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T.R.A. DOCKET ROOM

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November 13, 2009

VIA HAND DELIVERY

Ms. Sara Kyle, Chairman
c/o Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

**Re: Show Cause Proceeding Against Healthcare Advantage LLC / The Select Group /
Chris Wiggins
TRA Docket No. 09-00036**

Dear Chairman Kyle:

Enclosed please find an original plus four (4) copies of Respondents Healthcare Advantage LLC and The Select Group's Response to the Show Cause Order, as required when filing electronically. In addition, I have enclosed an original Motion to Dismiss with supporting Memorandum and Affidavit of Respondent Chris Wiggins, plus four (4) copies, as required when filing electronically.

We have filed the other copies required by rule.

I have requested oral argument as to the Motion to Dismiss only at the Authority's convenience.

Very truly yours,

David Broemel w/permission
A.S.

W. Davidson Broemel

WDB/ajg

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

RECEIVED

2009 NOV 13 PM 3:00

T.R.A. DOCKET ROOM

IN RE:

**SHOW CAUSE PROCEEDING
AGAINST HEALTHCARE ADVANTAGE LLC/
THE SELECT GROUP/CHRIS WIGGINS**

**DOCKET NO.
09-00036**

**RESPONSE OF HEALTHCARE ADVANTAGE LLC AND THE SELECT GROUP TO
SHOW CAUSE ORDER OF OCTOBER 9, 2009**

Comes Healthcare Advantage LLC and The Select Group (collectively, "Respondents" or "Respondent" as appropriate) through counsel and in response to the above captioned Show Cause Order state as follows:

Count 1: Respondents deny they knowingly sent or caused to be sent an unsolicited facsimile advertisement, as alleged, and object to the introduction of any complaint form or documentation without confirmation and opportunity to confront the witness, and demands strict proof.

Count 2: Respondents deny they knowingly sent or caused to be sent an unsolicited facsimile advertisement, as alleged, and object to the introduction of any complaint form or documentation without confirmation and opportunity to confront the witness, and demands strict proof.

Count 3: Respondents deny they knowingly sent or caused to be sent an unsolicited facsimile advertisement, as alleged, and object to the introduction of any complaint form or documentation without confirmation and opportunity to confront the witness, and demands strict proof.

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AFFIRMATIVE DEFENSES

Having fully answered Respondents would show the following:

1. The Order should be dismissed as to Respondents for failure to state a claim upon which relief can be granted.

2. The Order should be dismissed for insufficiency of service of process, there being no proof of return of summons in the record.

3. The Order has mistakenly named The Select Group as a Respondent when, in fact, business was done by The Select Company, Inc. For purposes of this response, The Select Group is referred to as named in the Order.

4. The Order should be dismissed upon the grounds that it is based upon unlawful procedure and in violation of constitutional provisions, to wit; the procedure of having a violation determined by an employee of the TRA and the TRA itself when the monetary penalty is used directly to support the payroll and activities of the employees of the TRA and the TRA itself is a violation of the Tennessee and federal constitution, depriving Respondent of Equal Protection and Due Process of Law.

5. Respondents reserve the right to assert additional defenses that may be available to them, and to confront the witness against them.

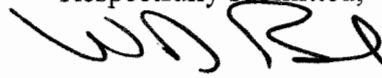
6. Respondents Healthcare Advantage LLC and The Select Group acted reasonably in having a marketing entity, Global Promoting or other marketers, as an independent contractor, and any violations are those of Global Promoting or other marketers, and not Respondents. Healthcare Advantage LLC and The Select Group exercised due care in selection of the marketing entity and believed they would comply with Tennessee law.

7. Respondent Healthcare Advantage LLC and The Select Group instructed Global Promoting and other marketers to comply with all laws, and believed all faxes were neither unsolicited or were sent pursuant to an exemption from the law.

8. All leads and lists were purchased from marketers who represented that facsimiles were to be sent lawfully to persons on an opt in list or pursuant to a lawful exemption.

9. Respondents, to the extent not plead above, generally deny the allegations of the violations set out in the "Conclusion" and "Summary of Charges."

Respectfully submitted,



W. Davidson Broemel (#3606)
Burr & Forman LLP
700 Two American Center
3102 West end Avenue
Nashville, TN 37203
Telephone: (615) 724-3212
Facsimile: (615) 724-3290
Email: DBroemel@burr.com

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE OF HEALTHCARE ADVANTAGE LLC, THE SELECT GROUP AND CHRIS WIGGINS TO SHOW CAUSE ORDER OF OCTOBER 9, 2009 has been served on the following by hand delivering same to their office address, on this the 13th day of November, 2009:

Mr. Gary Hotvedt
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505



W. Davidson Broemel (#3606)
Burr & Forman LLP
700 Two American Center
3102 West end Avenue
Nashville, TN 37203
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