



November 7, 2011  
*Via Overnight Delivery*

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T.R.A. DOCKET ROOM

Ms. Sharla Dillon  
Dockets and Records Manager, Utilities Division  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

**Re: Docket # 11-00132**  
**Spectrotel, Inc. d/b/a OneTouch Communications d/b/a Touch Base Communications**  
**Application for Certificate to Provide Facilities-Based Competing Local Exchange**  
**Telecommunications Services - Response to Staff Data Request & Surety Bond**

Dear Ms. Dillon,

Enclosed for filing are the original and thirteen (13) copies of the response to Staff Data Requests and the original Surety Bond in the amount of \$20,000 to supplement the Application for Certificate to Provide Facilities-Based Competing Local Exchange Telecommunications Services filed on behalf of Spectrotel, Inc. d/b/a OneTouch Communications d/b/a Touch Base Communications.

In response to Data Request # 2, the Company is providing a Statement of Operations and Retained Earnings, Balance Sheet and Statement of Cash Flows under confidential seal. Due to the competitive nature of the telecommunications industry, the Company respectfully requests that this information only be inspected by Staff directly associated with the Application and be kept from public disclosure as it contains highly sensitive and proprietary information.

Questions regarding this filing may be directed to my attention at (407) 740-3031 or via e-mail at sthomas@tminc.com. Please acknowledge receipt of this filing by returning, file-stamped the extra copy of this cover letter in the self-addressed, stamped envelope enclosed for this purpose. Thank you for your assistance.

Sincerely,

Sharon Thomas  
Consultant to Spectrotel, Inc.

*Enclosure*  
*ST/im*

cc: Service List  
R. Artale, Spectrotel, Inc.  
File: Spectrotel TN Local  
TMS: TN11100B

Spectrotel, Inc.  
d/b/a OneTouch Communications d/b/a Touch Base Communications  
Docket No. 11-00132  
Response to Staff Data Requests

Provide:

- 1) A bond or letter of credit pursuant to Tenn. Code Ann. §65-4-125(j).

Response:

The Company's bond is included.

- 2) Financial information for the three-year period prior to December 31, 2010, including balance sheet, income statement and statement of cash flow.

Response:

This information is being submitted as "Confidential" under separate cover.

- 3) What funding is available to Spectrotel for now and for future use? Please provide a copy of any documents endorsing the funding or any additional resources.

Response:

As demonstrated in the financial information submitted with the Company's application and in response to item 2 above, the Company has had positive net earnings and positive cash flow for several years, and is able to finance its operations via internally generated funds.

# TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond No. 41231384

WHEREAS, Spectrotel, Inc. (the "Principal"), has applied to the Tennessee Regulatory Authority for authority to provide telecommunications services in the State of Tennessee; and

WHEREAS, Platte River Insurance Company (the "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, has agreed to issue this bond in order to permit the Principal to comply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated;

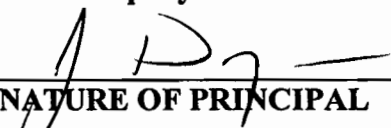
NOW THEREFORE, BE IT KNOWN, that we, the Principal, and the Surety, are held and firmly bound to the STATE OF TENNESSEE, in accordance with the provisions of Tennessee Code Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand dollars (\$20,000.00) lawful money of the United States of America to be used for the full and prompt payment of any monetary sanction imposed against the Principal, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TRA, for which obligation we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

This bond shall become effective on the 15th day of August, 2011, and shall be continuous; provided, however, that each annual renewal period or portion thereof shall constitute a new bond term. Regardless of the number of years this bond may remain in force, the liability of the Surety shall not be cumulative, and the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed Twenty Thousand Dollars (\$20,000.00). The Surety may cancel this bond by giving thirty (30) days written notice of such cancellation to the TRA and Principal by certified mail, it being understood that the Surety shall not be relieved of liability that may have accrued under this bond prior to the date of cancellation.

## PRINCIPAL

SPECTROTEL, INC.

**Name of Company**



**SIGNATURE OF PRINCIPAL**

Jack Dayan, President

**Name and Title**

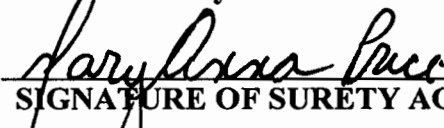
3535 State Highway 66  
Neptune, New Jersey 07753

**Address of Principal**

## SURETY

PLATTE RIVER INSURANCE COMPANY

**Name of Surety**



**SIGNATURE OF SURETY AGENT**

MaryAnna Price, Attorney-in-Fact

**Name and Title**

181 South Franklin Avenue, #603  
Valley Stream, New York 11581

**Address of Surety Agent:**

**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: ~~TENNESSEE~~ New Jersey

COUNTY OF: Monmouth

Before me, a Notary Public of the State and County aforesaid, personally appeared JACK DAYAN with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of SPECTROTEL, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 1 day of November, 2011.

Subscribed and sworn before me this 1 day of November 2011

Louise Johnson  
(NOTARY PUBLIC)

My Commission expires on: 7/10/2015

Louise Johnson  
Notary Public of New Jersey  
My Commission Expires July 10, 2015

# ACKNOWLEDGMENT OF SURETY

STATE OF: ~~TENNESSEE~~ NEW YORK )

COUNTY OF: NASSAU )

Before me, a Notary Public of the State and County aforesaid, personally appeared MaryAnna Price with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of Platte River Ins. Co, the within name 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 15th day of August, 2011.

[Signature]  
(NOTARY PUBLIC)

My Commission expires on: 10/17/14

# APPROVAL AND INDORSEMENT

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 and Title

**PLATTE RIVER INSURANCE COMPANY  
BALANCE SHEET  
December 31, 2010**

Admitted Assets	2010
Cash and invested assets:	
Bonds	\$114,324,597
Common stocks	15,537,945
Cash, cash equivalents and short-term investments	10,367,437
Other invested assets	36,437
Total cash and invested assets	<u>140,266,416</u>
Investment income due and accrued	653,128
Uncollected premiums and agents' balances in course of collection	1,364,660
Deferred premiums, agents' balances and installments booked but deferred and not yet due	2,451,367
Amounts recoverable from reinsurers	5,706,906
Current federal and foreign income tax recoverable and interest thereon	1,034,034
Net deferred tax asset	1,229,487
Other admitted assets	12,680
Total admitted assets	<u><u>\$152,718,678</u></u>

**Liabilities and Surplus as Regards Policyholders**

Liabilities:	
Losses	\$22,698,494
Loss adjustment expenses	4,161,947
Commissions payable, contingent commissions and other similar charges	571,215
Other expenses (excluding taxes, licenses and fees)	779,782
Taxes, licenses and fees (excluding federal and foreign income taxes)	245,356
Unearned premiums	11,461,551
Ceded reinsurance premiums payable (net of ceding commissions)	4,556,623
Amounts withheld or retained by company for account of others	62,889,638
Remittances and items not allocated	38,885
Payable to parent, subsidiaries and affiliates	3,801,803
Other liabilities	816,847
Total liabilities	<u>112,022,141</u>
Surplus as regards policyholders:	
Common capital stock	4,800,000
Gross paid in and contributed surplus	30,739,907
Unassigned funds (surplus)	5,156,630
Surplus as regards policyholders	<u>40,696,537</u>
Total liabilities and capital and surplus	<u><u>\$152,718,678</u></u>

I, David Pauly, CEO of Platte River Insurance Company do hereby certify that to the best of my knowledge and belief, the foregoing is a full and true statutory Statement of Admitted Assets and Liabilities, Capital and Surplus of the Operation at December 31, 2010, prepared in conformity with the accounting practices prescribed by the Insurance Department of the State of Nebraska. IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Corporation at Middleton, Wisconsin.

*David Pauly*

David Pauly  
CEO



PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY

41231384

KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

-----ELENA LUCCI; JEFFREY W PRICE; MARY ANNA PRICE; RACHEL PRICE-----

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

----- ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED: \$2,500,000.00 -----

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2002.

"RESOLVED, that the President, and Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of the Corporation; the signature of such officers and the seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 1st day of January, 2007.

Attest:

PLATTE RIVER INSURANCE COMPANY

*David F. Pauly*

David F. Pauly  
Chairman & CEO

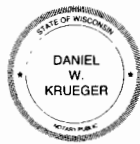


*James J. McIntyre*

James J. McIntyre  
President

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

On the 1st day of January, 2007 before me personally came James J. McIntyre, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Dane, State of Wisconsin; that he is President of PLATTE RIVER INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

*Daniel W. Krueger*

Daniel W. Krueger  
Notary Public, Dane Co., WI  
My Commission Is Permanent

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this 15th day of August, 2011



*Alan S. Ogilvie*

Alan S. Ogilvie  
Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.