

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 6, 2008**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF FRONTIER COMMUNICATIONS OF</b>	)	<b>DOCKET NO.</b>
<b>AMERICA INC. TO AMEND ITS CERTIFICATE OF</b>	)	<b>07-00155</b>
<b>CONVENIENCE AND NECESSITY</b>	)	

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**ORDER GRANTING PETITION TO INTERVENE  
OF COMCAST PHONE OF TENNESSEE, LLC**

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This matter came before the Hearing Officer upon the filing of a *Petition of Comcast Phone of Tennessee, LLC* ("Comcast Phone") for Leave to Intervene ("*Petition to Intervene*") with the Tennessee Regulatory Authority ("Authority" or "TRA") on February 22, 2008.

**PETITION TO INTERVENE**

Comcast Phone filed its *Petition to Intervene* seeking intervention in this docket pursuant to Tenn. Code Ann. §4-5-310. In its *Petition to Intervene*, Comcast Phone asserts that it is a competitive local exchange carrier ("CLEC") providing telecommunications services in Tennessee under the jurisdiction of the TRA.<sup>1</sup> Additionally, Comcast Phone states that its legal rights, duties, privileges, and immunities or other legal interest may be affected or determined by the outcome of this proceeding and that its interest or responsibilities will not be adequately represented unless it is allowed to intervene.<sup>2</sup> Further, that Comcast Phone's participation "will not impair the interest of justice or the orderly and prompt conduct of the Authority's

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<sup>1</sup> *Petition to Intervene*, ¶ 1 (February 22, 2008).

<sup>2</sup> *Id.* at ¶ 2.

proceeding.”<sup>3</sup> Finally, no party or person filed an objection to or opposed the intervention request of Comcast Phone.

#### **CRITERIA FOR INTERVENTION**

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 the 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.

Under TRA Rule 1220-1-2-.06, any party opposing a motion in a contested case must file and serve a response to the motion within seven days of service of the motion.

#### **FINDINGS AND CONCLUSIONS**

The timely filed *Petition to Intervene* of Comcast Phone sufficiently demonstrates that the legal rights and interests of Comcast Phone may be determined in this proceeding and that its participation will not impair the orderly and prompt conduct of these proceedings. No party or person has filed an objection to or opposed the intervention request of Comcast Phone. For these reasons and applying the standards set forth in Tenn. Code Ann. §4-5-310(a), the Hearing Officer hereby grants the petition of Comcast Phone to intervene in this proceeding.

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<sup>3</sup> *Id.* at ¶ 6.

**IT IS THEREFORE ORDERED THAT:**

Comcast Phone of Tennessee, LLC is hereby granted leave to intervene in the proceedings and receive copies of any notices, orders or other documents herein.

  
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Kelly Cashman-Grams, Hearing Officer