



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law
www.lawfla.com

REDACTED

February 18, 2010

RECEIVED-FPSC
10 FEB 18 PM 3:36
COMMISSION CLERK

BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

100000-07

Re: Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.'s Response to FPSC Staff's Lifeline Reseller Data Request dated January 28, 2010

Dear Ms. Cole:

Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc. ("Nexus"), pursuant to Section 364.183(1), Florida Statutes, hereby claims that certain information provided in its Response to FPSC Staff's Lifeline Reseller Data Request dated January 28, 2010 contains confidential customer information that should be held exempt from public disclosure. Pursuant to Rule 25-22.006(5), Florida Administrative Code, the attached envelope contains the documents with the confidential information highlighted.

- COM
APA
ECR
GCL
RAD
SSC
ADM
OPC
CLK

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

[Handwritten signature of Floyd R. Self]

Floyd R. Self

FRS/amb
Enclosure
cc: Ms. Beth Salak

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 01107-10. The document is in locked storage pending advise on handling. To access the material, your name must be on the CASR. If undocketed, your division director must provide written permission before you can access it.

DOCUMENT NUMBER-DATE
01106 FEB 18 09
FPSC-COMMISSION CLERK

1. How many total customers did your company serve in Florida in 2009? Please list the number served for each month in 2009, and breakdown by business and residential customers.

Please see information provided in "Exhibit A."

2. How many Lifeline customers did your company serve in 2009 using resale Lifeline lines? Please list the number served for each month in 2009.
3. Please see information provided in "Exhibit A."
4. Please list the name of each underlying carrier your company uses to purchase resale Lifeline lines and the number of resale Lifeline lines purchased from each underlying carrier for each month in 2009.

The underlying carrier Nexus used to obtain resale Lifeline lines during 2009 was AT&T Florida.

The number of resale Lifeline lines obtained from AT&T in 2009 is provided in "Exhibit A."

5. What is the amount of monthly credit provided to each Lifeline customer served by your company?

The amount of monthly credit provided by Nexus to each qualified Lifeline customer in Florida during 2009 was \$13.50.

6. Please provide a copy of your company's annual verification procedures for verifying continued eligibility of Lifeline customers.

Pursuant to 47 CFR § 54.410(c) Nexus verifies "annually the continued eligibility of a statistically valid random sample of" the Company's "Lifeline subscribers". Under this form of verification, ETCs are free to verify directly with a state that particular subscribers continue to be eligible or may survey the subscriber directly and provide the results of the sample to USAC.

Nexus utilizes the sample procedures established in Appendix J of FCC 04-87, *Report and Order and Further Notice of Proposed Rulemaking*, adopted April 2, 2004, established by the FCC and the State and Federal Joint Board for ETCs who verify the continued eligibility of their Lifeline subscribers when using the statistically valid sample methodology. As Nexus is an ETC with fewer than 400,000 Lifeline subscribers, the Company uses the simplified calculation in its determination of the number of customers it includes in its annual survey, which is based on the Company's current "number of Lifeline subscribers" and the "previously estimated proportion of Lifeline subscribers inappropriately taking Lifeline service".

DOCUMENT NUMBER-DATE

01106 FEB 18 09

FPSC-COMMISSION CLERK

The Company performs this survey on an annual basis. As verification is an annual process, the time between when a consumer is initially certified as eligible and verification of continued eligibility can range from several days to several months. Selected customers are notified of the requirement to certify their continued eligibility for Lifeline year and the Company provides the estimated proportion of its samples to the Lifeline Administrator, USAC and provides copies of the survey results directly to the Florida Public Service Commission.

7. Please provide a copy of your company's Link-Up and Lifeline application which consumers use to enroll in the programs.

As stated in the proposed revision to Florida PSC Rule 25-4.0665(4), *Lifeline Service*, "eligible telecommunications carriers must allow customers the option to submit Link-Up or Lifeline applications via U.S. Mail or facsimile, and may allow applications to be submitted electronically."

Per this requirement when enrolling customers in the Lifeline service program" Nexus will accept Form PSC/RAD 157 entitled "Application for Link-Up Florida and Lifeline Assistance" directly from customers as qualification for eligibility, which is available a the www.floridapsc.com and is incorporated herein by reference. Customers can send the completed and signed application, along with any supporting documentation, directly to Nexus via fax, email or delivery via the United States Postal Service ("USPS"). Applicants who prefer to submit the Self-Certification Application to Nexus via USPS can mail the completed form to:

Nexus Communications, Inc.
P.O. Box 247168
Columbus, OH 43224

Customers can also submit the "Lifeline and Link-Up Florida On-Line Self Certification Form", PSC/RAD 158, directly to the Commission, which is available at [https://secure.floridapsc.com/\(S\(ho1lgr45fxaarp45cpvgce32\)\)/public/lifeline/lifelineapplication.aspx](https://secure.floridapsc.com/(S(ho1lgr45fxaarp45cpvgce32))/public/lifeline/lifelineapplication.aspx) , and is incorporated herein by reference.

For Lifeline applicants who do not use on-line enrollment or simplified certification enrollment can also submit Public Assistance eligibility determination letters, including those provided for food stamps, Medicaid, and public housing lease agreements, as proof of eligibility for Link Up and Lifeline.

Customers can also enroll in Lifeline through the Automatic Enrollment Process. The Lifeline service Automatic Enrollment Process is an electronic interface between the department of Children and Family Services, the commission, and eligible telecommunications carriers that allow low-income individuals to automatically enroll in Lifeline following enrollment in a qualifying public assistance program. The Commission will notify the ETC that Lifeline service applications are available for retrieval. ETCs are required to enroll the subscriber in Lifeline as soon as practicable, but no later than 60 days from the receipt of the e-mail notification. Upon completion of initial enrollment, the ETC shall credit the subscriber's bill as of the date the ETC received the e-mail notification. Under Automatic Enrollment, ETCs are required to maintain a current e-mail address, which the Commission will use to inform the ETC that new Lifeline applications are available for retrieval.

8. Please provide a copy of a sample Lifeline customer bill showing all monthly charges made by your company.

A copy of a sample Lifeline bill is included with these responses and is labeled as Exhibit B

9. Does your company charge a local number portability fee to Lifeline customers? If so, how much?

Pursuant to the proposed revision to Florida PSC Rule 25-4.0665(18), *Lifeline Service*, "[e]ligible telecommunications carriers may not charge Lifeline subscribers a monthly number-portability charge." Consistent with this requirement, Nexus does not apply a local number portability fee to the Company's Lifeline customers.

10. Does your company charge a universal service charge to Lifeline customers? If so, how much?

Nexus does not seek recovery, in the form of a universal service charge, from the Company's Lifeline customers.

11. Does your company enroll Link-Up and Lifeline customers using income criteria? If so, what percentage is used of Federal Poverty Guidelines (135% or 150%) to determine qualification?

No. Pursuant to the proposed revision to Florida PSC Rule 25-4.0665(2), *Lifeline Service*, a subscriber is eligible for Lifeline under the income based criterion, if "the subscriber's eligible telecommunications carrier has more than one million access lines and the subscriber's household is at or below 150 percent of the federal poverty income

guidelines. As Nexus does not meet the “more than one million access lines” threshold, it is “not required to enroll Lifeline applicants through the income eligibility test of 150 percent or less of the federal poverty income guidelines” but may do so on a voluntarily basis. Nexus believes that the majority of consumers whose household meets the income eligibility test also receive support from one or more of the federal assistance programs, outlined in Florida PSC Rule 25-4.0065(1)(a), and as such believe that program based eligibility alone is sufficient.

12. Does your company charge a hook-up fee for Lifeline customers? If so, what is the amount? Can they pay the hook-up fees over a period of time? If so, how long a period of time?

According to Section 4.4 of Nexus’ effective tariff, the Company’s Commission approved charge for the commencement of service is \$120.00.

As required by the proposed revision to Florida PSC Rule 25-4.0665(3), *Lifeline Service*, Nexus, as an Eligible Telecommunications Carrier, offers “Link Up service to subscribers who are eligible for Lifeline service.” Consistent with the requirements of 47 C.F.R. § 54.411(a)(1), Nexus applies Link Up as a reduction in its customary charge for commencing the Company’s telecommunications service of “half of the customary charge or \$30.00, whichever is less.”

In addition, Nexus, pursuant to the requirements of 47 C.F.R. § 54.411(a)(2), offers a deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest, for connection charges of up to \$200.00 for a period not to exceed one year, which includes any charges that Nexus customarily assesses to connect a subscriber to the network.

13. Does your company resell Link-Up from your underlying carrier(s)?

The existing interconnection arrangements between Nexus and its underlying carriers provide the Company with the ability to provide Link Up on a resale basis.

14. Please provide your company’s procedures regarding preservation of Lifeline customer records.

Pursuant to the requirements of 47 C.F.R. § 54.417, Nexus, as an eligible telecommunications carrier maintains the documentation required in 47 C.F.R. § 54.409(a) and Florida PSC Rule 25-4.0665(4) – (5) for as long as the consumer receives Lifeline service from the Company.

15. Please provide the location of your company's Lifeline customer records.

All documentation as describe in the response to Question 13 preceding are stored in a secure location at the Company's headquarters located at the following address:

Nexus Communications, Inc.
3629 Cleveland Avenue Suite C
Columbus, Ohio 43224

EXHIBIT A

Year	Month	Total Resale Lines	Total Resold Lifeline Lines
2009	January		
2009	February		
2009	March		
2009	April		
2009	May		
2009	June		
2009	July		
2009	August		
2009	September		
2009	October		
2009	November		
2009	December		

TSI Telephone Company
 P.O. BOX 247168 Columbus, OH 43224-7168
www.tsihomephone.com

Invoice

Due Date 10/14/09
 Account No. 81465
 Invoice No. 4434205
 Amount Due on or before 10/14/09 26.60
 Amount Due if paid after 10/14/09 31.60

Amount Paid

Check here to change address and make changes in the space available below.

442103460-00647599
 000504-1 of 1

[Redacted]
 North Lauderdale, FL 33068-3925
 [Barcode]

TSI Telephone Company
 PO Box 73626
 Cleveland, OH 44193
 [Barcode]

00000814650004434205000266000031606

Please detach and return this portion with your payment to: TSI. Please put your account number on your payment.

Account No. 81465	Summary
Customer Name	[Redacted]
Invoice No.	4434205
Due Date	10/14/09
Payments and Adjustments	41.20
Previous Balance	36.20
Current Activity Charges	24.95
Total Taxes & Fees	6.65
Amount Due	26.60

Now You Can Pay Your Bill Online at
www.TSIHOMEPHONE.COM

Easy Ways to pay! See back for convenient places to pay

Major Credit Cards

Call our customer service number any time to make a payment. You can also make a credit card payment online by visiting: TSIHOMEPHONE.COM

MoneyGram
 Provide the TSI Receive Code of 2360 and use your Home Telephone # as the account number for payment.

Western Union SwiftPay™
 Use your Home Telephone Number as your Swiftpay account number and TSI Home Phone as the company you are paying to.

Payment and Correspondence Addresses	
Send All Payments To:	Send All Correspondence To:
TSI Telephone Company PO Box 73626 Cleveland, OH 44193	TSI Telephone Company PO Box 247168 Columbus, OH 43224

ABOUT YOUR GOVERNMENT ASSISTED DISCOUNT!
Don't Lose Your Government Assisted Lifeline and Link-Up Discount!
 The Lifeline Program you are enrolled in gives you a government assisted discount off your monthly phone bill. The Link-Up Program gave you a ONE TIME \$30.00 Activation Credit. If your account is disconnected for non-payment, you will need to pay Service Reconnection Fee and you will not get a Link-Up \$30.00 Activation Credit. You may not use your Link-Up activation discount more than once at your current address. Please make prompt payment to avoid disconnection.

Toll Limitation Service (TLS)
 TLS is a free service for Lifeline subscribers who voluntarily elect to subscribe to TLS. TSI's TLS program can help you with long distance cost savings. For more information call TSI customer Service.

Customer Service: 9am-6pm Monday - Saturday
1-888-300-3954
TSI Telephone Company
 PO Box 247168 Columbus OH 43224-7168

Recurring Charges: (954) 590-2954

FL Gov Asst BASIC-New&Conv	09/23/2009 to 10/22/2009	38.45
FL LifeLine- Additional Credit	09/23/2009 to 10/22/2009	-3.50
FL LifeLine-Tier 3 Credit	09/23/2009 to 10/22/2009	-1.75
FL LifeLine-Tier 2 Credit	09/23/2009 to 10/22/2009	-1.75
Toll Limitation Service	09/23/2009 to 10/22/2009	0.00
FL LifeLine- SLC Credit	09/23/2009 to 10/22/2009	-6.50
Total Recurring Charges		24.95

Miscellaneous Activity:

Payment - Thank you	09/19/2009	-41.20
Total Miscellaneous Activity		-41.20

Regulatory Taxes and Surcharges:

Carrier Cost Recovery	1.75
Communications Services Tax	2.16
E 911	0.50
OSS Charge	1.15
Statutory Gross Receipts	0.98
Telecommunications Relay Service Surcharge	0.11
Total Regulatory Taxes and Surcharges	6.65

TOTAL DUE: 26.60

IMPORTANT TIPS
 DON'T CALL 411 or 555-1212!
 AVOID THESE CHARGES BY CALLING
 1-866-519-6286 FOR FREE DIRECTORY ASSISTANCE!

EXHIBIT "B"

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: February 18, 2010

TO: Floyd Self, Messer Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 100000 or, if filed in an undocketed matter, concerning response to staff's Lifeline Reseller Data Request dated 1/28/10, and filed on behalf of Nexus Communications. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

DOCUMENT NUMBER - DATE

01107 FEB 18 09

FPSC - COMMISSION CLERK