

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 28, 2009**

**IN RE:**

**DPI TELECONNECT, LLC APPLICATION FOR  
CERTIFICATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER**

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**DOCKET NO.  
08-00114**

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**ORDER DENYING DESIGNATING DPI TELECONNECT, LLC  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

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This matter came before Director Mary W. Freeman, Director Eddie Roberson, and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on September 21, 2009, for consideration of the *Application for Certification as an Eligible Telecommunications Carrier* (“*Application*”) filed by dPi Teleconnect, LLC (“dPi”) on July 1, 2008.

To be designated as an eligible telecommunications carrier (“ETC”), a carrier 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 Lifeline service available to qualifying low-income consumers and to 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.<sup>1</sup>

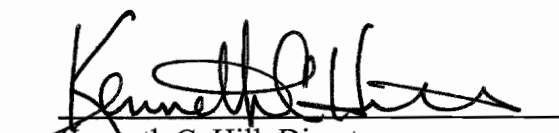
During the regularly scheduled Authority Conference on September 21, 2009, the panel found that dPi's *Application* failed to meet all of the federal guidelines and Authority rules as currently filed. The panel also stated that TRA Staff would be available to assist dPi in refiling an application that did meet the requirements. Thereafter, the panel voted unanimously to deny the *Application*.

**IT IS THEREFORE ORDERED THAT:**

The *Application for Certification as an Eligible Telecommunications Carrier* filed by dPi Teleconnect, LLC is denied.

  
Mary W. Freeman, Director

  
Eddie Roberson, Director

  
Kenneth C. Hill, Director

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<sup>1</sup> 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.