

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 8, 2009

IN RE:

APPLICATION OF TWIN LAKES COMMUNICATIONS,
INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES STATEWIDE

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DOCKET NO.
09-00035

ORDER GRANTING AMENDMENT OF CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before Chairman Sara Kyle, Director Eddie Roberson and Director Mary W. Freeman of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at the Hearing held on September 21, 2009 to consider the *Application of Twin Lakes Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services Statewide* ("Petition") filed on March 12, 2009. In its *Petition*, Twin Lakes Communications, Inc. ("Twin Lakes" or "Petitioner") seeks a Certificate of Public Convenience and Necessity ("CCN") to provide telecommunications services on a statewide basis.¹

Legal Standard for Amending Certificate of Public Convenience and Necessity

Twin Lakes' *Petition* was made pursuant to and considered in light of the criteria for granting and extending a CCN as set forth in Tenn. Code Ann. § 65-4-201 (Supp. 2008), which provides, in pertinent part:

¹ Twin Lakes was granted a CCN to provide resold interexchange telecommunications services in Docket No. 02-01342. See *Order Granting Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee* (January 27, 2003).

* * *

(b) Except as exempted by provisions of state or federal law, no individual or entity shall offer or provide any individual or group of telecommunications services, or extend its territorial areas of operations without first obtaining from the Tennessee Regulatory Authority a certificate of convenience and necessity for such service or territory; provided, however, that no telecommunications services provider offering and providing a telecommunications service under the authority of the Authority on June 6, 1995, is required to obtain additional authority in order to continue to offer and provide such telecommunications services as it offers and provides as of June 6, 1995.

(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(2) The applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for services.

* * *

Furthermore, pursuant to Tenn. Code Ann. § 65-5-112 (2004), a competing telecommunications provider is required to file with the Authority (1) a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses; and (2) information on programs that might provide technical assistance to such businesses.

September 21, 2009 Authority Conference

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), public notice was issued by the Hearing Officer on September 4, 2009. No persons sought intervention prior to or during the Hearing. Mr. Henry Wayne Gassaway, General Manager of Twin Lakes, participated in the Hearing, adopted his pre-filed testimony and was subject to examination by the panel. Twin Lakes was also represented by counsel, Sarah Lodge Tally and Melvin Malone.

I. Twin Lake's Qualifications

1. Twin Lakes is a wholly-owned subsidiary of Twin Lakes Telephone Cooperative Corporation, which was incorporated in Tennessee in 1951.

2. The complete street address of Twin Lake's principal place of business is 201 West Gore Avenue, Gainesboro, Tennessee 38652.

3. The *Petition* and supporting documentation in the record indicate that Twin Lakes has the requisite technical and managerial ability to provide competitive access and transport telecommunications services within the State of Tennessee. Specifically, Twin Lake's senior management team possesses sufficient business, technical, operational and regulatory telecommunications experience.

4. Twin Lakes has the necessary capital and financial ability to provide the services it proposes to offer.

5. Twin Lakes has represented that it will adhere to all applicable statutes, policies, rules and orders of the Authority.

II. Proposed Services

Twin Lakes Communications seeks authority to provide a full array of telecommunications services on a statewide basis, as business conditions warrant, including the areas served by incumbent local exchange carriers with fewer than 100,000 total access lines.² Twin Lakes intends to offer a full range of telecommunications services, including, but not limited to, dedicated and switched access services, private line services, local dial tone, 911 and E911 emergency services, enhanced services and all other Authority-required Rule 1220-4-8-.04(3)(b) services. In providing

² Twin Lakes states in its application that, "to the extent any rural incumbent LEC possesses an exemption or suspension under Section 251(f) of the Federal Communications Act (the "Act"), Twin Lakes Communications does not seek interconnection under Section 251(c) at this time, nor does Twin Lakes Communications seek at this time to challenge any such exemption from any of the other obligations specified in Section 251(c) of the Act." *Petition*, p. 7.

such services, Twin Lakes Communications will utilize capacity on Twin Lakes Cooperative's network and, where appropriate and necessary, supplement its services by leasing the facilities of third party carrier and/or reselling the services.

III. Permitting Competition to Serve the Public Convenience and Necessity

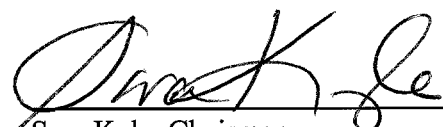
Upon a review of the *Petition* and the record in this matter, the voting panel finds that approval of Twin Lake's *Petition* would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

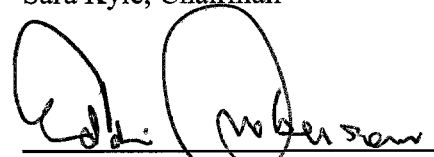
IV. Small and Minority-Owned Telecommunications Business Participation Plan and Business Assistance Program

Twin Lakes has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

The Application of Twin Lakes Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services Statewide is granted.


Sara Kyle, Chairman


Eddie Roberson, Director


Mary W. Freeman, Director