

TENNESSEE REGULATORY AUTHORITY

Lynn Greer, Chairman
Sara Kyle, Director
Melvin Malone, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

To: David Waddell
Executive Secretary

From: Carla Fox, Senior Counsel *CF*

Re: AVR of Tennessee, L.P. d/b/a Hyperion Telecommunications of Tennessee, L.P.,
Application for a Certificate of Public Convenience and Necessity to extend its
territorial area of operations to include the areas currently served by Tennessee
Telephone Company (Docket No. 98-0001)

Date: February 4, 1998

Attached hereto for your consideration and signature is a letter to the Attorney General advising him that the above-referenced matter involves a question of the validity of a state statute. The relevant statutory authority is cited therein. If you have any questions or would like to discuss this matter further, please contact me. Once you review and sign the same, please route a copy to me. Thank you for your assistance. By a copy of this memorandum, I am advising the Directors and General Counsel of the status of this matter.

xc: Chairman Lynn Greer
Director Sara Kyle
Director Melvin Malone
Dennis McNamee, General Counsel

TENNESSEE REGULATORY AUTHORITY

Lynn Greer, Chairman
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Melvin Malone, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

February 9, 1998

The Honorable Knox Walkup
Office of the Attorney General
423 Fifth Avenue North
Nashville, TN 37243-0497

RE: AVR of Tennessee, L.P. d/b/a Hyperion Telecommunications of Tennessee, L.P., Application for a Certificate of Public Convenience and Necessity to extend its territorial area of operations to include the areas currently served by Tennessee Telephone Company (Docket No. 98-0001)

Dear General Walkup:

Pursuant to Tenn. R. Civ. P. 24.04, please be advised that the validity of Tenn. Code Ann. § 65-4-201(d) has been drawn into question in the above-referenced matter. Presently, the Consumer Advocate Division of your office (the "CAD") has not sought intervention in this matter; however, even if the CAD seeks to intervene, it appears that the Office of the Attorney General may have an interest in this matter that is separate and distinct from that of the CAD.

Should the Office of the Attorney General desire to participate in this matter, you may do so without filing a petition for intervention. The parties have been instructed to file briefs in this matter no later than February 17, 1998, with reply briefs due no later than February 24, 1998. This matter is scheduled to be heard at the March 10, 1998 Directors' Conference. For your reference, please find attached hereto a copy of the Application of AVR of Tennessee, L.P. d/b/a Hyperion Telecommunications of Tennessee, L.P. for a Certificate of Convenience and Necessity to Extend its Territorial Area of Operations to Include The Areas Currently Served By Tennessee Telephone Company.

Sincerely,

A handwritten signature in black ink, appearing to read "David Waddell", is written over a faint, stylized outline of the signature.

David Waddell
Executive Secretary

cc: Parties of Record