

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 4, 2011

IN RE:)	
)	
EXAMINATION OF ISSUES SURROUNDING)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T TENNESSEE'S NOTICE OF JUNE 28,)	DOCKET NO.
2011 CONCERNING BLC MANAGEMENT, LLC)	11-00109
D/B/A ANGLES COMMUNICATION SOLUTIONS,)	
DPI TELECONNECT, LLC, GANOCO, INC. D/B/A)	
AMERICAN DIAL TONE, IMAGE ACCESS, INC.)	
D/B/A NEWPHONE, AND ONETONE TELECOM,)	
INC.)	

ORDER GRANTING RESELLERS ADDITIONAL TIME TO NOTIFY CUSTOMERS

On August 1, 2011, this matter was heard before the panel of Director Kenneth C. Hill, Director Sara Kyle, and Director Mary W. Freeman of the Tennessee Regulatory Authority ("Authority" or "TRA"). On June 28, 2011, BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T") sent notices to the Resellers¹ and the Authority stating that AT&T would terminate service on July 28, 2011 if certain disputed amounts were not paid.² At a subsequent Status Conference, AT&T agreed to extend the date of termination until August 18, 2011, in order to give the full panel an opportunity to hear the matter.³ At the Authority Conference on August 1, 2011, the panel held that the Resellers were obligated to pay AT&T the disputed

¹BLC Management, LLC d/b/a Angles Communication Solutions ("Angles"), DPI Teleconnect, LLC ("DPI"), Ganoco, Inc. d/b/a American Dial Tone ("American Dial Tone"), Image Access, Inc. d/b/a Newphone ("Newphone"), and Onetone Telecom, Inc. ("Onetone").

² See *In re: BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Tennessee Complaint and Petition for Relief vs. BLC Management, LLC d/b/a Angles Communication Solutions*, Docket No. 10-00008, *AT&T's Response To Letter From Richard Collier*, Exhibit A (July 1, 2011).

³ *Order Reflecting Action Taken At Status Conference, Establishing A Procedural Schedule And Granting Petition To Intervene*, p. 5 (July 29, 2011).

amounts related to the Lifeline credit issue.

On August 2, 2011, the Resellers⁴ filed a *Request for Partial Waiver of Customer Notification Requirement*. In this petition, Angles and American Dial Tone request relief from TRA Rule 1220-4-2-.40(3), which requires a telephone reseller to notify its customers of a pending disconnection “no less than fourteen days prior to the date of disconnection.” The Resellers state that they are in the process of notifying their customers, but have determined that it is not possible to notify them all by August 4, 2011.⁵ On August 3, 2011, DPI joined in Angles and American Dial Tone’s request.⁶ These three Resellers have committed to notifying their customers but state that they will be unable to comply fully in the required time.

Due to the nature of the matter and the narrow time frame, this issue is before the Hearing Officer for adjudication.

Findings and Conclusions

These Resellers together have approximately 17,000 customers in Tennessee. It is the Hearing Officer’s belief that even with extraordinary effort, the Resellers will not be able to notify their customers within the time frame given by Rule 1220-4-2-.40(3). Further, since notification before the fourteen-day window is improbable, the Resellers should be given an opportunity to notify their customers in the same time frame that the Authority is allowed to notify the customers.⁷ Additionally, the other interested parties in this docket have stated that they have no objection to the Resellers’ request.⁸

⁴ The Resellers named in the request are Angles and American Dial Tone.

⁵ AT&T has set the date of termination of service for August 18, 2011, thus the Resellers’ customers would have to be notified by August 4, 2011, in order to comply with TRA Rule 1220-4-2-.40(3). See *Order Reflecting Action Taken At Status Conference, Establishing A Procedural Schedule And Granting Petition To Intervene*, p. 5 (July 29, 2011).

⁶ *DPI Teleconnect’s Request For Partial Waiver Of Customer Notification Requirement* (August 3, 2011).

⁷ TRA Rule 1220-4-2-.40(3) requires the Authority to notify a reseller’s customers no more than seven days prior to termination of the reseller’s local service if a reseller fails to notify its customers.

⁸ *BLC Management, LLC d/b/a Angles Communication Solutions, Ganoco, Inc. d/b/a American Dial Tone, and DPI Teleconnect, LLC’s Request For Partial Waiver Of Customer Notification Requirement* (August 4, 2011).

IT IS THEREFORE ORDERED THAT:

Due to the expedited schedule approved by the Hearing Officer, it is unlikely that the Resellers will be able to comply with TRA Rule 1220-4-2-.40(3). Inasmuch as the Resellers have committed to notifying their customers of impending termination of service, the Resellers' request for additional time is granted, and they shall have until **August 10, 2011**, to notify their customers.

A handwritten signature in black ink, appearing to read "Kenneth C. Hill", written over a horizontal line.

Kenneth C. Hill, Director
Hearing Officer