

TENNESSEE REGULATORY AUTHORITY



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

January 6, 2015

Mr. Leon Nowalsky, Esquire
1420 Veterans Memorial Blvd.
Metairie, Louisiana 70005

RE: TRA Docket Number 14-00077, *Joint Petition by IBFA Acquisition Company, LLC, through its Receiver, and First Choice Technology, Inc. of a Purchase Agreement.*

Dear Mr. Nowalsky:

Based upon your August 15, 2014 *Joint Petition*, IBFA Acquisition Company, LLC ("IBFA"), through its Receiver, is involved in a transaction with First Choice Technology, Inc. ("First Choice") that will result in certain assets of IBFA being transferred to First Choice. Approval of a transaction like that described in the *Joint Petition* is governed by Tennessee Code Annotated 65-4-113(a), which reads:

No public utility, as defined in § 65-4-101, shall transfer all or any part of its authority to provide utility services, derived from its certificate of public convenience and necessity issued by the authority, to any individual, partnership, corporation or other entity without first obtaining the approval of the authority.

In Docket Number 14-00165, IBFA filed notification that it intends to operate pursuant to market regulation as described in Tennessee Code Annotated 65-5-109. Furthermore, First Choice filed for market regulation in Docket Number 14-00164. For companies that have elected market regulation, the requirements set forth in Tennessee Code Annotated 65-4-113 are no longer applicable.

Based upon IBFA's and First Choice's election of market regulation, TRA approval of the transfer of control described in the *Joint Petition* is not required. As such, unless the TRA is notified within thirty (30) days that the parties desire the TRA to act upon the petition filed in Docket Number 14-0077, said docket will be administratively closed. If you have any questions related to this matter, feel free to contact John Hutton john.hutton@tn.gov or at 615-770-6889.

Sincerely,

David Foster
Chief, Utilities Division