

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**April 3, 2003**

**IN RE:**

**BUSINESS OPTIONS, INC. PETITION FOR  
TEMPORARY CERTIFICATE TO RESELL  
TELECOMMUNICATIONS SERVICES**

)  
)  
)  
)  
)

**DOCKET NO.  
02-01094**

---

**ORDER GRANTING CERTIFICATE  
TO RESELL TELECOMMUNICATIONS SERVICES**

---

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (“Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 16, 2002, for consideration of the request for approval to continue to provide intrastate service (“Request”), filed by Business Options, Inc. (“Business Options”) on October 4, 2002.

On April 26, 1996, the Authority issued an Order in Docket No. 96-00533 granting Business Options a Certificate of Public Convenience and Necessity (“CCN”) as a provider of operator services and/or reseller of telecommunications services in Tennessee. On March 28, 2002, the Authority issued an Order in Docket No. 96-00533 revoking the authority of Business Options to conduct business in the state of Tennessee as a public utility based on its failure to comply with Tenn. Code Ann. § 65-4-125.<sup>1</sup> Nevertheless, Business Options continued to operate

---

<sup>1</sup> Tenn. Code Ann. § 65-4-125(j) requires “all telecommunications service providers subject to the control and jurisdiction of the authority,” except those that own and operate equipment facilities in Tennessee with a value of more than five million dollars, to file with the authority “a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000). . . .”

as a reseller without a certificate after March 28, 2002. Upon receiving notice that service by its underlying carrier would be discontinued, Business Options filed its Request with the Authority on October 4, 2002.

The Request of Business Options first came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller during a regularly scheduled Authority Conference held on October 7, 2002. Mr. William Brzycki, Esq. participated by telephone at the Authority Conference on behalf of Business Options. Mr. Brzycki responded to questions from the Directors regarding the notice of revocation of authority and Business Options' attempts to comply with the requirements of Tenn. Code Ann. § 65-4-125(j).

Based upon statements of Mr. Brzycki and the record in this matter, the Directors found that good cause existed to grant a temporary CCN to Business Options until December 9, 2002. In addition, Business Options was directed to proceed with all due diligence to provide the Authority immediately with all information necessary to review its request for recertification. The Directors also determined that Business Options should not be excused from liability for any violations of state law or Authority rules and orders that may have occurred during the period that Business Options operated as a reseller after its CCN had been revoked. Business Options agreed to work with the Consumer Services Division of the TRA regarding these violations.<sup>2</sup>

On December 5, 2002, Business Options and the Consumer Services Division entered into a Settlement Agreement in Docket No. 02-01244. At a regularly scheduled Authority Conference held on December 16, 2002, Chairman Kyle, Director Miller and Director Jones, the voting panel assigned to Docket No. 02-01244, voted unanimously to approve the Settlement Agreement.


---

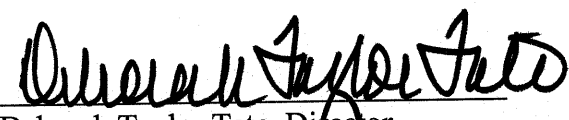
<sup>2</sup> Docket No. 02-01244, *In re: Alleged Violations Of Tenn. Code Ann. 65-4-125(j), 65-4-201, 65-4-404, 65-4-405 and Tenn. Comp. R. and Regs. 1220-4-2-.57(2) Against Business Options, Inc.*, was opened on November 19, 2002, for the purpose of investigating and resolving the issues surrounding the allegations of continued operations.

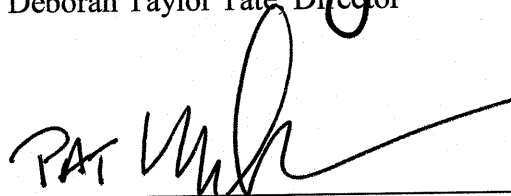
At the Authority Conference held on December 16, 2002, the voting panel assigned to this docket concluded that Business Options has met all the requirements for certification and voted unanimously to grant Business Options the authority to provide operator services and/or resell telecommunications services on an intrastate basis.

**IT IS THEREFORE ORDERED THAT:**

1. The Request of Business Options, Inc. for approval to provide intrastate service is approved.
2. Business Options, Inc. shall comply with all applicable state laws and TRA rules and regulations.
3. This Order shall be retained as proof of certification with this Authority, and may be used to obtain appropriately tariffed service and billing arrangements from Authority authorized telecommunications service providers.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Pat Miller, Director