

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 2, 2001

**PETITION OF MEMPHIS NETWORKX,)
LLC FOR APPROVAL OF A) DOCKET NO. 01-00091
TELECOMMUNICATIONS FRANCHISE)
WITH THE CITY OF MEMPHIS)**

**ORDER GRANTING PETITION OF THE
CITY OF MEMPHIS FOR LEAVE TO INTERVENE**

This proceeding is before the Tennessee Regulatory Authority (“Authority”) upon the *Petition of Memphis Networx, LLC for Approval of a Telecommunications Franchise with the City of Memphis* (“Petition”) filed by Memphis Networx, LLC on January 29, 2001. A second Pre-Hearing Conference was held on June 27, 2001 pursuant to a Notice dated June 15, 2001 to consider certain matters, including petitions for intervention filed pursuant to the Notice.

On June 25, 2001, the City of Memphis sent to the Authority, via facsimile transmission, its petition for leave to intervene in this proceeding. The original and requisite copies were sent via overnight mail and filed with the Authority on the following day. The petition to intervene was considered by the Pre-Hearing Officer at the June 27, 2001 Pre-Hearing Conference.

At the Pre-Hearing Conference, the Pre-Hearing Officer asked all parties to this action whether there were objections to the petitions to intervene filed by the City of Memphis. None of the parties expressed any opposition to the petition to intervene. Counsel for the City of Memphis attended the Pre-Hearing Conference on June 27, 2001. In answer to questions from the Pre-Hearing Officer, the City of Memphis stated that its position in this matter is one of support for the petition of the Memphis Networx, LLC.

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;


(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

The Pre-Hearing Officer finds that the petition to intervene of the City of Memphis is timely filed and has been properly served; substantiates that the legal interests of the intervenor may be determined in this matter; and demonstrates that the interests of justice and the orderly and prompt conduct of this matter would not be impaired by allowing the interventions.


IT IS THEREFORE ORDERED THAT:

The City of Memphis is hereby given leave to intervene and participate in this proceeding as its interests may appear and receive copies of any notices, orders or other documents herein.



J. Richard Collier
Pre-Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary