

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

June 17, 2009

IN RE:	)	
	)	
APPLICATION OF NEXUS COMMUNICATIONS,	)	DOCKET NO.
INC. FOR DESIGNATION AS AN ELIGIBLE	)	08-00119
TELECOMMUNICATIONS CARRIER	)	

**ORDER GRANTING PETITION FOR CLARIFICATION
AND ISSUANCE OF AMENDED ORDER**

On March 23, 2009, Nexus Communications, Inc. (“Nexus” or “Petitioner”) filed a *Petition of Nexus Communications, Inc. for Clarification of Final Order (“Petition”)* regarding the *Order Designating Nexus Communications, Inc. as an Eligible Telecommunications Carrier (“Order”)* issued in this matter by the Authority on October 27, 2008. The Petitioner requested that the *Order* be amended to clarify two points. First, Nexus requests that the *Order* be amended to include “access to interexchange service” among the supported services named in page 3, paragraph 2. Secondly, the Petitioner requests that the language in paragraph 3 of the *Order* be amended to read “Nexus utilizes its own facilities, unbundled network elements (“UNEs”) combinations thereof, and resale of another carrier’s services to provide its wireline and wireless services.”

The *Petition* came before Chairman Eddie Roberson, Director Sara Kyle, and Director Mary W. Freeman, the voting panel¹ assigned to this docket, at a regularly scheduled Authority Conference held on May 18, 2009. The panel granted Nexus’ request to amend the *Order* in paragraph 2 of page 3 by adding “access to interexchange service” as a ninth supported service. The

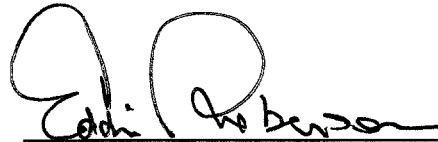
¹ As a result of Chairman Tre Hargett’s resignation on January 15, 2009, a Notice of Reassignment of Panels was filed in this docket on May 8, 2009.

panel further approved to amend the language in paragraph 3 of page 3 of the *Order* to read: “Nexus utilizes its own facilities, unbundled network elements (“UNEs”), combinations thereof, and resale of another carrier’s services to provide its wireline local exchange services.”

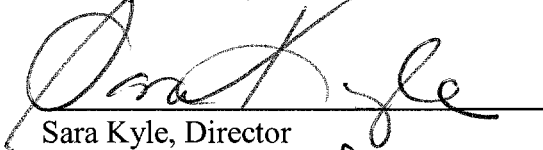
IT IS THEREFORE ORDERED:

1. The *Petition of Nexus Communications, Inc. for Clarification of Final Order* is granted to the extent as set out herein, and an amended order shall be issued consistent with this decision.

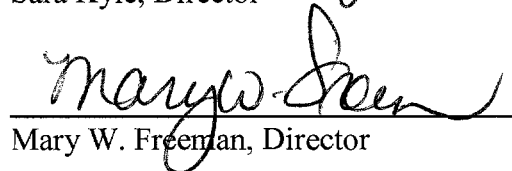
2. The *Amended Order Designating Nexus Communications, Inc. as an Eligible Telecommunications Carrier* is attached hereto as Exhibit A and incorporated by reference.



Eddie Roberson, Chairman



Sara Kyle, Director



Mary W. Freeman, Director

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

APPLICATION OF NEXUS COMMUNICATIONS,
INC. FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

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DOCKET NO.
08-00119

AMENDED ORDER DESIGNATING NEXUS COMMUNICATIONS, INC. AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

This matter initially came before Chairman Tre Hargett, Director Sara Kyle, and Director Mary W. Freeman of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on October 6, 2008, for consideration of the *Application for Designation as an Eligible Telecommunications Carrier* (“*Application*”) filed by Nexus Communications, Inc. (“Nexus”) on July 11, 2008. This matter subsequently came before Chairman Eddie Roberson, Director Sara Kyle, and Director Mary W. Freeman, the voting panel,¹ who authorized the issuance of this amended order at a regularly scheduled Authority Conference held on May 18, 2009 in response to the *Petition of Nexus Communications, Inc. for Clarification of Final Order* filed on March 23, 2009.

BACKGROUND

Nexus filed its *Application* pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. §§ 54.101-54.207 for the purpose of receiving low-income federal universal service support throughout the Tennessee service territories of BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee

¹ As a result of Chairman Tre Hargett’s resignation on January 15, 2009, a Notice of Reassignment of Panels was filed in this docket on May 8, 2009.

(“AT&T”). In the *Application*, Nexus states that it satisfies all of the statutory and regulatory requirements for designation as an Eligible Telecommunications Carrier (“ETC”).

Nexus states that it is not seeking ETC designation in any of the rural independent telephone company service areas. Nexus explains that granting the ETC designation will enable it to obtain federal universal support to be used to provide service to its Lifeline customers. Nexus 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

To be designated as an 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.²

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.

During the regularly scheduled Authority Conference on October 6, 2008, the panel considered Nexus' *Petition*. Based upon the entire record, the panel made the following findings.

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

2. Nexus 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; access to interexchange service; and toll limitation for qualifying low-income customers. Additionally, Nexus demonstrated that it does advertise its service offerings.

3. Nexus utilizes its own facilities, unbundled network elements ("UNEs"), combinations thereof, and resale of another carrier's services to provide its wireline local exchange services.

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

5. Nexus 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 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 Nexus as an ETC eligible only for low-income universal service support is in the public interest because (a) Nexus offers its services to rural areas that are reasonably comparable to those provided in urban areas; (b) Nexus does not restrict service

offerings to basic service for Lifeline qualified consumers; and (c) Nexus has committed to provide additional competitive enhanced services to consumers in all of the requested AT&T service areas and, if it is designated as an ETC, to apply federal support it receives as discounts, or rate reductions, to its low-income telecommunications services subscribers qualified for Lifeline service.

Thereafter, the panel voted unanimously to grant the *Application* and to designate Nexus as an ETC carrier in the AT&T Tennessee service areas for the purpose of receiving low-income federal universal service support.

IT IS THEREFORE ORDERED THAT:

Nexus Communications, Inc.'s *Application for Designation as an Eligible Telecommunications Carrier* is granted.



Eddie Roberson, Chairman



Sara Kyle, Director



Mary W. Freeman, Director