

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 4, 2009

IN RE:

**APPLICATION OF BROADVIEW NETWORKS, INC.
FOR A CERTIFICATE TO PROVIDE COMPETING
LOCAL EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES IN TENNESSEE**

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**DOCKET NO.
09-00050**

**ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

This matter came before Director Mary W. Freeman, Director Eddie Roberson, and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a Hearing held on July 13, 2009, to consider the *Application to Provide Long Distance Services* filed on April 13, 2009 and subsequently re-filed on April 28, 2009 as an *Amended Application to Provide Local and Long Distance Services* ("Amended Application") by Broadview Networks, Inc. ("Broadview" or "Applicant").

Legal Standard for Granting Certificate of Public Convenience and Necessity

Broadview's *Amended 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.

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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 July 13, 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 July 1, 2009. No persons sought intervention prior to or during the Hearing. At the Hearing held on July 13, 2009, Mr. Charles C. Hunter, Executive Vice President, Secretary and General Counsel, participated in the Hearing, adopted his pre-filed testimony and was subject to examination by the panel.

I. Broadview's Qualifications

1. Broadview is a corporation organized under the laws of the State of New York and became licensed to transact business in Tennessee effective August 28, 2007.

2. The complete street address of the corporate office of Broadview is 800 Westchester Avenue, Suite N-501, Rye Brook, New York 10573. The telephone number is (914) 922-7000.

3. The *Amended Application* and supporting documentary information existing in the record indicate that Broadview has the requisite technical and managerial ability to provide the applied for telecommunications services within the State of Tennessee. Specifically, Broadview's senior management team possesses sufficient business, technical and operational experience.

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

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

II. Proposed Services

Broadview expects to offer a broad range of telecommunications services through the use of its own facilities, resold facilities and through a combination of other provisioning methods. Broadview provided the Authority with documentation which reflects that it served notice of its *Amended Application* to provide competing local telecommunications services to all eighteen Incumbent Local Exchange Carriers in Tennessee on April 27, 2009.

III. Permitting Competition to Serve the Public Convenience and Necessity


Upon a review of the *Amended Application* and the record in this matter, the panel found that approval of Broadview's *Amended 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

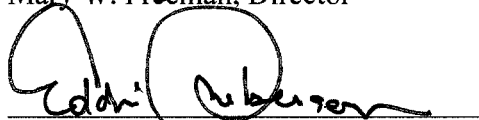
Broadview has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

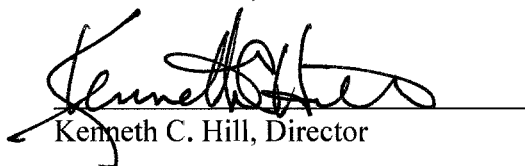
The *Amended Application to Provide Local and Long Distance Services* filed by Broadview Networks, Inc. is approved.



Mary W. Freeman, Director



Eddie Roberson, Director



Kenneth C. Hill, Director