

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 18, 2008

IN RE:

PETITION OF AENEAS COMMUNICATIONS, LLC
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

)
)
)
)
)

DOCKET NO.
08-00059

ORDER DESIGNATING AENEAS COMMUNICATIONS, LLC AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

This matter came before Chairman Tre Hargett, Director Eddie Roberson and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on July 28, 2008, for consideration of the *Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee* (“*Petition*”) filed by Aeneas Communications, LLC (“Aeneas”) on April 17, 2008.

BACKGROUND

Aeneas filed its *Petition* pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. §§ 54.101-54.207 for the purpose of receiving federal universal service support in certain BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee (“AT&T”) exchanges in Tennessee.¹ In the *Petition*, Aeneas states that it satisfies all of the statutory and regulatory requirements for designation as an Eligible Telecommunications Carrier (“ETC”).

Aeneas states that it is not seeking ETC designation in any of the rural independent telephone company service areas. Aeneas explains that granting the ETC designation will enable

¹ Aeneas is requesting designation as an ETC in the following West Tennessee AT&T service areas: Bolivar, Bells, Greenfield, Henderson, Jackson, Camden, Humboldt, Brownsville, Ripley, Huntingdon, Lexington, Paris, Savannah, Union City, Selmer, Tiptonville, Decaturville, Dyersburg, Memphis, Covington and Somerville.

it to obtain federal universal support to be used to further expand its offerings of innovative telecommunications services at competitive prices in certain AT&T West Tennessee rural service areas. Aeneas further states that it will be able to offer more low-income Tennesseans affordable, technologically advanced telecommunications services, which will also serve the public interest in the designated service areas.

FINDINGS AND CONCLUSIONS

A carrier to be designated as an ETC is required to demonstrate that the designation is in the public interest. An Applicant must show that it is authorized to offer telecommunications services in the area for which it is seeking ETC status. The Applicant also has to provide services supported by the federal universal service support mechanisms and advertise the availability of and charges for such services. The Applicant must also use its own facilities or a combination of its own facilities and resale of another carrier's services to provide telecommunications services. The Applicant is required to make available Lifeline service to qualifying low-income consumers and advertise such availability of the service in a manner reasonably designed to reach those likely to qualify for the service. 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.²

During the regularly scheduled Authority Conference on July 28, 2008, the panel considered Aeneas' *Petition*. Based upon the entire record, the panel made the following findings.

² See 47 U.S.C. § 214 (e)(2) (2005); 47 C.F.R. § 54.201 through 54.207. The Authority has addressed these standards in *In re: Universal Service Generic Contested Case*, Docket No. 97-00888, *Order Establishing Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(2), of the Telecommunications Act of 1996 and FCC Order 97-157*, pp. 1-5 (November 3, 1997). Further, the Authority has applied the standards in various dockets including *In re: Petition of Cinergy Communications Company for Designation as an Eligible Telecommunications Carrier*, Docket No. 06-00033, *Order Designating Eligible Telecommunications Carrier* (March 30, 2006). Finally, it should be noted that the Authority opened a rulemaking in Docket No. 05-00284 for ETC designation, reporting and Lifeline service. However, the rules are pending approval of the Attorney General's office. Therefore, the rules are not effective and were not applied in this docket.

1. Aeneas is authorized to provide telecommunications services in the areas for which it seeks ETC designation.

2. Aeneas offers the supported services, which include: voice grade access to the public switched network; local usage; Dual Tone Multi-frequency Signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to directory assistance; and toll limitation for qualifying low-income customers. Additionally, Aeneas demonstrated that it does advertise its service offerings.

3. Aeneas utilizes its own facilities, UNEs and combinations to provide its services.

4. With its Lifeline tariff and its assertions regarding publication or advertisement of Lifeline availability, Aeneas demonstrated its compliance with the requirement to publicize and make available Lifeline service.

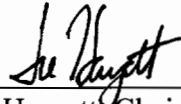
5. Aeneas has demonstrated its intent to use the available federal universal support in a manner that is consistent with the FCC rules by applying the support received as a per-line reduction to its rates for its customers, including Lifeline customers and that it will contribute to the maintenance and upgrading of facilities through the service rates and charges it will pay for the use of AT&T UNEs.

6. Designating Aeneas as an ETC is in the public interest because (a) Aeneas offers services to rural areas that are reasonably comparable to those provided in urban areas; (b) Aeneas does not restrict service offerings to basic service for Lifeline qualified consumers; (c) Aeneas is currently providing Lifeline services even without benefit of universal service support; and (d) Aeneas applies the same rate reduction for basic service and its premium service packages, including those with a Digital Subscriber Line (“DSL”) offering where available, equally without additional charges to low-income consumers.

Thereafter, the panel voted unanimously to grant the *Petition* and to designate Aeneas as an ETC carrier in the West Tennessee AT&T service areas for the purpose of receiving federal universal service support.

IT IS THEREFORE ORDERED THAT:

Aeneas Communications, LLC's *Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee* is granted.



Tre Hargett, Chairman



Eddie Roberson, Director



Sara Kyle, Director