

**EXHIBIT D**

**WebKorner Declaration**

**DECLARATION OF Jeffrey Scott Huffman  
ON BEHALF OF WebKorner Internet Services**

I, Jeffrey Scott Huffman, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Jeffrey Scott Huffman. I am Owner/President of WebKorner Internet Services. My business address is 1412-B East Blvd, No.171, Charlotte, NC 28203.
2. As Owner/President of WebKorner Internet Services I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 65% residential rural and low income, 20% small business, 5% small government township customers.
7. Our company explored providing broadband ISP services through Time Warner, the CableCo offering ISP service in our market. Our request for access to Time Warner's platform was ignored.
8. Our company investigated the possibility of providing service via Satellite. After investigation, we determined that Satellite service is not technologically comparable to landline broadband due to latency and inadequate upload/download speeds.
9. Our company has also explored obtaining DSL service from Alltel, a CLEC conducting business in our market (which is primarily BellSouth region). Unfortunately, Alltel serves a limited area within our market and therefore service is either unavailable or prohibitively priced. CLEC supplied DSL is not an option in our market.
10. Bottom line is that, in the markets we serve, there are no alternatives to BellSouth.

11. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, JEFFREY SCOTT HUFFMAN, the Owner/President of  
Name Title  
WEBKORNER INTERNET SERVICES,  
Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
Signature

JEFFREY SCOTT HUFFMAN  
Printed Name

Owner/President  
Title

WEBKORNER INTERNET SERVICES  
Name of Company

12/18/04  
Date

**EXHIBIT E**

**BluegrassNet Declaration**

**DECLARATION OF NORMAN SCHIPPERT  
ON BEHALF OF BLUEGRASSNET**

- 1, Norman Schippert, being of lawful age and duly sworn upon my oath, depose and state:
1. My name is Norman Schippert. I am CEO of BluegrassNet. BluegrassNet is a regional Internet Service Provider, based in Louisville, Kentucky. In addition to Louisville, Bluegrass serves the central Kentucky area, the Lexington, Kentucky area and the Fort Knox/Elizabethtown areas.
  2. BluegrassNet is a "business ISP" in the sense that it focuses on providing traditional ISP services coupled with IT network consulting services.
  3. The traditional ISP services that BluegrassNet offers include: dialup Internet access, dedicated Internet access (through T-1, T-3, Frame Relay, ATM, etc.), e-mail services, web services, database services, data backup services, server collocation / data center services, and of course Internet access via "Broadband" which in BluegrassNet 's case is ADSL running over Bellsouth & Alltel DSL Infrastructure.
  4. Currently BluegrassNet has approximately 2,500 unique customers. These would be residential users, or businesses with many users behind their networks. Of the 2,500 paying customers, approximately 1,000 are businesses in the Louisville & Lexington, Kentucky markets. The local chamber of commerce estimates that there are about 20,000 "businesses" in Louisville. BluegrassNet uses broadband ADSL to reach approximately 600 of its business customers.
  5. BluegrassNet uses "Broadband" for many things, giving its customers the ability to surf the Internet being one of them, but also for other technical solutions as well. BluegrassNet views Broadband as a low-cost way of transferring data at greater than 200 kbps from point A to point B.
  6. BluegrassNet services all sorts of businesses. These businesses, while looking to satisfy a business/technical issue, are also price conscious. In many cases, a business is looking to do more than simply access the world wide web, or check their e-mail, they are looking for higher levels of support and network implementation that Bellsouth can not, or will not, do, and if BellSouth did provide some of these services, they would charge exorbitant rates. The following are a sampling of some of BluegrassNet's services.
  7. Due to the fact that BluegrassNet runs its own IP network, and doesn't simply resell someone else's IP network (such as Bellsouth.net), it has advanced troubleshooting capabilities that are only possible when controlling the core routers of an IP network. These are extremely important issues for business customers should problems arise during the course of the business day where their Internet connection (and subsequently their e-mail, remote access, and other operational functions) come to a halt. That business needs to call someone for immediate assistance. Running your own IP network allows you to analyze the traffic being

transported from that client's node and puts you in a position to troubleshoot immediately vs. going on-site to do a hit-or-miss investigation.

8. By having access to the IP infrastructure, BluegrassNet can monitor traffic for: Viruses, worms, Trojan horses either attacking the customer from the outside, or emanating from inside the customer's network. BluegrassNet often notices traffic of this nature before the customer notices, thereby saving them the inconvenience and lost productivity of network problems.
9. BluegrassNet most often does this at no extra charge, despite the fact that customers are paying only \$60 per month for their ADSL Internet connection. BluegrassNet's business customers benefit from this in that they may not be able to spend the \$300 to \$500 per month loop for a T-1, but can get the job done on the \$33 per month loop of an ADSL connection.
10. If BluegrassNet loses the ability to offer its customers broadband transport with its IP network, there will be significant numbers of businesses that will no longer enjoy the benefit of getting their problems fixed quickly, or being notified of network problems, be it viruses, worms, or even malfunctioning equipment on their network.
11. By BluegrassNet running the IP network, it can allocate to various customers what they need, not what we decide they need, unlike the "cookie cutter" IP access provided by the cable company and the telephone company.
12. Because BluegrassNet controls its own IP network, including across the broadband it buys wholesale from BellSouth, it can honor custom IP QOS requests from business customers. Moreover, it can implement these requests quickly, accurately, and cheaply to allow its business customers to enjoy the benefits of new technologies.
13. BluegrassNet also offers fail-over redundancy because it is running its own IP networks. In such a case, if a BlueGrassNet customer has a T-1, plus a DSL backup, it can configure the routers (since they are BluegrassNet's equipment), to offer failover redundancy at the IP layer. This means that if one of the devices fail or that respective component of the telephone infrastructure fails, the other connection picks up and the customer keeps operating. Implementing this with BluegrassNet is very inexpensive, and any glitches a customer may experience can be quickly addressed since BluegrassNet knows the customer, their set up, and the applications they're executing.
14. Eliminating broadband as a tool that BluegrassNet can run its customer's IP network over, would essentially raise the cost to the customer, since the low-cost broadband connection would have to be replaced with a higher priced T-1.
15. Another solution that BluegrassNet provides is what is called Virtual Private Networking / Bridge Groups. BluegrassNet may have customers that have offices in several cities. In BluegrassNet's case, this usually happens when they have an office in Lexington & Louisville. What BluegrassNet does is create a private network for them, using the broadband infrastructure. This is normally something the customer would do with regular T-

1's or Frame Relay and pay exorbitant fees for transferring minimal bits of data. The beauty of broadband is that BluegrassNet can connect the various locations to BluegrassNet through the Alltel and BellSouth wholesale broadband networks, run everything over BluegrassNet's IP network which rides over the broadband, and save the customer a lot of money and give the customer a private network.

16. If BluegrassNet was not allowed to have wholesale access at current rates, such solutions would be much more expensive, possibly to the point that certain businesses would not implement new technology due to the higher costs.
17. BluegrassNet is a member of the FBI Infraguard, plus the ISSA. As a local leader in network security and emergency resolution, the potential of losing the ability to run its own IP network over broadband transport could impede national security related projects that BluegrassNet is involved in.
18. The possibility that there would eventually only be two broadband IP networks (ILEC and Cable) for the vast majority of businesses and institutions, makes the customers extremely vulnerable to IP related attacks and other malevolent activities. BluegrassNet has government entities that rely on "not being limited" to the large ILEC or Cable IP networks to insure IP viability in the event of this type of problem.
19. Many customers of BluegrassNet are currently using VOIP services through communications companies such as Packet8, Vonage, myphonecompany.com, etc.
20. BluegrassNet does not run switching services such as these vendors do, however, the existence of BluegrassNet's network gives its local consumers the ability to choose other telephone companies independent of oversight by Bellsouth or Alltel (who are direct competitors of these VOIP vendors).
21. Because there are only two broadband networks in Kentucky (the ILEC and the Incumbent Cable Company), allowing broadband IP networks to exclusively be delivered by these direct competitors to outside VOIP vendors would be a conflict of interest, and BluegrassNet is concerned about onerous network policies that would prevent end-customers from enjoying the fruits of competition. In other words, BluegrassNet is worried that the Cable Company or the ILEC will block independent VOIP traffic from their customers. BluegrassNet believes this will come to pass once the customers' ability to leave (i.e. Bellsouth.net for BluegrassNet) to access broadband is eliminated.
22. The mere potential that BellSouth will deny some sort of wholesale access and comparable rates to what the ILECs charge their own ISPs would be devastating, as the service events outlined above would no longer be possible, nor would any innovation dependent on low-cost data transport networks.
23. BluegrassNet considers the "telephone system" to be its primary and in most instances exclusive means to get broadband information to its customers.

- 24. While wireless and satellite technology are sometimes available, they are not reliable enough for BluegrassNet to be considered ready for business class services. This is especially true in more urban areas, including Louisville, Kentucky.
- 25. BluegrassNet has seen some mom & pop wireless providers emerge in the rural areas, but there are tremendous difficulties in the open spectrums in more populated areas at this particular time, especially in regional Louisville, Kentucky.
- 26. Not only has BluegrassNet attempted to run wireless, but our competitors here in Louisville have attempted the same thing, and up until this point, all but one have resigned themselves to the fact that there is too much interference and not enough reliability to make it viable for business purposes.
- 27. BluegrassNet has found satellite IP to have problems with latency, and broadband over power to be non-existent in the areas it serves.
- 28. The cable company does not allow BluegrassNet access to their transport component.
- 29. BluegrassNet has found that the only affordable broadband to rely on is the ILEC's ADSL.
- 30. BluegrassNet has extremely limited options on getting alternative broadband transport that is so important in deploying advanced data capabilities.
- 31. BluegrassNet believes that removing regulatory protection from access to ILEC broadband would hurt BluegrassNet's customers, and would not be in the best interest of the public.

This Declaration is provided under penalty of perjury.

Norman Schipert  
Signature

Norman Schipert  
Printed Name

CEO  
Title

BluegrassNet  
Name of Company

12/15/04  
Date

**EXHIBIT F**

**Kinex Declaration**

**DECLARATION OF James Robert Garrett  
ON BEHALF OF Kinex Networking Solutions, Inc.**

I, James Robert Garrett being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is James Robert Garrett. I am the President of Kinex Networking Solutions.  
My business address is 110 Fourth Street, Farmville, Virginia 23901
2. As President of Kinex Networking Solutions, Inc., I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 53% residential and 47% small business. At present, there is no cable access to the vast majority of the small business segment of the market our company serves.
7. Our company explored providing broadband ISP services through Charter, the CableCo offering ISP service in our market. Our company initiated negotiations with Charter sales personnel and these negotiations went nowhere. Charter absolutely refused to allow our company any access to its platform.
8. Our company attempted to provide DSL through a CLEC subsidiary. However, with the disappearance of line-splitting and the cost of line-sharing reaching nearly \$40 per loop in our market, the CLEC option has not been profitable.
9. Our company has researched the availability of Broadband over Power Lines ("BPL"). However, the local utility company rolling out BPL is only in the testing stages and is not interested in providing wholesale services at this time.

10. Our company has also experienced anti-competitive marketplace pricing by our ILEC wholesaler/competitor. Our current wholesale price for a DSL line exceeds the \$24.95 retail price of our ILEC wholesaler/competitor's DSL service by over \$10 per line. In addition, our ILEC wholesaler/competitor provides its customers with free modems. Our company cannot offer our customers the same deal, ultimately making our services less attractive to prospective customers.
11. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, James R. Garrett, the President of Kinex Networking Solutiouons, Inc.,

Name

Title

Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
Signature

JAMES R. GARRETT  
Printed Name

PRESIDENT  
Title

KINEX NETWORKING SOLUTIONS, INC.  
Name of Company

12/16/04  
Date

**EXHIBIT G**

**Bayou Declaration**

**DECLARATION OF Paul Vingiello  
ON BEHALF OF Bayou Internet**

I, Paul Vingiello, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Paul Vingiello. I am the Operations Manager of Bayou Internet Inc.. My business address is 1109 Hudson Lane, Monroe, LA 71203.
2. As Operations Manager of Bayou Internet I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 50% rural, 30% small business and 20% residential (Ouachita Parish) customers.
7. Our company explored providing broadband ISP services through Time Warner, the CableCo offering ISP service in our market. Our company initiated negotiations with Time Warner and I personally met with Time Warner's regional manager. My request for access to Time Warner's platform was referred to management, but no one ever responded and therefore negotiations went nowhere. Even if my inquiry was returned, I have heard from other sources that Time Warner is not interested in partnering with any more independent ISPs, regardless of the terms.
8. Our company currently provides broadband ISP services to appx. 50 customers via a Satellite company that offers ISP service in our market. Our experiences selling our ISP services through Satellite over the past one and a half years have been poor. First, the upfront equipment costs the Satellite company requires customers to pay are unattractive and, second, the technology utilized is not the equivalent of our existing

ILEC wholesale supplier. In other words, the upload/download speeds simply were not comparable and is not satisfactory to our existing or prospective customers.

9. Our company has explored obtaining DSL service from CenturyTel, which is the only CLEC conducting business in our market. CenturyTel obtains DSL at the same prices our company does because it, too, must purchase from BellSouth. We found that providing our services through CenturyTel was not feasible for two reasons: First, CenturyTel refused to provide security control unless the customer account was in CenturyTel's name and, second, because CenturyTel did not provide service to the rural communities our company serves.
10. Bottom line is that in the markets we serve, there are no alternatives to BellSouth.
11. Our company has also experienced BellSouth's anti-competitive marketplace tactics. As one example of many situations, BellSouth disconnected our DSL customer without cause or reason. BellSouth then contacted our DSL customer and informed him that BellSouth could restore service within 24 hours if the customer switched to BellSouth.net, but if they remained with our company it would take up to five (5) days to restore service. This is just one of many examples of BellSouth's anti-competitive acts our company has experienced.
12. Our company provides services to our Internet customers that BellSouth does not offer such as programming and installing routers and firewalls. Our rural business customers do not have personnel with the expertise to handle such technical issues. The customers I am referring to include many banks, several rural hospitals, doctor's offices, farmers and others that are a vital part of our rural economy. Being able to provide Internet

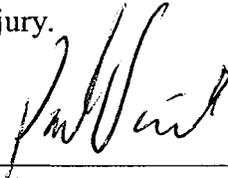
service is the backbone of our business model. Without the ability to provide Internet services, we would not be able to stay in business to provide the other services.

13. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Paul Vingiello, the Operations Manager of Bayou Internet Inc.

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.



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Signature

Paul Vingiello  
Printed Name

Operations Manager  
Title

Bayou Internet Inc.  
Name of Company

12/16/04  
Date

**EXHIBIT H**

**GoldCoast Declaration**

**DECLARATION OF Bill Heinz**  
**ON BEHALF OF TampaBay DSL, Inc. and GoldCoast DSL, Inc.**

I, Bill Heinz, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Bill Heinz. I am Vice President of TampaBay DSL, Inc. and GoldCoast DSL, Inc. My business address is 5151 W. Rio Vista Ave, Tampa, Fl 33634.
2. As Vice President of TampaBay DSL, Inc. and GoldCoast DSL, Inc. I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 65% small business, 5% medium business and 30% residential customers.
7. Our company explored providing broadband ISP services through Time Warner, the CableCo offering ISP service in our market. Our company initiated negotiations with Time Warner shortly after the company merged with AOL. Our request for access to Time Warner's platform was met with the following response: AOL/Time Warner is only interested in allowing 1 regional ISP and 1 national ISP access to its platform to satisfy the FCC's requirements, we have met these requirements and we are not interested in any more inquiries from independent ISPs.
8. Our company investigated Broadband over Power Lines and Satellite. Our research concluded that BPL is not available in our market and that Satellite service is not technologically comparable to landline broadband due to latency and inadequate upload/download speeds. Our core target audience is businesses. There is virtually no

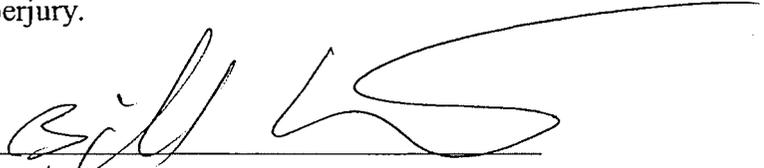
way to serve businesses with satellite, especially in downtown areas, where there is no line of sight. There is also a very small penetration of cable internet into business areas.

9. Our company has also explored obtaining DSL service from CLECs conducting business in our market. Due to the prohibitive cost of building a facilities based DSL offering, they only cover a very small fraction of our serviceable area. Unfortunately, due to pricing CLECs must pay to access BellSouth's network, providing our ISP services through CLEC supplied DSL is not price competitive. It is therefore not a viable option in our market.
10. Bottom line is that, in the markets we serve, there are no alternatives to BellSouth or Verizon.
11. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Bill Heinz, the Vice President of  
Gold Coast DSL and Tampa Bay DSL,  
Name Title Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
Signature

Bill Heinz  
Printed Name

Vice President  
Title

Gold Coast DSL and Tampa Bay DSL  
Name of Company

12-17-04  
Date

**EXHIBIT I**

**ECSIS Declaration**

**DECLARATION OF ROBERT E. MAYFIELD  
ON BEHALF OF ECSIS.NET, LLC**

I, Robert E. Mayfield, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Robert E. Mayfield. I am Managing Partner of ECSIS.NET, LLC. My business address is 640I Hwy. 51 Bypass E; Dyersburg, Tennessee 38024.
2. As Managing Partner of ECSIS.NET, I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
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5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 15% city/county government, 35% small business, 10% medium business, and 40% rural/residential customers.
7. Our company explored providing broadband ISP services through CableOne, the CableCo offering ISP service in our market. Our company initiated negotiations with the CableOne and these negotiations went nowhere. CableOne absolutely refused to allow our company any access to its platform.
8. Our company has also experienced anti-competitive marketplace practices by our ILEC wholesaler/competitor. On numerous occasions, our company has experienced what we would describe as "slamming." For instance, BellSouth service representatives "solicit" Internet/DSL business from our customers when one of our customers calls BellSouth regarding problems with their telephone service.
9. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Robert E. Mayfield, the Managing Partner of ECSIS.NET, LLC,

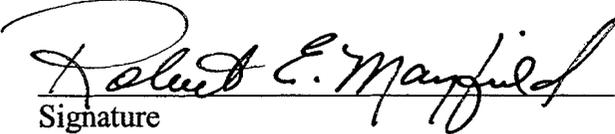
Name

Title

Company Name

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This Declaration is provided under penalty of perjury.



Signature

Robert E. Mayfield  
Printed Name

Managing Partner  
Title

ECSIS.NET, LLC  
Name of Company

December 16, 2004  
Date

**EXHIBIT J**

**COL Declaration**

**DECLARATION OF GARY CARR  
ON BEHALF OF COL NETWORKS, INC.**

I, Gary Carr, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Gary Carr. I am President of COL Networks, Inc.. My business address is 705A Wesley Pines Rd, Lumberton, NC 28358.
2. As President of COL Networks, Inc. I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
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5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 60% rural and low income residential and 40% small business customers.
7. Our company explored providing broadband ISP services through Time Warner, the CableCo offering ISP service in our market. Our company initiated negotiations with the Time Warner and these negotiations went nowhere. Time Warner never so much as responded to our request for access to its platform.
8. Our company also explored providing broadband ISP services through a Satellite company offering ISP service in our market. Our exploration concluded abruptly when we determined that the technology used by the Satellite company was not technologically comparable to landline service. In other words, the upload/download speeds simply were not comparable and would not be satisfactory to our existing or prospective customers.
9. Our company has also experienced anti-competitive marketplace pricing by our ILEC wholesaler/competitors. Our current wholesale price for a DSL line is nearly three

times BellSouth's "DSL Lite" service, which retails for \$9.95 per month. Both Sprint and BellSouth wholesale pricing far exceeds the retail pricing available to their own customers. Our company cannot offer our customers the same deals, ultimately making our services less attractive to prospective customers.

10. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Gary Carr, the President of COL Networks, Inc,  
do hereby state and affirm that as a member of the Federation of Internet Solution Providers of  
the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting  
to provide ISP services to the public. I did this by responding to a list of questions contained in a  
survey sponsored by FISPA and by adding additional information specific to my company's  
experiences. The information I provided is restated in this Declaration, all of which is true and  
correct.

This Declaration is provided under penalty of perjury.



\_\_\_\_\_  
Signature

Gary Carr  
Printed Name

President  
Title

COL Networks, Inc.  
Name of Company

12/15/2004  
Date

**EXHIBIT K**

**Supernova Declaration**

**DECLARATION OF TERRY L. MILLER  
ON BEHALF OF SUPERNOVA SYSTEMS, INC.**

I, Terry L. Miller, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Terry L. Miller. I am President of Supernova Systems, Inc. My business address is 360 N. Main Ste G, Bluffton, IN 46714.
2. As President of Supernova Systems, Inc. I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 50% medium sized businesses and 50% rural residential customers.
7. Our company explored providing broadband ISP services through the CableCo offering ISP service in our market. Our company initiated negotiations with the CableCo and these negotiations went nowhere. The CableCo summarily rejected our request for access to its platform.
8. Our company has also experienced anti-competitive marketplace pricing by our ILEC wholesalers/competitors. Our ILEC wholesalers/competitors sell retail DSL services below what it costs our company to purchase the same services at wholesale.
9. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Terry L. Miller, the President of  
Name Title  
Supernova Systems, Inc.,  
Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
\_\_\_\_\_  
Signature

Terry L Miller  
\_\_\_\_\_  
Printed Name

President  
\_\_\_\_\_  
Title

Supernova Systems, Inc  
\_\_\_\_\_  
Name of Company

12/16/04  
\_\_\_\_\_  
Date

**EXHIBIT L**

**Computer Office Solutions**

**DECLARATION OF Faisal Imtiaz ON BEHALF OF Computer Office Solutions, Inc.**

I, Faisal Imtiaz, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Faisal Imtiaz. I am President and Founder of Computer Office Solutions, Inc. My business address is 7266 S.W. 48 Street, Miami, Florida, 33155.
2. As the President of Computer Office Solutions, Inc., I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.
4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or

*Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.

5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 80% residential or small business, 15% medium sized business, and 5% large business.
7. Our company explored providing broadband ISP services by purchasing wholesale transmission services from the predominant CLEC in our market. We received no cooperation from the CLEC and negotiations were not fruitful. The CLEC felt no obligation nor was it compelled, either by regulation or competitive forces, to "share" with our company.
8. Our company does currently maintain some line sharing arrangements with a limited number of CLECs. These relationships arose as a result of the *Triennial Review Order*. Our company's experiences show that non-facilities based CLECs have been more cooperative and interested in working with us to provide services to end users than facilities-based CLECs. Our company is therefore very concerned that any reduction in the ability of non-facilities based CLECs to access ILEC networks at just, reasonable and non-discriminatory rates, terms and conditions will harm its ability to continue providing ISP services to our customers.

9. Our company has also experienced anti-competitive marketplace pricing by our ILEC wholesaler/competitor. BellSouth's aggressive discounts from the retail prices, purchase of bundled service and long term contracts (3 years) allows for very little differential between these discounted prices and our company's wholesale costs. As such, BellSouth's pricing tactics create a tremendous amount of business pressure on our company simply to sustain our customer base and maintain the existence of our company.
10. From our perspective, it appears very easy for the BOCs to sustain heavy losses in one division and yet offset them from profits made from another division (e.g., sustained losses from the DSL/Broadband Division are offset from the profits gained from their Local, Long Distance, and Business Data Divisions). Due to this ability to cross-subsidize, we believe BellSouth is able to maintain artificial market pressure (engage in price squeeze) on smaller competitors such as independent ISPs, including our company.
11. The medium term effects of these anti-competitive pricing tactics are clearly visible, i.e., large ISPs are exiting the BroadBand Business: Direct TV exited Broadband in 4Q/2002, MSN exited Broadband in Q1/Q2/2003, and AOL is exiting by Q1/2005. The longer term effects, if not addressed, will force smaller ISPs out of business as well. Granting BellSouth's Petition will only accelerate the demise of small independent ISPs.
12. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Faisal Imtiaz, the President of Computer Office Solutions, Inc.,  
Name Title Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

Faisal Imtiaz  
Signature

FAISAL IMTIAZ  
Printed Name

PRESIDENT  
Title

COMPUTER OFFICE SOLUTIONS, INC  
Name of Company

16<sup>th</sup> DEC, 2004  
Date

**EXHIBIT M**

**Mecklenburg Communications Declaration**

**DECLARATION OF Paula C. Wilbourne  
ON BEHALF OF Mecklenburg Communications Services, Inc.**

I, Paula C. Wilbourne, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Paula C. Wilbourne. I am Internet Services Coordinator of Mecklenburg Communications Services, Inc. My business address is Post Office Box 190, 11633 Highway 92 West, Chase City, Virginia 23924.
2. As Internet Services Coordinator of Mecklenburg Communications Services, Inc.

I have first-hand knowledge of:

- a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 85% small or medium business, 13% large business and 2% residential.
7. Our company explored providing broadband ISP services through a Satellite company offering ISP service and a utility company offering Broadband over Power Lines in our market. Through such exploration our company concluded that providing service via either the Satellite or utility company would be cost-prohibitive, particularly in the rural areas served by our company. Negotiations for access therefore failed to result in any agreements.
8. Our company has also experienced anti-competitive marketplace practices by our ILEC wholesaler/competitor. We've experienced everything from below wholesale cost pricing to intentionally slow installations. When our wholesaler/competitor wins a customer from us, installation is complete in a matter of days. When we request installation for one of our customers, it can take over 30 days. All of these practices make our services less attractive than our ILEC wholesaler/competitor.

9. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Paula C. Wilbourne, the Internet Services Coordinator of  
Name Title  
Mecklenburg Communications Services, Inc.  
Company Name

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

Paula C. Wilbourne  
Signature

Paula C Wilbourne  
Printed Name

Internet Services Coordinator  
Title

Mecklenburg Communication Services Inc.  
Name of Company

12-16-04  
Date

**EXHIBIT N**

**World of Computers Declaration**

**DECLARATION OF Philip M. Decker  
ON BEHALF OF World of Computers of Kinston, Inc.**

I, Philip M. Decker, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Philip M. Decker. I am President of World of Computers of Kinston, Inc.  
My business address is 1685 Highway 258 North, Kinston NC 28504
2. As President of World of Computers of Kinston, Inc., I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.

4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or *Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 70% low income residential, 20% middle income residential and 10% small business.
7. Our company explored providing broadband ISP services through the Satellite company offering ISP service in our market. This exploration did not progress very far because of two reasons: First, the wholesale pricing offered by the Satellite company was unattractive and, second, the technology utilized was not the equivalent of our existing ILEC wholesale supplier. In other words, the upload/download speeds simply were not comparable and would not be satisfactory to our existing or prospective customers.
8. Our company has also experienced anti-competitive marketplace pricing by our ILEC wholesaler/competitor. Our current wholesale price of \$25.00 for a DSL line exceeds the \$24.95 retail price of our ILEC wholesaler/competitor's DSL service. In addition, our ILEC wholesaler/competitor provides its customers with free modems. Our company cannot offer our customers the same deal, ultimately making our services less attractive to prospective customers.

9. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, PHILIP M. DECKER, the PRESIDENT of WORLD OF COMPUTERS OF KINSTON, INC.

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

Philip M. Decker  
Signature

PHILIP M. DECKER  
Printed Name

PRESIDENT  
Title

WORLD OF COMPUTERS OF KINSTON INC.  
Name of Company

12/20/04  
Date

**EXHIBIT O**

**Computers-N-Service Declaration**

**DECLARATION OF TROY BOURQUE  
ON BEHALF OF Computers-N-Service Internet, Inc.**

I, TROY BOURQUE, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is TROY BOURQUE. I am President of Computers-N-Service Internet, Inc.. My business address is 314 Chennault St. Morgan City, LA 70380.
2. As President of Computers-N-Service Internet, Inc. I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.
4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or

*Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.

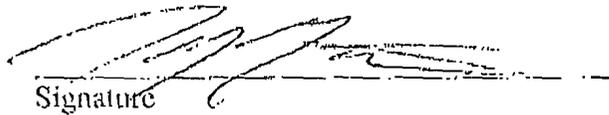
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
6. The demographics of our company's ISP services are: 1% large business DSL, 30% small business DSL, and 69% residential. 100% of our customers live in rural Louisiana and 95% of these customer live or work in economically depressed areas. We serve BellSouth area codes 985, 504 and 337.
7. Our company has experienced anti-competitive marketplace tactics and pricing of BellSouth, our ILEC wholesaler/competitor, for example:
  - a. Hanging of "Fast Access" door hangers by the BellSouth technician installing a DSL circuit for us;
  - b. Calling our customers telling them their "Fast access" service is ready and they can connect the modem they received in the mail. This practice devalues us in the eyes of customer. It also causes confusion and frustration on the customer side since these calls would happen before we were notified that the service was complete;
  - c. Bundling and packaging DSL below wholesale cost and leveraging other services, like local dial-tone and long distance to win DSL business;

- d. BellSouth stopped deployment of additional service speeds on the PVC in an effort to focus on the EUA products which are of more benefit to the large ISP because this uses RADIUS verses sub-interfaces on routing equipment and particularly their on own DSL offering. The PVC product could be delivered at a higher speed with less load on the Bellsouth infrastructure, but it is sold to ISP at the highest cost per delivery rate and only one delivery speed;
  - e. BellSouth leverages its customer service personnel and engages in "slamming." When an end user calls for problem with their phone line, not a DSL problem, BellSouth's representatives pitch Bellsouth "Fast Access" DSL. If the end user mentions that the telephone line problem is affecting their DSL service, they are often told that switching to "Fast Access" will solve the problem.
8. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Troy Bourque, the President of Computers-N-Service-Internet, Inc.

do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
Signature

Troy Bourque  
Printed Name

President  
Title

Computers-N-Service-Internet, Inc.  
Name of Company

12-17-2004  
Date

**EXHIBIT P**

**Acceleration Declaration**

**DECLARATION OF BRETT TAMBLING  
ON BEHALF OF ACCELERATED DATA WORKS, INC.  
dba ACCELERATION**

I, Brett Tambling, being of lawful age, and being lawfully sworn upon my oath, do hereby state as follows:

1. My name is Brett Tambling. I am President of Acceleration. My business address is 2831-B NW 41<sup>st</sup> Street Gainesville, Florida 32606.
2. As President of Acceleration, I have first-hand knowledge of:
  - a. the company's experiences in the competitive marketplace for its services;
  - b. the company's service area and customer demographics;
  - c. the company's experiences dealing with BellSouth and other incumbent Local Exchange Carrier ("ILEC") suppliers of wholesale services the company requires to provide broadband ISP services to its customers;
  - d. the company's experiences dealing and negotiating with Cable Companies, Satellite Companies, utilities offering Broadband Power Line service, competitive Local Exchange Carriers ("CLECs") and/or other potential suppliers of wholesale services the company requires to provide broadband ISP services to its customers which are identical, similar or equivalent to the services currently provided through essential facilities purchased from the tariffs of BellSouth and/or other ILECs.
3. Based on this first-hand knowledge, the following information and experiences are described.
4. Due to existing conditions in the markets in which our company provides ISP services, our company remains highly, if not entirely, dependent on existing Title II and/or

- Computer Inquiry* requirements to obtain access to BellSouth and/or other ILEC wholesale transmission services which are essential to provide broadband ISP services to our existing and prospective customers.
5. The existing marketplace lacks competitively priced, technologically-equivalent and commercially-available alternatives to BellSouth and/or other ILEC wholesale transmission services which are essential for our company to provide broadband ISP services to our existing and prospective customers.
  6. The demographics of our company's ISP services are: 25% large business, 70% small business, and 5% residential.
  7. Our company explored providing broadband ISP services through Cox Communications, the CableCo offering ISP service in our market. But no progress has been made towards obtaining access to Cox's platform. According to Cox and due to "technical limitations", only resale of their retail product was made available to us and with very thin margins. In other words, Cox would not agree to provide access to their infrastructure as part of an interconnection agreement. They only wanted us to sell their retail product for them and in essence, become sales agents for them.
  8. Our company has also investigated Broadband over Power Line technology. Currently, BPL is experimental and not deployed or commercially available in our service area.
  9. Our company purchases service from several CLECs, including Covad Communications, New Edge Networks, GRUCom, Progress Telecom, and Choice One. These relationships arose primarily as a result of the *Triennial Review Order* and FCC decisions regarding unbundled network elements (UNEs), "line sharing" and "line splitting." Our access to provide ISP service to our customers is dependent on our

CLEC partners' ability to sustain affordable access to essential ILEC facilities.

Therefore, our company is very concerned that any reduction in the ability CLECs to access ILEC networks at just, reasonable and non-discriminatory rates, terms and conditions will harm our ability to continue providing ISP services to our customers.

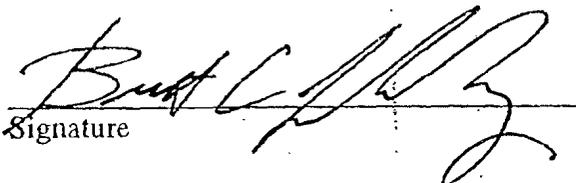
10. Our company has also experienced anti-competitive marketplace tactics and pricing of our ILEC wholesaler/competitor:

- a. Retail pricing of shared-line ADSL service has dropped so low, it's difficult to use the wholesale pricing model and be competitive. The ILEC's have continued to drop their retail pricing, while maintaining wholesale pricing at the same rates. In some cases, retail pricing is currently lower than wholesale pricing!
- b. We would like to consider building out as a facilities-based CLEC, co-locating and purchasing "shared line" and "UNE" access for significantly reduced pricing. However, the constant changes to telecom regulations in favor of "the Bells" the past two-years has made that a very risky (and prohibitively expensive) business model. We feel we are always one regulations change away from having access to the ILEC facilities taken away, whether that be some form of "line sharing", "line splitting", "UNEs", or other services specified in tariff. This makes it impossible to develop a solid business plan and justify investment of capital where access to these facilities is not guaranteed and could change at any time. I feel these constant changes to telecom regulations are purposeful in nature, keeping independent ISP's and CLEC's in a 'waiting mode', afraid to invest in any significant network deployments or technical innovations that might otherwise allow them to be more competitive with the ILEC's.

11. Either directly or indirectly, our company, our customers and the communities we serve will be harmed if the Commission grants the relief requested by BellSouth.

I, Brett Tambling, the President of Acceleration, do hereby state and affirm that as a member of the Federation of Internet Solution Providers of the Americas ("FISPA"), I was asked to describe the experiences of my company in attempting to provide ISP services to the public. I did this by responding to a list of questions contained in a survey sponsored by FISPA and by adding additional information specific to my company's experiences. The information I provided is restated in this Declaration, all of which is true and correct.

This Declaration is provided under penalty of perjury.

  
Signature

Brett Tambling  
Printed Name

President  
Title

Accelerated Data Works, Inc. dba Acceleration  
Name of Company

12/17/04  
Date