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November 9, 2001
Via Overnight

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Re: Data Request Response for Application of **Eight 9 Line, L.L.C.** for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunication Services as a Long Distance Reseller

Dear Sirs or Madam:

Enclosed for filing are the original and ten (10) copies of the response to Staff's Letter of Sufficiency and First Set of Data Requests filed on behalf of Eight 9 Line, L.L.C. This filing is made in response to the October 25, 2001 request of John Bostwick of Staff.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose.

Questions regarding this filing may be directed to me at (407) 740-8575 or via email at mbyrnes@tminc.com.

Sincerely,

Monique Byrnes
Consultant to Eight 9 Line, L.L.C.

Arizona Corporation Commission
DOCKETED

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MB/sp

cc: J. Smith, Eight 9 Line
file: Eight 9 Line - AZ
tms: azi0100a

Staff's First Set of Data Requests to
Eight 9 Line, L.L.C.
Docket No. T-04056A-01-0819

1. You indicated that you wanted to provide:

X Resold long distance services (answer items 1-11 and 12-17)

2. Provide the e-mail address of the Applicant.

Please see Application, Form A, page 1, item A-1. The company's website address is 89line.com or Eight9Line.com.

3. Provide the email address of the Company's complaint contact person.

This information is not specifically requested in the state's application form. Complaint information can be sent to the company management contact listed in the Application, Form A, page 1, item A-3. It may also be sent to the following:

**Janet Jackson
Eight 9 Line, L.L.C.
159 S. Lincoln, Suite 221
Spokane, WA 99201
Telephone: (509) 847-5477
email: janet@89line.com**

4. You indicated that the Applicant is: Limited Liability Company.

Please indicate domicile: Arizona, X Foreign

Domicile is listed in the Application, Form A, page 2, item A-5 as Foreign. Although the state is not requested on the application form, the company was formed as a Limited Liability Company in the State of Washington.

5. You provided us with a copy of your proposed tariffs as Attachment "B".

Indicate by reference to the page number(s) the proposed rates and charges for each service to be provided.

The proposed current rates for the following services may be found on the cited page numbers:

Eight 9 Collect Service - Page 33
Call Home Toll Free Service - Page 33
Follow Me Toll Free Service - Page 33
Prepaid Residential Service - Page 34
Prepaid Travel Card Service - Page 34

Indicate by reference to the page number(s) the tariff (maximum) rate as well as the price to be charged.

(Note: If no maximum rates are indicated, then the current prices on file will be considered current and maximum rates.)

The proposed maximum rates for the following services may be found on the cited page numbers:

Eight 9 Collect Service - Page 26
Call Home Toll Free Service - Page 27
Follow Me Toll Free Service - Page 27
Prepaid Residential Service - Page 29
Prepaid Travel Card Service - Page 31

Indicate by reference to page number(s) the terms and conditions that will apply to the provision of the service(s) by your Company.

Terms and conditions for the provision of service may be found on Pages 8 - 23 of the Company's proposed tariff.

Indicate by reference to page number(s) the deposits, advances, and/or prepayments that will apply to the provision of the service(s) by your Company.

(Note: Price list rate changes that result in rates that are lower than the tariff rates are effective upon current notice to the Commission (see Rule R15-2-1109(b)(2)). See Rule R14-2-1110 for procedures to make price list changes that result in rates that are higher than the tariff rate.)

The Company does not require Advances or Deposits as stated on Page 12, Sections 2.6.2 and 2.6.3 of the proposed tariff. For prepayments, please see response to Item 7 below.

6. You provided us with a copy of your balance sheet and income as Attachment "C".

Provide us with a copy of your Company's audit report (if audited) in Attachment "C".

The Company does not have audited financial statements.

Provide all related notes to these financial statements for the two most recent years that your Company has been in business in Attachment "C".

Not applicable. The Company does not have audited financial statements with related notes.

7. You indicated that your customers will be required (or have the option) to pay advance, prepayments, or deposits for any of your products or services.

If "yes", provide an explanation of how and when these customer advances, prepayments, or deposits will be applied or reference the terms and conditions section of your company's tariffs (by reference to page number(s)) with this explanation. If this information is not explained in the tariff, provide it on a separate sheet.

The Company does not require deposits. There are several services the Company offers however on a prepaid basis. This is simply as stated - the customer requests a specific dollar amount of prepaid card service, prepaid toll free service or prepaid residential service which is accessed through a toll free telephone number. This amount is paid to the Company who decrements the balance on a real-time basis. Please see pages 28-31, Sections 3.10 and 3.11 of the proposed tariff.

If "no",

(Note: Commission considers prepaid calling cards de facto prepayments.)

If at a later date, your company decides it wants to offer or require customer advance, prepayments, or deposits, it may be required to submit updated financial statements as part of the tariff amendment process.

8. Please state the proposed fee that will be charged for returned checks.

Please see Company's proposed tariff, Original Page 12, Section 2.6.5 which states a return check charge of \$25.00.

9. Please clarify and indicate by reference to the page number(s) in your tariff your Company's deposit policy.

(Note: Pursuant to A.A.C. R14-2-503 (B), the amount of a deposit required by the utility shall not exceed 2 times that residential customer's estimated average monthly bill or the average monthly bill for the customer class for that customer which ever is greater. Nonresidential customer deposits shall not exceed 2 ½ times that customer's estimated maximum monthly bill. The term "deposit" refers to all deposits, advance payments, and prepayment.)

The Company does not collect deposits in the traditional sense (See page 12, Section 2.6.2 of the proposed tariff) and the amount a customer chooses to pay the Company for prepaid service cannot be based on an estimated maximum monthly bill or usage as there is no monthly bill or usage upon which to base this amount. The Company does not offer presubscribed service and, therefore, the customer must actively choose to use the Company's service by dialing a toll free access number.

10. Please submit copies of affidavits of publications that the Company has, as required, published legal notice of the application in all counties where services will be provided. Prior to the issuance of a CC&N, the Applicant is to complete and submit the following:

A correspondence letter. Refer to the Sample Correspondence Letter in the Legal Notice Material;

Affidavits of publication form. Refer to the Sample Proof of Publication and an Affidavit of Publication in the Legal Notice Material; and

The actual copy of your Company's published Legal Notice as noted in the Legal Notice Material.

(Note: Use the Sample Legal Notice for Resold Telecommunications Services to provide resold long distance and/or resold local exchange telecommunications services. Use the Sample Legal Notice For Facilities-Based Telecommunications Services to provide facilities-based and resold local exchange, long distance and access exchange telecommunications services. All material for preparing and filing Legal Notice in the newspapers is available at the end of item number 17.)

The correspondence letter and Affidavits of Publication will be provided to the Commission under separate cover after receipt of the Affidavits from the publishing newspaper. A copy of the Notice of Application is provided as Exhibit A to this data request.

11. Based on the review of the financial information submitted, Staff will determine whether or not the Applicant lacks sufficient financial resources.

If Staff determines the Applicant lacks sufficient financial resources, the Applicant must do one of the following:

1. Staff recommends that the Applicant procure a performance bond equal to \$10,000. The minimum bond amount of \$10,000 should be increased if at any time it would be insufficient to cover prepayments or deposits collected from the Applicant's customers. Staff further recommends that proof of the above mentioned performance bond be docketed within 90 days of the effective date of an order in this matter or 30 days prior to the provision of service, whichever ever comes first. If the Applicant is currently providing service, then please docket the performance bond within **60 days** of the date of this letter.

(Note: The minimum bond amount for each type of telecommunication services is as follows: resold long distance \$10,000; resold local exchange \$25,000; facilities-based long distance \$100,000; and facilities-based local exchange, including access service, \$100,000. The amount of performance bond for multiple services is an aggregate of the minimum bond amount for each type of telecommunications services requested by the Applicant.)

OR

2. The Applicant must file a letter stating that it does not currently, and will not in the future, charge its customers for any prepayments, advances, or deposits. If the Applicant is currently collecting prepayments, advances, or deposits, the Applicant must refund those charges to Customers to avoid maintaining the above mentioned performance bond. If in the future, the Applicant desires to charge prepayments, advances, or deposits, it must file information with the Commission that demonstrates the Applicant's financial viability. Staff will review the information and forward its recommendation to the Commission for a Decision.
12. Please list the states in which you have applied for authority to offer resold long distance telecommunications services.

The Company has applied for authority in: California, Florida, Idaho, Michigan, Montana, New Jersey, New York, Oregon, Pennsylvania, Texas, Wisconsin and Wyoming. As stated in Application, page 3, A-10, the Company is in the process of filing nationwide.

13. Please indicate the resold long distance telecommunications services you applied for in each state.

In all applications the Company has proposed offering the same services as proposed in Arizona:

14. Please list the states in which you have been approved to offer resold long distance telecommunications services similar to those you intend to resell in Arizona.

The Company is authorized to offer services in the following states: Michigan, Montana, New Jersey, Pennsylvania, Wisconsin and Wyoming.

15. Please list and give a detailed explanation of complaints you have received (if any) regarding resold long distance exchange telecommunications services offered in other states.

The Company has not received any complaints to date.

State what actions were taken to remedy these complaints and to prevent them from occurring again.

Not applicable.

16. Please list companies with which you have signed resale agreements for long distance, along with the states in which they were approved.

The Company has signed a resale agreement with MCI WorldCom, a nationwide carrier.

17. Please provide us with a copy of the resale agreement or contract between your Company and the applicable local exchange service provider. All applications for resold long distance telecommunications services must include a resale agreement or contracts as Attachment "F."

A copy of the resale agreement will be provided under separate cover.

Exhibit A

Eight 9 Line, L.L.C.
Legal Notice

**NOTICE OF APPLICATION FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE
RESOLD INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY
EIGHT 9 LINE, L.L.C.**

Eight 9 Line, L.L.C. has filed with the Arizona Corporation Commission an application for a Certificate of Convenience and Necessity to provide competitive resold interexchange toll telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

A.R.S. § 40-282 provides that the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing, if one is requested by any party. Applicant or any other party must request a hearing within twenty (20) days of the date of this notice, or the Commission will rule on the application without a hearing.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the Staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at the Applicant's address, 159 S. Lincoln, Suite 221, Spokane, Washington 99201.

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. Intervention shall be in accordance with A.A.C. R 14-3-105, except that all motions to intervene must be filed on or within twenty (20) days of the date of this notice. You may have the right to intervene in the proceeding, or you may make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission
Attention: Docket Control
Re: Eight 9 Line, L.L.C.
T-04056A-01-0819
159 S. Lincoln, Suite 221
Spokane, Washington 99201

All Comments should be received within twenty (20) days of the date of this notice.

If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language, interpreter, as well as request this document in an alternative format, by contacting Shelley Hood, ADA Coordinator, voice phone number (602) 542-3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.