

**Marguerite McLean**

100021-TP

**From:** matthew.feil@akerman.com  
**Sent:** Wednesday, July 21, 2010 4:15 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Charles Murphy; mg2708@att.com; th9467@att.com; ke2722@att.com; hwalker@babco.com; eheard@lifeconnex.net; legal@telecomgroup.com; Adam Teitzman  
**Subject:** RE: Electronic Filing - Docket No. 100021-TP  
**Attachments:** LifeConnex July 21 Letter (TL245244).PDF

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact either Matt Feil or Nicki Garcia at the numbers below. Thank you.

**Person Responsible for Filing:**

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**Docket No. and Name:** Docket No. 100021 -TP - In Re: Complaint of BellSouth Telecommunications, Inc., d/b/a AT&T Florida Against LifeConnex Telecom, LLC f/k/a Swiftel, LLC

**Filed on behalf of:** LifeConnex Telecom, LLC

**Total Number of Pages:** 2

**Description of Documents:** LifeConnex July 21 Letter

**Nicki Garcia**

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July 21, 2010

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
 Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, FL 32399-0850

In re: Complaint and petition for relief against LifeConnex Telecom, LLC f/k/a  
 Swiftel, LLC by BellSouth Telecommunications, Inc., d/b/a AT&T Florida  
 Docket No. 100021-TP

Dear Ms. Cole:

I am writing on behalf of LifeConnex Telecom in response to the Commission's Order issued July 16, 2010, in the above-captioned docket. In the Order, the Commission directed AT&T not to suspend or terminate service to LifeConnex if LifeConnex will, on a going forward basis, "fully comply with all terms of the parties' Interconnection Agreement, including billing provisions" and post a bond in the amount of \$1.4 million by July 21, 2010. That is the full amount of all disputed bills and pending claims for promotional credits that have accumulated over the past three years and is the subject of the pending docket.

Based on discussions with its bank, LifeConnex cannot, at this time, post a bond of \$1.4 million without providing cash collateral of the same amount.<sup>1</sup>

<sup>1</sup> The company is now undergoing a financial audit by an outside auditor. Once the audit is complete, LifeConnex has been told by its bank that LifeConnex will be able to post a bond of \$1.4 million at a cost of approximately 10% of the face amount of the bond. That audit, however, is not expected to be finished until late August. The delay is due, in part, to the auditor's difficulty in obtaining information from AT&T about the status of pending claims for credits and billings disputes filed by LifeConnex. Therefore, LifeConnex cannot comply at this time with the bond requirement.

{TL245130;1}

DOCUMENT NUMBER-DATE

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Per AT&T's Notice of Commencement filing of June 21, 2010, AT&T announced its intention of terminating LifeConnex service today, July 21, 2010. Per the Commission's Order, however, LifeConnex was to provide its customers notice within fourteen (14) days of written notice by AT&T that AT&T would terminate LifeConnex's service. The fourteenth day after AT&T's June 21 Notice of Commencement was Monday, July 5. The Commission voted on the order on July 13 and its Order was issued July 16. It would be nonsensical (and impossible) for LifeConnex to get a notice approved and notify its customers fourteen days after June 21 -- well before the Commission had even told the parties what their course of conduct must be. LifeConnex maintains that the only reading of the order which makes sense would be for LifeConnex to issue notice to its customers as soon as possible if it could not comply with the Order's security requirement. Having just determined that it could not obtain a bond, LifeConnex is drafting a written notice for Commission review.

In anticipation of sending an approved notice, and because LifeConnex was concerned that AT&T would attempt to terminate service today, July 21, LifeConnex is now in the process of calling every one of its Florida customers and notifying them of the pending disconnection. To prevent the customer from being without service, assuming AT&T would terminate service today, a customer service representative of LifeConnex will also tell the Customer that he may call a toll free number and order service from another provider.<sup>2</sup> The process will insure that every LifeConnex customer in Florida has the ability to switch to another carrier at no charge to the customer.

These calls are being made from the LifeConnex call center and began late yesterday. To allow LifeConnex to properly notify each customer, LifeConnex asks, by copy of this letter, that AT&T confirm that AT&T will permit sufficient time for the Commission to review and approve the written LifeConnex notice and for that notice to be sent to the customers. In any event, even with LifeConnex calling its customers now, it will be virtually impossible for every customer to have the opportunity to migrate if AT&T begins termination anytime before the close of business on Friday, July 23, 2010. This brief, two-day delay will not have a material impact on AT&T, but will help insure that LifeConnex has time to contact every Florida subscriber.

Sincerely,



Matthew Feil

cc: Counsel for AT&T  
Adam Teitzman  
Henry Walker

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<sup>2</sup> LifeConnex will provide a copy of the script to the FPSC staff if requested.