

TENNESSEE REGULATORY AUTHORITY



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

February 5, 2015

H. LaDon Baltimore
Farris Bobango PLC
618 Church Street, Suite 300
Nashville, TN 37219

Philip J. Macres
Klein Law Group, PLLC
1250 Connecticut Avenue N.W., Suite 200
Washington, D.C. 20036

RE: Docket No. 14-00169, *Application of New Horizons Communications Corp. for a Certificate of Convenience and Necessity to Provide Competing Local Exchange, Exchange Access, and Interexchange Telecommunications Services in Tennessee*

Dear Mr. Baltimore,

CLEC applicants are required, by statute, to demonstrate their managerial, financial and technical abilities to provide the services for which they seek authority. To assist the Authority in its review of New Horizons Communications Corp.'s application for certificate of convenience and necessity to provide competing local exchange, exchange access and interexchange telecommunications services in Tennessee, you are requested to provide the following information:

- 1) The original Tennessee Telecommunications Service Provider's Surety Bond included in the application contains a signature for the Principal, but the individual did not print their name and title below the signature. Please include the printed name and title below Principal's signature.
- 2) The original Tennessee Telecommunications Service Provider's Surety Bond included in the application lists "New Horizons Communications Corp." in the third paragraph, indicated as the "Surety." Please list the correct Surety company on the bond. The original bond was returned to the applicant via certified mail on January 14, 2015, and receipt was acknowledged on January 20, 2015.
- 3) The audited financial information included with the application refers to the company as "New Horizon Communications Corp." Please clarify that the financial information included in the application is for "New Horizons Communications Corp." As these audited financials were provided by Forman, Itzkowitz, Berenson & LaGreca, PC, provide documentation from the firm to indicate the name listed on the financial reports is an error.
- 4) Page 3 of the application states, "Applicant has no legal affiliations with any other entity." Page 7 of the "Notes to Consolidated Financial Statements for New Horizon Communications Corp. and Affiliate" states that, "As a CLEC, new Horizon Communications Corp. bundles various telecommunications products, thorough relationships with national and regional carriers, onto a single billing platform for their customers. *Its affiliate NHC Resources, Inc.* leases equipment for voice over IP.

Please clarify the discrepancy between what is stated in the application and the Notes to Consolidated Financial Statements about whether New Horizons Communications Corp. has affiliates.

- 5) The application indicates that New Horizons Communications Corp. "has had its authority temporarily revoked in Nevada (in 2008 and 2013) due to late receipt of annual assessment and related paperwork. After payment of a penalty, the authority was reinstated. Applicant had its authority temporarily revoked in Texas in 2014 due to a late compliance filing. That authority is in the process of being reinstated." Tenn. Code Ann. § 65-4-201 required evidence that the "applicant possesses sufficient managerial, financial and technical abilities to provide the applied for services." Please describe the circumstances that led to New Horizons Communications Corp. being revoked in the state of Nevada on two separate occasions (2008 and 2013) and also being revoked in the state of Texas in 2014. What measures have been instituted since these revocations to ensure that all regulatory filings are timely in every state in which the company is doing business?

Has the company's authority been reinstated in the state of Texas?

- 6) TRA Rule 1220-4-8-.04(3)(b) requires all competing telecommunications service providers providing basic local exchange telephone service or its equivalent to either directly, or through arrangements with other carriers or companies to:
1. Provide access to 911 and E911 emergency service.
 2. Provide white page directory listings and directory assistance.
 3. Provide consumer access to and support for the Tennessee Relay Center in the same manner as incumbent local exchange telephone companies.
 4. Provide free blocking service for 900, 976 type services in accordance with Authority policy.
 5. Provide Lifeline and Link-up services to qualifying citizens of this state.
 6. Provide educational discounts in existence as of June 6, 1995.

Detail how New Horizons Communications Corp. will comply with all aspects of this rule.

- 7) The Small and Minority-Owned Business Participation Plan submitted with the application is not signed. Provide a signed Small and Minority-Owned Business Participation Plan.

It is requested that this information be provided no later than 2:00 pm on February 20, 2015 and that you reference Docket Number 14-00169 on the response. In accordance with TRA rules submit either (1) thirteen written copies of your response or (2) four written copies and an electronic version. Should you have questions regarding this request, please contact Lisa Foust at 615-770-6886.

Sincerely,



David Foster
Utilities Division Chief