Director Eddie Roberson
Richard Collier, General Counsel

³ As a state certified carrier, Nexus is fully subject to the TRA's jurisdiction. However, even non-certified carriers which only offer wireless service in Tennessee and are considered "non-utilities" under state law may nevertheless voluntarily invoke the jurisdiction of the agency when the TRA is enforcing federal law delegated to it by Congress or the FCC. In these cases, the carriers have voluntarily submitted to the jurisdiction of the agency and are bound by the TRA's rules and orders. There are many such cases in the agency's docket files. See dockets 09-00019, 08-00150, 07-00272, 07-00253, 07-00132, 06-00228, 06-00063, 04-00380, 03-00589, and 03-00585. For example, in Docket 09-0019, the TRA approved at the parties' request an interconnection agreement between a cooperative and a wireless carrier although neither party is a "public utility" as that term is defined in T.C.A. § 65-4-101. There, as here, the carriers voluntarily submitted to the agency's jurisdiction and requested that the TRA act in accordance with the agency's federally delegated authority.