

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 27, 2008

IN RE:

APPLICATION OF NORLIGHT, INC. AND JACKSON ENERGY
AUTHORITY FOR PRE-APPROVAL OF A CUSTOMER
NOTIFICATION LETTER PERTAINING TO A TRANSFER OF
CUSTOMER BASE

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DOCKET NO.
08-00155

ORDER APPROVING CUSTOMER NOTIFICATION LETTER

This matter came before Chairman Tre Hargett, Director Sara Kyle and Director Mary W. Freeman of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 6, 2008 for consideration of the *Application* of Norlight, Inc. d/b/a Cinergy Communications ("Cinergy") and Jackson Energy Authority ("JEA") (together, "Applicants") requesting approval for transfer of a portion of Cinergy's Tennessee customer base and pre-approval of the customer notification letter, filed on August 25, 2008.

The Application

Cinergy is authorized to provide international and interstate telecommunications services by the Federal Communications Commission ("FCC") and is authorized to provide competing telecommunications services in Tennessee.¹ JEA is also authorized to provide competing telecommunications services in and around Madison County, Tennessee.²

¹ Community Telephone Corporation was granted a Certificate of Public Convenience and Necessity in Docket No. 01-00112 and later changed its name to Norlight Incorporated d/b/a Cinergy Communications in Docket No. 07-00236.

² See *In re: Application of Jackson Energy Authority to Expand its Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services*, Docket No. 07-00201, *Order Expanding Authority to Include Provision of Statewide Retail Telecommunications Services* (October 10, 2008).

The Applicants request approval for the transfer of certain local and long distance customers of Cinergy to JEA and pre-approval of the customer notification letter pursuant to Tenn. Comp. R. & Regs. 1220-4-2-.56(2)(d). According to the *Application*, the Applicants propose to transfer approximately 5,124 local and long distance subscribers from Cinergy to JEA. The transfer will be transparent to the affected customers and will not affect the manner or quality of service that Cinergy's current customers receive. The transaction will have no effect on Cinergy's remaining operations in Tennessee and Cinergy will continue to provide competitive services pursuant to its existing Tennessee certificate. Except for the transferred customers, there will be no transfer of assets from Cinergy to JEA. JEA will assume responsibility for provision of telecommunications services to the transferred Cinergy customers pursuant to its own authorization without any change in services or charges.

The Applicants submitted a copy of the self-certification letter filed with the FCC in accordance with Tenn. Comp. R. & Regs. 1220-4-2-.56(2)(d)(1).

October 6, 2008 Authority Conference

Tenn. Comp. R. & Regs. 1220-4-2-.56(2)(d) provides:

- (d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:
1. The acquiring telecommunications service provider shall provide the Authority a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.
 2. A notification letter, pre-approved by the Authority, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less

than thirty (30) days prior to the actual customer transfer. For good cause shown, the Authority may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, but is not limited to, evidence that the current provider is no longer providing service in Tennessee.

3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

At the regularly scheduled Authority Conference held on October 6, 2008, the panel voted unanimously to approve the *Application* and the customer notification letter.

IT IS THEREFORE ORDERED THAT:

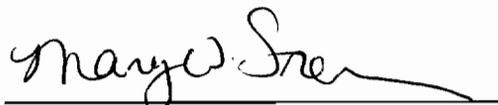
The *Application* of Norlight, Inc. d/b/a Cinergy Communications and Jackson Energy Authority as discussed herein and the customer notification letter are approved pursuant to Tenn. Comp. R. & Regs. 1220-4-2-.56(2)(d).



Tre Hargett, Chairman



Sara Kyle, Director



Mary W. Freeman, Director