

TENNESSEE REGULATORY AUTHORITY



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

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May 14, 2010

VIA FACSIMILE AND U.S. MAIL

Charles B. Welch, Jr., Esq.
Farris Mathews Bobango PLC
Historic Castner-Knott Building
618 Church Street, Suite 300
Nashville, TN 37219

Re: TRA Docket No. 10-00083
Legislative and Consumer comments

Dear Mr. Welch,

Over the past few weeks, as a result of text messages from your client, Nexus Communications, Inc. ("Nexus") informing certain consumers of a potential withdrawal of wireless telephone service by Nexus, the Tennessee Regulatory Authority ("TRA") has received numerous telephone calls, email messages and letters from Nexus wireless customers, non profit organizations and state legislators. Without addressing the accuracy of information that Nexus may be providing to persons and organizations with respect to its continuing ability to provide wireless service, one such communication received by the TRA causes great concern for other reasons.

On April 30, 2010, Pamela Mason, assistant to Tennessee Representative Craig Fitzhugh, sent an email message to the TRA which included the names and telephone numbers of persons who had contacted Representative Fitzhugh's office in accordance with the urging of Nexus to wireless customers to call their state legislators. In her message to the TRA, Ms. Mason related the substance of a conversation she had with Nexus president, Steven Fenker. Quoting from Ms. Mason's email, the conversation is described as follows:

Our office began receiving calls Wednesday, April 28, from Reachout Wireless customers. These callers said that they had received a text urging them to call their legislator as soon as possible or risk losing their free minutes and their phone service.

After receiving calls throughout the morning I called the Nexus office in Ohio and was connected to Mr. Steven Fenker.

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Mr. Fenker told me there is a legal case pending before the TRA and that legislators were being contacted to help influence TRA in that case. When I told him that TRA is an independent agency and that legislators were not involved, he told me they could influence TRA decision making.

Mr. Fenker's comments, as described above, to an assistant of a state legislator regarding a legal matter filed by Nexus and currently pending before the TRA are alarming and disturbing. Such comments reflect a certain disrespect not only for members of the Tennessee General Assembly and the Directors of the TRA, but also for the administrative process of which Nexus has availed itself through its petition filed with the TRA.

This letter will serve as notice from the TRA that your client should refrain from making improper statements to or acting improperly toward members of the General Assembly or any officials in state government. It is left to the judgment of your client as to whether, in addition to ceasing from such activity, Nexus will also recant any similar statements that it has already made to the offices of state officials or to state officials themselves.

Your written response to this letter within five days will be greatly appreciated.

Very truly yours,

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive, flowing style.

J. Richard Collier
General Counsel

cc: Chairman Sara Kyle
Director Eddie Roberson
Director Kenneth C. Hill
Director Mary W. Freeman
Docket No. 10-00083