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House of Representatives
State of Tennessee
G.A. HARDAWAY
STATE REPRESENTATIVE
92ND DISTRICT
MEMPHIS / SHELBY COUNTY

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April 29, 2010

Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Dear Sara Kyle:

Thank you for the 2010APR29 memo regarding Reachout Wireless, Nexus Communication, Inc. My office staff has been inundated with phone calls from frightened and confused constituents, who had received text messages and phone calls instructing them to reach out to their legislator or risk losing their Lifeline or Link-up services.

Please be kind enough to respond to the following questions. Your replies will enable me to better understand this situation and subsequently to provide better service and information to my constituents. Please note that in my capacity as Chairman of the Shelby County Legislative Delegation, I will share your responses with my SCLD members.

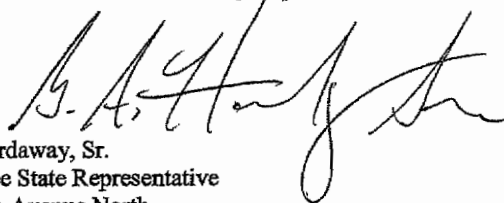
- 1) When is the next Tennessee Regulatory Authority Conference and will Docket # 10-00083 be considered at that time?
- 2) If Nexus Communication, Inc dba Reachout Wireless is found to be non-certified to conduct business in Tennessee as a wireless Eligible Telecommunications Carrier, will those Reachout Wireless eligible customers automatically qualify for Lifeline and Link-up programs from other certified carriers?
- 3) What is the procedure for transferring Lifeline and Link-up services between carriers for qualified Tennessee residents?

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- 4) What role will the 106th General Assembly have in the resolution of the legal issues raised in Docket # 10-00083?
- 5) What Tennessee Regulatory Authority e-mail address, website, toll-free phone number, and contact person information should be provided to inquiring constituents?

Thank you in advance for a timely response.

Regards,



G. A. Hardaway, Sr.
Tennessee State Representative
301 Sixth Avenue North
Suite 109 War Memorial Building
Nashville, TN 37243

GAH: gew

Sara Kyle, Director
Tennessee Regulatory Authority



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May 3, 2010

10-00083

The Honorable G.A. Hardaway, Sr.
House of Representatives
State of Tennessee
Suite 109 War Memorial Building
Nashville, Tennessee 37243

Dear Representative Hardaway:

Thank you for taking the time to contact me about this important matter affecting consumers in your area and throughout Tennessee. I can assure you that the Tennessee Regulatory Authority ("TRA") is not only 100% committed to educating consumers about the Lifeline and Link-Up programs available in Tennessee, we are also involved in assisting consumers obtain Lifeline and Link-up services.

The TRA has received a petition from Nexus Communications ("Nexus") seeking a declaratory ruling from the Authority to designate them as a Wireless Eligible Telecommunications Carrier ("ETC") under state law for the purpose of receiving federal support for offering Lifeline and Link-up programs. The TRA will thoroughly evaluate the petition, including applicable state law and federal law, and will continue to do so until this matter is heard at the TRA's next public conference scheduled for May 24, 2010.

You also inquired as to what role the General Assembly will have in this matter. As in all cases, our decision will be grounded in law as it exists at the time a decision is made. At this point, the TRA has been requested to act upon Nexus' petition under existing state law, rules and federal guidelines for designating them as an ETC. Barring any new passage of law by the General Assembly prior to deliberations, we must operate within the existing statutory powers designated to the TRA by the General Assembly.

The TRA is in the process of obtaining additional information about Nexus' **wireless** offerings, including a complete description of the Lifeline and Link-up services provided and the detailed process utilized by Nexus to certify qualified participants. To address your question, "if ReachOut Wireless is found to be non-certified to conduct business in Tennessee as a wireless Eligible Telecommunications Carrier, will those ReachOut Wireless eligible customers

Representative Hardaway
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automatically qualify for Lifeline and Link-up programs from other certified carriers?" Representative Hardaway, this case is pending before the Authority, and I cannot comment on a case before hearing the matter. But, regardless of the outcome, our staff will continue to be diligent in working with Tennessee consumers regarding issues within the Authority's jurisdiction.

The TRA welcomes all forms of communications from consumers relating to utility matters under our jurisdiction. The toll-free telephone number for consumers is 1-(800) 342-8359, and consumers should ask for either Mr. Tevin Thompson at extension 158 or Ms. Mary Kraycirik at extension 192. Also, on our website (www.state.tn.us/tra) you will find an icon listed as "Contact Us" that enables consumers to send in inquiries and/or complaints.

Again, thank you for taking time out of your busy schedule to seek additional information regarding this important matter.

Warmest personal regards,



Sara Kyle

C: Docket File 10-00083