

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 15, 2009

IN RE:

APPLICATION OF ADVANTAGE CELLULAR SYSTEMS,
INC. FOR A CCN TO PROVIDE COMPETING LOCAL
TELECOMMUNICATIONS SERVICES

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DOCKET NO.
09-00046

ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before Chairman Eddie Roberson, Director Sara Kyle, and Director Mary W. Freeman of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 18, 2009, to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the "*Application*") filed by Advantage Cellular Systems, Inc. ("Advantage") on April 2, 2009. In its *Application*, Advantage seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local telecommunications services within the State of Tennessee.

Legal Standard for Granting Certificate of Public Convenience and Necessity

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

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any

plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

* * *

(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.

The May 18, 2009 Hearing

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), public notice of the Hearing in this matter was issued by the Hearing Officer on May 8, 2009. No persons sought intervention prior to or during the Hearing. At the Hearing held on May 18, 2009, Mr. Leslie Greer, CEO of Advantage, participated in the Hearing, adopted his pre-filed testimony and was subject to examination by the panel. Also appearing for Advantage was Keith Blair, Esq.

I. Advantage's Qualifications

1. Advantage is a corporation organized under the laws of the State of Tennessee and was licensed to transact business in Tennessee by the Secretary of State on December 20, 1990.

2. The complete street address of the registered agent for Advantage, Mr. Keith Blair, is 406 W. Public Square, Smithville, Tennessee 37166. The complete street address of the corporate office of Advantage is 111 High Street, Alexandria, Tennessee 37012. The telephone number is (615) 464-2303.

3. The *Application* and supporting documentary information existing in the record indicate that Advantage has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of Tennessee. Specifically, Advantage's senior management team possesses the requisite business, technical, operational and regulatory telecommunications experience.

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

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

II. Proposed Services

Advantage intends to offer a broad range of services through the utilization of its own facilities, resold facilities, and a combination of these provisioning methods throughout Tennessee with switches located in Smithville, Tennessee. Initially, Advantage plans to offer services in areas contiguous to, and in close proximity with, the present services of its parent company, DeKalb Telephone Cooperative, Inc., d/b/a DTC Communications, in Smith and Wilson Counties. Advantage plans to offer diversified telecommunications services including, but not limited to, toll, local exchange, access, private line, voicemail, broadband and vertical features.

Advantage provided documentation indicating that it served notice of its application to provide competing local telecommunications services to all eighteen Incumbent Local Exchange Carriers in Tennessee.

III. Permitting Competition to Serve the Public Convenience and Necessity

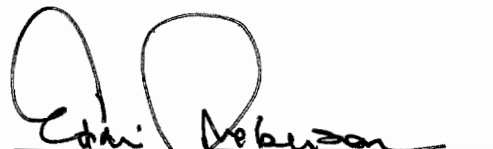
Upon a review of the *Application* and the record in this matter, the panel finds that approval of Advantage's *Application* would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development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

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

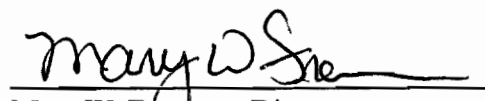
Advantage has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

The *Application for Certificate to Provide Competing Local Telecommunications Services* filed by Advantage Cellular Systems, Inc. is approved.


Eddie Roberson, Chairman


Sara Kyle, Director


Mary W. Freeman, Director