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September 11, 2008

## <u>VIA ELECTRONIC FILING</u> AND OVERNIGHT DELIVERY

Ms. Darlene Standley Utility Division Chief Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505 (615) 741-3939

filed electronically 9/11/08

Re:

Swiftel, LLC; Docket No. 08-00141

Dear Ms. Standley:

Enclosed please find for filing an original and four (4) copies of the responses to Data Requests for Swiftel, LLC. This filing has been electronically submitted on September 11, 2008.

APPLICANT HAS ALSO ENCLOSED DOCUMENTATION IN A AND HEREBY RESPECTFULLY REQUESTS ENVELOPE CONFIDENTIAL TREATMENT OF THE ENCLOSED THAT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION. APPLICANT EXPECTS THAT THIS INFORMATION WILL BE RESTRICTED TO EMPLOYEES WHO ARE SPECIFICALLY COUNSEL, AGENTS AND ASSIGNED TO THIS APPLICATION BY THE COMMISSION.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope. If you have any questions or if I may provide you with additional information, please do not hesitate to contact me.

Respectfully submitted

Languary Steinhart
Attorney for Swiftel, LLC

**Enclosures** 

cc: Angie M. Watson

Tennessee Regulatory Authority August 16, 2007 Page 2

1) The Tennessee Telecommunications Service Provider's Surety Bond, which was included with the application, was not signed on page 2. Please provide a notarized signature on page 2 of the instrument. The original bond is attached.

ANSWER: Please see attached original bond with appropriate signature on page 2.

Provide further details regarding the day-to-day duties and responsibilities, specific to Tennessee operations, of the principal officers listed on Exhibit D. Will there be support staff? If so, provide information regarding the duties and responsibilities of those individuals in regard to Tennessee operations.

ANSWER: All current operations and staff that are in place currently will be ample to handle the additional call volume and customer request. As of 9/10/08 Swiftel has proposed a Lease Option agreement for a call center in Tampa which will additional support for TN markets.

3) How will Swiftel, LLC fund its Tennessee operations? Provide proof of funding sources, including any amounts that have been or will be contributed by the principal officers.

ANSWER: See attached letter (contains confidential and proprietary information and is being filed in a separate envelope and hearby respectfully requests confidential treatment).

4) Provide a 3 year capital expenditures forecast for Swiftel, LLC's Tennessee operations.

ANSWER: See attached letter (contains confidential and proprietary information and is being filed in a separate envelope and hearby respectfully requests confidential treatment).

5) Provide Swiftel, LLC's projected financials for 2008 through 2010.

ANSWER: See attached letter (contains confidential and proprietary information and is being filed in a separate envelope and hearby respectfully requests confidential treatment).

6) The pre-filed testimony indicates the company intends to market its services "via direct sales". Will the company engage in telemarketing? If so, how will the company ensure compliance with Tenn. Code Ann. § 65-4-405?

ANSWER: Swiftel will not engage in outbound telemarketing calls.

7) How does Swiftel, LLC intend to comply with Tenn. Code Ann. § 65-21-114?

ANSWER: See attached letter (contains confidential and proprietary information and is being filed in a separate envelope and hearby respectfully requests confidential treatment).

# TENNESSEE REGULATORY AUTHORITY

# TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond #: FS2716926	
WHEREAS, SWIFTEL, LLC.	(the "Principal"), has
applied to the Tennessee Regulatory Authority for auth	nority to provide telecommunications services in the State of Tennessee; and
required to file this hand in order to obtain such autho	4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is rity and to secure the payment of any monetary sanction imposed in any enforcement ode Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the
WHEREAS, GREAT AMERICAN INSURAL	NCE COMPANY
(the "Surety"), a corporation licensed to do business i	n the State of Tennessee and duly authorized by the Tennessee Commissioner of e pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to ly with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code
accordance with the provisions of Tennessee Code Andollars (\$20,000.00) lawful money of the United State: imposed against the Principal, its representatives, surpressee Code Appotated or the Consumer Teleman	ncipal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in notated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand is of America to be used for the full and prompt payment of any monetary sanction accessors or assigns, in any enforcement proceeding brought under Title 65 of arketing Act of 1990, by or on behalf of the TRA, for which obligation we bind is, each jointly and severally, firmly and unequivocally by these presents.
annual renewal period or portion thereof shall constitute the liability of the Surety shall not be cumulative, and bond shall not avered Twenty Thousand Dollars (\$20.0)	day of <u>JULY</u> , 2008 and shall be continuous; provided, however, that each a new bond term. Regardless of the number of years this bond may remain in force, the aggregate liability of the Surety for any and all claims, suits or actions under this 100.00). The Surety may cancel this bond by giving thirty (30) days written notice of d mail, it being understood that the Surety shall not be relieved of liability that may cellation.
PRINCIPAL	SURETY
	GREAT AMERICAN INSURANCE COMPANY
SWIFTEL, LLC.  Name of Company authorized by the TRA	Name of Surety
Name of Company authorized by the vier	
The state of the s	Address of Surety
Company ID # as assigned by TRA	Address of Survey
SIGNATURE OF PRINCIPAL	SIGNATURE OF SURETY AGENT
ho- hates	Valeur Aber
Name: Aray 1 Daton	Name: VALERIE ABER
Title: President	Title: ATTORNEY-IN-FACT
	Address of Surety Agent:  2424 W. MISSOURI AVE  PHOENIX, ARIZONA 85015
	(602)749-0702

THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Florida COUNTY OF Escambia
Before me, a Notary Public of the State and County aforesaid, personally appeared with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of wait work and he acknowledged to me that he executed the same.
WITNESS my hand and seal this 3 day of 5.0 MeLISSA L KERCHER Notary Public, State of Florida Commission# DD662739
June 25 , 20 11 Notary Public
ACKNOWLEDGMENT OF SURETY
STATE OF ARIZONA COUNTY OF MARICOPA
Before me, a Notary Public of the State and County aforesaid, personally appeared Valerie Aber with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of Great American Insurance Company the within named Surety, a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, and that he as such an individual being authorized to do so executed the foregoing bond, by signing the name of the corporation by himself and as such individual.
WITNESS my hand and seal this 10 day of July , 2008.
March 16, 2012 XXXXX
This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the sureties on the same are good and worth the penalty thereof, and that the same has been filed with the Tennessee Regulatory Authority, State of Tennessee, this day of, 20
Name: Title:

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 580 WALNUT STREET CINCINNATI, OHIO 45202 513-369-5000 FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than FIVE

No. 0 18415-B

	•	POWER OF ATTORNEY	
and by virtue of the laws fact, for it and in its name other written obligations i	of the State of Ohio, does hereby nomine, place and stead to execute in behalf of	nate, constitute and appoint the person or per of the said Company, as surety, any and all be	(PANY, a corporation organized and existing under sons named below its true and lawful attorney-in- onds, undertakings and contracts of suretyship, or and, undertaking or contract of suretyship executed
/AN/855 (A) 177(A) 177(A)	Name ANITTA VALDEZ	Address ALL OF	Limit of Power ALL
/AYNE GUTCHES ALERIE ABER	ANITTA VALDEZ		\$10,000,000.
		PHOENIX, ARIZONA	\$10,000,000.
IELANIE DAVIS RIAN CARNEY			
	WHERÉOF the GREAT AMÉRICAN I	21ST day of	ed above. presents to be signed and attested by its appropriate DECEMBER , 2007 . N INSURANCE COMPANY
STATE OF OHIO COUR	NTY OF HAMILTON - ss:	***************************************	DAVID C. KITCHIN (513-412-4602)
On this being duly sworn, depose Insurance Company, the C	21ST day of DECEM and says that he resides in Cincinnati Company described in and which executions.	. Ohio, that he is the Divisional Senior Vice ited the above instrument; that he knows the se	appeared DAVID C. KITCHIN, to me known President of the Bond Division of Great America: all of the said Company; that the seal affixed to the aid Company, and that he signed his name thereto.
	Attorney is granted by authority of the nsent dated March 1, 1993.	following resolutions adopted by the Board o	f Directors of Great American Insurance Compan
pecatuen.	That the Divisional President the Divi-	cional Capiar Vice Precident the coursel Divi	cional Vice Presidents and Divisoral Assistant Vic

RESOLVED: That the Divisional President, the Divisional Senior Vice President, the several Divisional Vice Presidents and Divisonal Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract or suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

#### CERTIFICATION

I, RONALD C. HAYES, Assistant Secretary of Great	t American Insurance Company, do	o hereby certify that the foregoing	Power of Attorney and the
Resolutions of the Board of Directors of March 1, 1993 have no			

Signed and sealed this	10	day of	July	2008	
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