

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 7, 2007

IN RE:)	
)	
PETITION OF JACKSON ENERGY)	DOCKET NO.
AUTHORITY TO EXPAND ITS CCN)	07-00201
TO PROVIDE INTRASTATE)	
TELECOMMUNICATIONS SERVICES)	

**ORDER GRANTING PETITIONS FOR INTERVENTION
AND ESTABLISHING PROCEDURAL SCHEDULE**

This matter came before the Hearing Officer upon the filing of the *Application of Jackson Energy Authority To Expand Its Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services* (“Application”) filed on August 31, 2007 by Jackson Energy Authority (“JEA”), the *Petition to Intervene of Aeneas Communications, LLC* (“Aeneas’ Petition”) filed on September 14, 2007, and the *Petition of the Tennessee Cable Telecommunications Association for Leave to Intervene* (“TCTA’s Petition”) filed on October 9, 2007.

BACKGROUND

According to the *Application*, JEA is a private act utility authority created under Chapter 55 of the Private Acts of 2001.¹ JEA is currently authorized² to provide services as a carriers’ carrier to CLECs within Madison County, Tennessee, and JEA desires to expand those services to include the provision of retail services to end use customers throughout the State of

¹ *Application*, p. 2 (August 31, 2007).

² See Order Approving Application For Certificate of Public Convenience and Necessity, TRA Docket No. 03-00438 (March 5, 2004).

Tennessee, as business conditions warrant.³ JEA is requesting that the TRA modify its Certificate of Public Convenience and Necessity (“CCN”) and authorize it to provide retail telecommunications services throughout the State of Tennessee, except for those areas referenced in Tenn. Code Ann. § 7-52-403(b).⁴

During a regularly scheduled Authority Conference held on September 24, 2007, Chairman Eddie Roberson, Director Sara Kyle and Director Ron Jones, the voting panel assigned to this docket, unanimously voted to appoint the General Counsel or his designee to act as Hearing Officer in this proceeding to hear preliminary matters prior to Hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion and prepare the case for hearing before the panel.⁵ On November 14, 2007, a status conference was noticed for November 27, 2007.

NOVEMBER 27, 2007 STATUS CONFERENCE

A status conference was held on November 27, 2007, at which the following counsel or representatives appeared:

Mark Smith: Jackson Energy Authority (“JEA”);

Henry Walker, Paul Rice: Aeneas Communications, LLC (“Aeneas”); and

Jamie Hollin: Tennessee Cable Telecommunications Association (“TCTA”).

At the status conference, no objections were raised to either Aeneas’ Petition or TCTA’s Petition to intervene. Furthermore, because the legal rights and interests of either Aeneas or TCTA may be determined in this proceeding, both petitions were timely, and these interventions will not impair the interests of justice and the orderly and prompt conduct of these proceedings, after

³ *Application* at 5.

⁴ *Id.* at 8.

⁵ *See* Order Appointing a Hearing Officer, Docket No. 07-00201 (November 13, 2007).

applying the standards set forth in Tenn. Code Ann. § 4-5-310(a) (2005)⁶, the Hearing Officer granted Aeneas' Petition and TCTA's Petition to intervene.

At the status conference, the parties proposed the following procedural schedule:

December 7, 2007	First round of discovery requests (one copy to be filed with the Authority)
December 12, 2007	Objections to first round of discovery requests (one copy to be filed with the Authority)
December 18, 2007	Response to objections (one copy to be filed with the Authority)
December 20, 2007	1:30 P.M. Status Conference re: discovery disputes
January 18, 2008	Response to first round of discovery requests (one copy to be filed with the Authority)
February 1, 2008	Pre-filed testimony by intervenors
February 11, 2008	Pre-filed rebuttal testimony by JEA
February 14, 2008	1:30 P.M. Pre-Hearing Conference (if required)
February 19, 2008 (or week thereof)	Proposed Hearing date suggested by the parties; date subject to confirmation by the assigned panel of directors

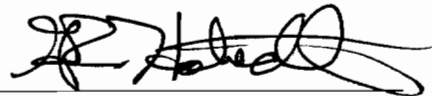
In addition, the parties agreed that if any issues or disputes arise regarding discovery, they will contact the Hearing Officer for resolution. The Hearing Officer accepted the proposed

⁶ Tenn. Code Ann. § 4-5-310(a) (2005) 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.

procedural schedule. After a Hearing date is determined, an addendum to the procedural schedule will be issued.

IT IS THEREFORE ORDERED THAT:

1. The *Petition to Intervene of Aeneas Communications, LLC* filed on September 14, 2007, and the *Petition of the Tennessee Cable Telecommunications Association for Leave to Intervene* filed on October 9, 2007 are granted. Aeneas and TCTA may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.
2. A procedural schedule is established as stated herein.
3. All filings are due no later than **2:00 p.m.** on the dates indicated in the procedural schedule.

A handwritten signature in black ink, appearing to read 'Gary R. Hotvedt', written over a horizontal line.

Gary R. Hotvedt,
Hearing Officer