

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 27, 2009

IN RE:

APPLICATION OF METROPOLITAN
TELECOMMUNICATIONS OF TENNESSEE, INC.
FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO PROVIDE COMPETING LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES WITHIN THE
STATE OF TENNESSEE

DOCKET NO.
06-00014

Company ID:
128985

ORDER DENYING PETITION FOR RECONSIDERATION

This matter came before Chairman Eddie Roberson, Director Sara Kyle and Director Mary W. Freeman of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 30, 2009 to consider *Metropolitan Telecommunications Petition to Reconsider* ("Petition") filed by Metropolitan Telecommunications of Tennessee, Inc. ("Metropolitan" or the "Company") on March 11, 2009.

BACKGROUND

On February 27, 2009, the TRA issued an *Order Revoking Authority to Provide Competing Local Exchange and Interexchange Telecommunications Services in Tennessee for Non-Payment of Fees* ("Order") in this docket based on action taken at the February 23, 2009 Authority Conference. The *Order* demonstrates that an initial notice of nonpayment was sent to the Company on February 11, 2008, with a second notice being sent on August 20, 2008. The Notice of Cancellation was mailed on January 9, 2009, and upon the Company failing to

respond, the Authority proceeded to revoke Metropolitan's Certificate of Convenience and Necessity ("CCN") on February 23, 2009.

On March 11, 2009, the Company filed its *Petition* asking the Authority to reinstate its CCN. The grounds for reconsideration, as stated in the *Petition*, are that the Company has now paid the 2007 inspection fee, and the Company desires to avoid any disruption in service. The Company further states in the *Petition* that the failure to pay was due to a breakdown in internal communications.

FINDINGS AND CONCLUSIONS


The panel considered the *Petition* at its regularly scheduled Authority Conference held on March 30, 2009. The panel noted that the *Petition* did not provide any reason why three notices from the Authority were ignored, particularly the Notice of Cancellation mailed on January 9, 2009. The panel further noted that the Company could have averted the action of revocation taken by the Authority by responding to the Notice of Cancellation; it was only after the Authority revoked its CCN that Metropolitan did respond by paying its outstanding inspection fees.

The panel found that where a company's CCN has been revoked for nonpayment of fees and the company subsequently asked for reinstatement, the policy of the Authority has consistently been to require the company to apply for a new CCN. The record shows that several notices to the Company were ignored over a period exceeding one year. The panel found that the *Petition* contains no "new evidence" going toward the original basis for revocation and contains no facts demonstrating that the nonpayment of fees or the failure to respond to the Authority's notices were due to unavoidable circumstances.


Based upon these findings, the panel voted unanimously to deny Metropolitan's *Petition*. The panel further voted to order Metropolitan to file within seven days a new application for a CCN which the Authority will consider in an expedited manner to avoid any disruption of service to the Company's customers.

IT IS THEREFORE ORDERED THAT:

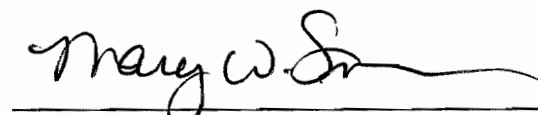
1. *Metropolitan Telecommunications Petition to Reconsider* is denied.
2. Metropolitan Telecommunications of Tennessee, Inc. shall file within seven days a new application for a Certificate of Convenience and Necessity which the Authority shall consider in an expedited manner to avoid any disruption of service to the Company's customers.



Eddie Roberson, Chairman



Sara Kyle, Director



Mary W. Freeman, Director