

080673-TX

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COMMISSION
CLERK

November 13, 2008

Florida Public Service Commission
Division of the Commission Clerk and
Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Via UPS Next Day Air

Re: Petition of New Talk, Inc. for Designation as an Eligible Telecommunications Carrier
in the State of Florida (No Rural Redefinition Requested)

Dear Sir or Madam:

Please find enclosed the original and five (5) copies of the above-referenced petition. Please
file and return a file-marked copy to this office; a self-addressed, stamped envelope is enclosed.

Thank you for your time and assistance. If you should have any questions, please do not
hesitate to call.

Very truly yours,

Jennifer L. Washington, CP
Paralegal

Enclosures

COM _____
ECR _____
GCL _____
OPC 1 _____
RCP 2 _____
SSC _____
SGA _____
ADM _____
CLK 1 _____

1 copy mailed to company

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition of New Talk, Inc. For)
Designation as an Eligible Telecommunications)
Carrier)**

Docket No. 680673

**PETITION OF NEW TALK, INC. FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN THE STATE OF FLORIDA
(NO RURAL REDEFINITION REQUESTED)**

New Talk, Inc. ("New Talk" or the "Company"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")¹ and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC")² hereby petitions the Florida Public Service Commission ("Commission") for designation as an Eligible Telecommunications Carrier ("ETC") in certain AT&T exchanges as described herein ("Designated Area") for the purpose of receiving federal universal service support. As demonstrated below, New Talk satisfies all of the statutory and regulatory requirements for designation as an ETC in the designated Area. Furthermore, designation of New Talk in the Designated Area will serve the public interest. Accordingly, New Talk respectfully requests that the Commission grant this Petition.

I. Background

1. New Talk is a Texas corporation and is authorized to conduct business as a foreign corporation in the State of Florida. Copies of the Company's Articles of Incorporation and authority to transact business in the State of Florida are on file with the Commission and incorporated herein by reference. The Company has been certified by the Commission Florida (Docket No. 040224-TX, Order No. PSC-04-0480-PAA-TX, Issued May 11, 2004). The principal office of the Company is located at is 112 East

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101- 54.207.

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FPSC-COMMISSION CLERK

Seminary Drive, Suite B, Fort Worth, Texas 76115. The Company provides local exchange and exchange access services in the AT&T exchanges using a combination of unbundled network elements (“UNEs”) provided by AT&T through a lease agreement known as a “commercial agreement” that allows end-to-end switching delivery of calls.

2. As set forth in Section 214(e)(2) of the Act, the Commission “shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission.” These requirements state that the carrier must:

- (a) offer the services that are supported by Federal universal support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier); and
- (b) advertise the availability of such services and the charges therefore and using the media of general distribution.³

Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.

II. New Talk Satisfies the Requirements for Designation as an ETC to Serve the Designated Area.

3. New Talk is a common carrier as that term is defined in the Act. The Company provides competitive telecommunications service in accordance with its tariff that filed with the Florida Public Service Commission.⁴

4. New Talk offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs from AT&T by commercial agreement. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC

³ 47 U.S.C. § 214(e)(1).

⁴ See Docket No. 990476-TX and Florida Public Service Commission Tariff No. 1, which was first effective on October 14, 2002.

provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services. Accordingly, the Company satisfies the requirement set forth in Section 214(e)(1)(A).

5. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. 54.101(a)(1)-(9). These services are:

- a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;
- b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;
- c) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
- d) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;
- e) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911", to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location

information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;

- f) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
- g) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier necessary to access an interexchange carrier's network;
- h) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
- i) Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers.⁵

6. Upon designation as an ETC, New Talk will participate in, and offer, LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of LifeLine and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules. Attached hereto as Exhibit A and incorporated herein by reference is a copy of New Talk's proposed LifeLine and Linkup tariff to be filed with the Commission upon approval of the Company's ETC request.

7. New Talk will advertise the availability of the above-referenced services and the charges for those services in the Designated Area using media of general distribution, as required by FCC Rules.

⁵ 47 C.F.R. § 54.101(a) (1)-(9).

8. Attached as Exhibit B and incorporated herein by reference are New Talk's updated financial statements demonstrating that the Company has the financial qualifications to provide the services specified herein. New Talk has previously provided the Commission with evidence of its financial capabilities to provide the supported services in the context of its application to become certified as a CLEC. The financial statements of New Talk contain proprietary and confidential information not generally available to the public and thus have been marked confidential and are being submitted under seal to be maintained by the Commission and Commission staff on a confidential basis pursuant to current Commission rules.

9. Attached as Exhibit C and incorporated herein by reference is a current list of officers. New Talk has previously provided the Commission with evidence of its managerial and technical capabilities to provide the supported services in the context of its application to become certified as a CLEC.

10. Attached as Exhibit D and incorporated herein by reference is the testimony of Byron Young, President of New Talk, certifying that the Company satisfies all of the requirements for designation as an ETC to serve the Designated Area.

III. Area for Which ETC Designation is Requested

11. New Talk has served and will continue to serve the exchanges where it leases UNEs or resells the services of the non-rural telephone company AT&T in the state of Florida. New Talk does not seek designation as an ETC in any areas served by rural telephone companies. The Company does not provide local exchange service in any area served by any independent telephone company as defined in the Final Order of March 15, 1999, in Docket No. 990476-TX. The exchange in the AT&T service area that

New Talk serves and for which it seeks ETC designation are Attached as Exhibit E.

IV. Granting New Talk's Petition will Serve the Public Interest

12. Congress requires that the Commission grant competitive ETC petitions in non-rural areas. No specific public interest test is mentioned, as is the case for areas served by rural telephone companies. The Act provides that the Commission "shall" designate New Talk as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported services throughout the designated service area.⁶ Notwithstanding, the designation of New Talk as an ETC will serve the public interest.

13. A central purpose of the Telecommunications Act of 1996 was to "promote competition and reduce regulation...[thereby securing] lower prices and higher quality services...and encourage the rapid deployment of new telecommunications technologies."⁷ Designation of New Talk as an ETC would further these goals. Granting ETC status to New Talk would allow the Company to obtain federal universal service support, which it will use to offer innovative telecommunications services at competitive prices to consumers in the AT&T non-rural service area.

14. New Talk will announce and advertise telecommunications services as an ETC where it provides service in the AT&T service area in Florida and will publicize the availability of LifeLine and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Florida residents will be made aware of the opportunities afforded to them under the LifeLine

⁶ 47 U.S.C. 214(e) (2).

⁷ The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996).

and Link-Up programs and will be able to take advantage of those opportunities by subscribing to New Talk's service.

V. Specific Issues Related to Connect Paging's Application Seeking ETC Status.

On May 13, 2007, Connect Paging, Inc., d/b/a Get A Phone, (Applicant's previous name) filed its application with the Commission seeking designation of status as an ETC/ETP in the State of Florida (Docket 070178-TX). This application was later denied by the Commission on August 7, 2008. Below is a list of the seven (7) reasons why the Commission denied this application, as well as an explanation of how applicant herein sufficiently addresses these deficiencies:

1. Connect Paging has only a Resale agreement with AT&T, not an interconnection agreement.⁸

Applicant now has a commercial agreement in place with AT&T, wherein it purchases unbundled network elements (UNEs) in the combination formerly known as UNE-P.

2. Connect Paging is not a legal corporation in the state of Florida.⁹

New Talk, Inc. was approved as a legal entity to do business in the State of Florida on October 7, 2008.

Connect Paging's attempt to change its name from Connect Paging, Inc., d/b/a Get A Phone to New Talk, Inc. was approved by the Commission on September 18, 2008.

3. Connect Paging has not paid its Florida Regulatory Assessment Fees (RAF)

⁸ Staff Recommendation at 5.

⁹ Id.

for 2007.¹⁰

This fee was paid on September 17, 2008.

4. The FCC issued a Notice of Apparent Liability (NAL) for Forfeiture Order against Connect Paging on March 30, 2007, for failure to respond to a directive of the Enforcement Bureau.¹¹

This matter is currently being contested by applicant before the FCC. Applicant and the FCC are in ongoing discussions. No resolution has been issued in the matter, nor has any order adverse to applicant been issued in this matter, which is still in progress.

5. The FCC issued a Notice of Apparent Liability (NAL) for Forfeiture Order against Connect Paging on August 10, 2007, for failure to comply with Section 64.2009(e) of the FCC rules.¹²

Please see paragraph 4, above.

6. Brandon Young, Secretary of Connect Paging, was Vice President/Secretary of ET Telephone, Inc. whose Certificate No. 7429 was cancelled by the Florida Commission.¹³

Mr. Young was no longer a party to this default by the time ET Telephone's Certificate (Certificate No. 7429) was cancelled by the Commission. In addition, ET Telephone never provided telecommunications services in the State of Florida, and the entire company was sold.

7. Byron Young, President of Connect Paging, was President of Seven Bridges Communications, Inc. (Seven Bridges) whose Certificate No. 7608 was

¹⁰ Id. at 6.

¹¹ Id.

¹² Id.

¹³ Id.

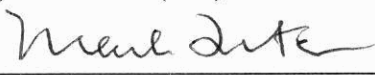
cancelled by the Commission.¹⁴

During its existence, Seven Bridges was a limited liability company, not a corporation. Mr. Young was only a Member of this LLC, and at no time did he ever occupy the position of President, nor did he otherwise possess management control of that company.

For the foregoing reasons, New Talk respectfully requests that the Commission grant its petition and designate the Company as an ETC for the AT&T exchange specified herein.

Respectfully submitted,

Foster Malish & Cowan, L.L.P.
1403 West Sixth Street
Austin, Texas 78703
(512) 476-8591/ (512) 477-8657/fax

By: 
Mark Foster
Texas Bar No. 07293850

Attorneys for New Talk, Inc.

¹⁴ Id. at 7.

Exhibit A

**NEW TALK, INC.'S PROPOSED
LIFELINE AND LINKUP TARIFF**

SECTION 6 – LIFELINE AND LINK-UP

6.1 Lifeline Program

6.1.1 General

- 1) A qualifying low-income customer subscribing to the Lifeline Program shall receive federal and state reductions to their monthly tariffed residential local exchange access line rate and federal subscriber line charge.
- 2) Nothing in this section shall prohibit a customer who is eligible for the Lifeline Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.
- 3) The Lifeline Program rate reductions do not apply to long distance services, 976 and other information related telecommunications services, custom calling features, or other ancillary services that may or may not be tariffed. Customers may obtain these services, where available, at their discretion.
- 4) The Lifeline Program rate reductions do not apply to service connection charges; however, customers eligible for the Link-Up America Program will receive a 50% reduction on applicable service connection charges as provided in this tariff. Customers must submit proof of eligibility by mail or fax to the Company before service can be established to receive this “Linkup credit.”
- 5) A customer eligible for the Lifeline Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program.
- 6) The Company may not disconnect the local service of a Lifeline Program customer for the non-payment of toll charges unless the Company has received a waiver from the Commission allowing disconnection of service for this reason. However, the Company reserves the right to implement toll blocking, at no charge, if the customer incurs a significant balance of unpaid toll bills. The Company will inform the customer, by direct mail, of this change to their service due to the customer’s non-payment of all outstanding toll charges, the Company shall remove mandatory blocking at the customer’s request.

Issued: November 14, 2008

Effective: November 14, 2008

Issued By: Byron Young, President
112 East Seminary Drive, Suite B
Fort Worth, Texas 76115
866-963-9825

7) Upon subscribing to the Lifeline Program, a customer will be offered a subscription, at no charge, to toll blocking service (where technically available) which denies the customer access to the long distance telecommunications network; however, the customer is under no obligation to accept the subscription to toll blocking upon initial subscription to the Lifeline Program.

8) The Lifeline Program rate reductions will not be available on a retroactive basis.

6.1.2 Designated Lifeline Program Services

The Company shall offer the following services or functional defined to be qualified, or designated, Lifeline Program Services:

- (A) Single party service
- (B) Local Usage
- (C) Voice-grade access to the public network
- (D) Dual-tone multi-frequency (DTMF) signaling or its functional equivalent
- (E) Access to emergency (9-1-1) services
- (F) Access to operator services
- (G) Access to interexchange services
- (H) Access to directory assistance services
- (I) Toll Blocking service

6.1.3 Eligibility Requirements

6.1.3.1 Qualifying Low-income (Eligible) Customer Criteria

The Lifeline Program rate reductions will be provided per eligible customer. An eligible customer shall be defined as an individual who participates in one of the following programs:

- 1) Medicaid
- 2) Food Stamps
- 3) Supplemental Security Income
- 4) Federal Public Housing Assistance
- 5) Low-Income Home Energy Assistance Program ----
or

- 6) Is an eligible resident of tribal lands who is living on or near a reservation. Pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), a "reservation" is defined as any federally recognized Indian tribe's reservation, pueblo, or colony as defined in PSC rule.

6.1.3.2 Obligations of the Customer

- 1) Customers whose annual household income is at or below 125% of the federal poverty guidelines but do not receive benefits under Medicaid, Food Stamps, SSO FPHA, and LIHEAP programs may provide the Company with an affidavit of self-certification for Lifeline Program benefits. Current customers receiving benefits under these programs will be subject to the Lifeline Program automatic enrollment procedures of FDOH unless they provide a written request to the Company to be excluded from the Lifeline Program.
- 2) A customer who is eligible for the Lifeline Program, but does not have a telephone service shall be responsible for initiating a request for the Lifeline Program from the company.

6.1.3.3 Obligations of the Company

- 1) FDOH shall provide a list of eligible customers to the Company on a monthly basis. Upon receipt of the list, the Company shall begin reduced billing for those customers within 30 days unless a customer notifies the Company, in writing that the customer does not wish to enroll in the Lifeline Program.
- 2) The Company shall provide, by direct mail, a blank affidavit of self-certification to requesting customers whose annual income is at or below 125% of the federal poverty guidelines but do not receive the benefits from FDOH. Upon receipt of the customer's signed affidavit, the Company shall initiate the Lifeline Program discount within 30 days.

6.1.3.4 Discontinuance of Service

1) If the FDOH notifies the Company that a customer no longer qualifies for the Lifeline Program, the Company shall provide a direct mail notice advising the customer that the Lifeline Program discount will be discontinued within 30 days unless the customer notifies the Company that an error has been made. If the customer notifies the Company of an error, the Lifeline Program discount will continue for additional 30 days to allow the customer adequate time to correct records and obtain an affirmation of eligibility from the FDOH. If the customer has not obtained an affirmation of eligibility from the FDOH by the end of the 60-day period, Lifeline Program discounts may be discontinued and the customer's service and billing will continue at applicable rates.

2) Customers who are not receiving benefits through FDOH programs but whose annual household income is at or below 125% of the federal poverty guidelines may be required to provide the Company with an affidavit of self-certification to verify their status. The Company may require such verification annually by notifying those customers through direct mail that an affidavit must be submitted within 60 days to continue receiving the Lifeline Program discounts. If the customer does not respond within 60 days, the Lifeline Program discount will cease and the customer's service and billing will continue at applicable rates.

6.1.4 Deposits and Credit Requirements

6.1.4.1 The Company will not charge a service deposit in order to initiate the Lifeline Program if the eligible customer voluntarily elects to receive Toll Restriction.

6.1.4.2 The Company may charge a service deposit if:

- 1) The eligible customer denies subscription to toll blocking upon subscribing to the Lifeline Program.
- 2) The Company receives a Commission waiver from having to provide toll blocking due to technical limitations.

6.1.4.3 In instances where the Company may require a service deposit, the same credit verification procedures and deposit regulations used for all

applicants who apply for service with the Company are also applicable to the eligible customers for the Lifeline Program.

6.1.5 Service Connection Charges

6.1.5.1 Service connection charges do not apply to eligible customers with existing, qualifying service converting to the Lifeline Program.

6.1.5.2 Service connection charges do apply when:

- 1) Existing eligible customers requesting additional non-qualifying services at the time Lifeline Program reduced billing is initiated.
- 2) New Customers (those without existing local exchange access service) eligible for the Lifeline Program and establishing qualifying service.
- 3) Any subsequent moves or changes after initial connection to the Lifeline Program.

6.1.5.3 In instances where service connection charges apply, customers qualifying for the Lifeline Program automatically qualifying for the Link-Up America Program and may be eligible to receive a reduction in the applicable service connection charges as provided elsewhere in this tariff.

6.1.6 Lifeline Program Rate Reduction

6.1.6.1 Implementation

The Company shall provide reduced billing for all Lifeline Program eligible customers within its service area in accordance with the Commission's Substantive Rule. A customer may notify the Company, in writing, that the customer does not wish to enroll in the Lifeline Program.

6.1.6.2 In instances where the customer inquires about participation in the Lifeline Program, Company shall provide, by direct mail, a blank affidavit of self-certification. If the customer participates in a eligible

program as provided in paragraph 3 or if the customer's annual household income is at or below 125% of the federal poverty guidelines, the Company shall initiate the Lifeline Program discount within 30 days upon receipt of the customer's signed affidavit.

6.1.7 Amounts

The Company shall apply Lifeline Program rate reductions, per eligible customer, as described below. In no event shall the monthly residential local exchange access line rate for the eligible customer be reduced below \$2.50.

	Monthly Rate Reduction
a. Waiver of Federal Subscriber Line Charge	\$6.50
b. Federal Reduction to Residential Local Exchange	\$1.75
c. State Reduction to Residential Local Exchange Access Line Rate (maximum)	\$3.50
d. Federal Matching Reduction to Residential Local Exchange Access Line Rate (maximum)	\$1.75

Rate reduction will equal the End User Common Line charge of New Talk's current FPSC and FCC tariffs on file with the Commission. If New Talk should file changes to its Common Line Access Service charge in the future, this reduction shall then equal New Talk's new, effective End user Access Service charge.

6.2 Link-Up America

6.2.1 General

6.2.1.1 The Link-Up America Program is a federally sponsored telephone assistance program designed to make basic telephone service accessible to qualifying low-income customers who are currently not on the public switched network.

-
- 6.2.1.2 The Company shall provide Link-Up America Program assistance to all qualifying low-income customers within its service area.
- 6.2.1.3 A customer eligible for the Lifeline Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program.
- 6.2.1.4 Assistance is provided to the qualifying low-income customer by one or both of the following programs:
- 1) A fifty percent (50%) reduction of the service connection charges for connection of telephone services at the qualifying low-income customer's principal place of residence.
 - 2) A one-year, non-interest assessed, deferred payment plan for payment, up to \$200, of service connection charges associated with the establishment of telephone service for the qualifying low-income customer. Service connection charges include those charges, as specified in this tariff, customarily associated for the establishment of telephone service.
- 6.2.1.5 Nothing in this section shall prohibit a customer who is otherwise eligible for the Link-Up America Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.

6.2.2 Eligibility Requirements

6.2.2.1 Qualifying Low-income (Eligible) Customer Criteria

The Link-Up America Program will be provided for a primary single access line at the qualifying customer's principal place of residence. A qualifying customer is an individual whose annual household income is at or below 125% of the federal poverty guidelines or who participates in at least one of the following programs:

- 1) Medicaid
- 2) Food Stamps
- 3) Supplemental Security Income
- 4) Federal Public Housing Assistance
- 5) Low-Income Home Energy Assistance Program ----
or
- 6) Is an eligible resident of tribal lands who is living on or near a reservation. Pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), a "reservation" is defined as any federally recognized Indian tribe's reservation, pueblo, or colony as defined in PUC rule.

6.2.2.2 Obligations of the Customer

- 1) Customers whose annual household income is at or below 125% of the federal poverty guidelines but do not receive benefits under any of the aforementioned programs may provide the Company with an affidavit of self-certification for Link-Up America Service benefits. Upon receipt of the self-certification affidavit, the Company will initiate contact, by direct-mail or telephone, with the qualifying customer to determine any necessary information required to complete the request for new service. The customer will be required to contact the Company to initiate an order for service.
- 2) A customer who is eligible for the Link-Up America Program, but does not have a telephone service at the time FDOH provides its eligibility list to the Company, shall be responsible for initiating a request for the Link-Up Program from the Company.
- 3) Prior to the implementation of the Link-Up America Program, the Company may require the eligible customer to sign a document certifying that:
 - A) The customer annual household income is at or below 125% of the federal poverty guidelines and/or the customer participates in at least one of

the following programs: Medicaid, Food Stamps, SSI, FPHA and LIHEAP.

B) The customer agrees to notify the Company if the customer ceases to participate in the identified program(s).

C) FDOH shall provide a list of eligible customers to the Company on a monthly basis.

D) A qualifying customer is eligible to receive the benefit of the Link-Up America Program a second or subsequent time only for a principal place of residence address at which the Link-Up America Program assistance was previously provided.

11.2.2.3 Credit and Billing

1) Credit References

The credit verification procedures used for all applicants who apply for service with the Company will also be used for eligible customers applying for service under the Link-Up America Program.

2) Deposits

The deposits standards used for all applicants who apply for service with the Company will also be used for eligible customers applying for service under the Link-Up America Program, however deposit requirements will be waived for eligible customers of the Link-Up Program who voluntarily elect to receive toll blocking.

3) Billing Standards

Once service has been established for a Link-Up America Program applicant, the customer will be expected to adhere to the same bill payment policies expected of any other customer.

4) Local Exchange Service

The Company shall inform the Link-Up America Program applicant of the lowest priced options for one-party basic residential service. However, if the Link-Up America Program applicant chooses a higher grade of service, the service order will be issued for that service.

Issued: November 14, 2008

Effective: November 14, 2008

Issued By: Byron Young, President
112 East Seminary Drive, Suite B
Fort Worth, Texas 76115
866-963-9825

Exhibit B

**CONFIDENTIAL
TO BE FILED UNDER SEAL**

NEW TALK, INC.'S FINANCIAL INFORMATION

Exhibit C

Current List of Officers, New Talk, Inc.

- Byron Young: President, CEO, CFO/Treasurer
- Brian Young: Vice President, CTO, Secretary

Exhibit D

**AFFIDAVIT OF BYRON YOUNG
PRESIDENT OF NEW TALK, INC.**

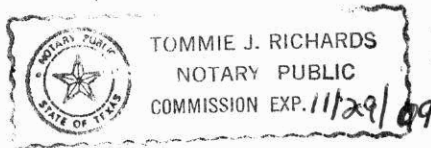
I, **Byron T. Young**, certify that I am the Company Officer responsible for this request and that I have examined the foregoing request. To the best of my knowledge, information and belief, all statements of fact contained in said request are correct statements of the business and affairs of the requesting carrier with respect to each and every matter set forth.

Dated: 10/30/2008

Telephone No: 817-371-5279

Signature: 

Subscribed and sworn to before me, a Notary Public in and for the State of Texas by the above named 30 day of October, 2008.



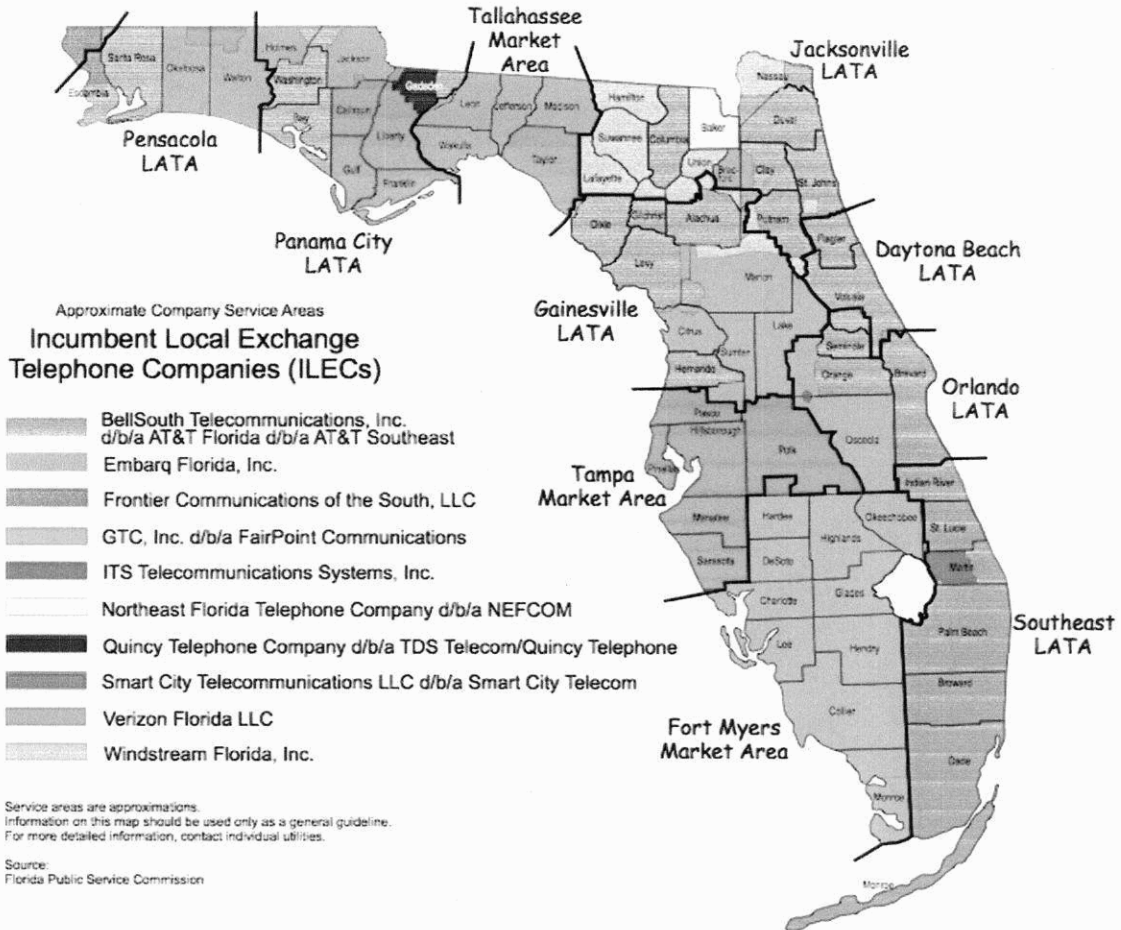

Notary Public, State of Texas

My Commission expires: 11-29-2009

(Seal)

Exhibit E

Designated Service Area Map



New Talk, Inc. seeks ETC designation in the service of BellSouth Telecommunications, Inc. d/b/a AT&T Florida, represented in green above.