

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

March 30, 2006

PETITION OF CINERGY COMMUNICATIONS)
COMPANY FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS)
CARRIER)

DOCKET NO.
06-00033

ORDER DESIGNATING ELIGIBLE TELECOMMUNICATIONS CARRIER

This matter came before Chairman Ron Jones, Director Pat Miller, and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 20, 2006, for consideration of the *Petition of Cinergy Communications Company for Designation as an Eligible Telecommunications Carrier in the State of Tennessee* ("Petition") filed by Cinergy Communications Company ("Cinergy" or the "Company") on February 9, 2006. In the *Petition*, Cinergy requested that it be designated as an Eligible Telecommunications Carrier ("ETC") for the purpose of receiving universal service support in certain BellSouth Telecommunications Inc. ("BellSouth") exchanges in Tennessee.

A carrier to be designated as an ETC is required to demonstrate that the designation is in the public interest.¹ An Applicant, such as Cinergy must show that it is authorized to offer telecommunications services in the area for which it is seeking ETC status.² The Applicant also has to provide services supported by the federal universal service support mechanisms and advertise of the availability of and charges for such services.³ The Applicant must also use its own facilities or a combination of its own facilities and resale of another carrier's services to provide

¹ 47 U.S.C. § 214 (e)(2) (2005).

² 47 C.F.R. § 54.201(2005).

³ 47 C.F.R. § 54.201 (d)(1) (2005)

telecommunications services.⁴ The Applicant is required to make available Lifeline service to qualifying low-income consumers and advertise such availability of the services in a manner reasonably designed to reach those likely to qualify for the service.⁵ Furthermore, the Applicant must use federal universal support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.⁶

Cinergy was authorized by the Authority to provide competing facilities-based local exchange service in Docket No. 01-00112.⁷ The Company provides local and access services utilizing a combination of unbundled network elements (“UNEs”), its own Class V switches utilizing UNE loops and its own wireline facilities as well as resale of services that are provided by BellSouth. Cinergy offers the supported services, which include: voice grade access to the public switched network; local usage; Dual Tone Multi-frequency Signaling; single-party service; access to emergency services; access to operator services; access to directory assistance; and toll limitation for qualifying low-income customers.

In accordance with 47 C.F.R. § 54.201(d)(1) (2005), a telecommunications carrier designated as an ETC must offer services supported by federal universal service support mechanisms using either its own facilities or with a combination of its own facilities and resale of another carrier’s services and advertise the availability of such services and charges. In its regulations, the FCC defines the term “own facilities” as including facilities obtained as UNEs.⁸ Cinergy’s use of UNEs and facilities-based prepaid telecommunications services fulfill this requirement.

The availability and advertisement of Lifeline service is required under 47 C.F.R. § 54.405(a) and (b). According to its tariffs Cinergy has an established basic local service rate of \$38.95 per month. Cinergy’s Lifeline tariff shows a credit of \$13.50 for eligible residential customers,

⁴ *Id*

⁵ 47 C.F.R. § 54.405 (2005).

⁶ 47 C.F.R. § 54.7 (2005).

⁷ This authority was granted to Community Telephone Corporation, *See In re: Application of Community Telephone Corporation for Authority to Provide Competing Facilities-based Local Exchange Telecommunications Services*, Docket No. 01-00112, *Initial Order Granting Certificate of Public Convenience and Necessity*, pp. 1-5 (April 4, 2001). On June 12, 2001 in Docket No. 01-00411, the TRA granted Community Telephone Company’s request to change its name to Cinergy Communications Company.

⁸ 47 C.F.R. § 54.201(f) (2005).

resulting in the basic local service rate for a Lifeline customer of \$25.45. Additionally, Cinergy avers it currently utilizes the technology to provide toll control and/or toll blocking, and will provide these services to Lifeline customers at no additional charge. The Applicant also agreed to publicize the availability of the services. Finally, Cinergy also does advertise its services in several different media of general distribution throughout its service area. The media listed by Cinergy is newspapers, other periodicals, radio, and an Internet web site. The Applicant has shown that its designation as an ETC is in the public interest because the company will be able to make service available to customers who otherwise might not be able to obtain service.

March 20, 2006 Authority Conference

During the regularly scheduled Authority Conference on March 20, 2006, the panel of Directors assigned to this docket considered the Company's *Petition*. The panel noted that Cinergy meets both the FCC and Authority requirements and that it has the capability to provide service to customers in the requested BellSouth wire centers. The panel voted unanimously to grant the *Petition* and designate Cinergy as an ETC in BellSouth's Tennessee service areas for the purpose of receiving federal universal service support.

IT IS THEREFORE ORDERED THAT:


The *Petition of Cinergy Communications Company for Designation as an Eligible Telecommunications Carrier* is granted.



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director