

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 31, 2009

IN RE:

APPLICATION OF WORLDSPICE COMMUNICATIONS, INC.
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE COMPETING LOCAL EXCHANGE
AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES
IN TENNESSEE

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) DOCKET NO.
) 09-00055
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ORDER GRANTING 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"), the voting panel assigned to this docket, at a Hearing held on July 13, 2009 to consider the *Petition for Certificate of Public Convenience and Necessity to Provide Services as a Competing Local Exchange Carrier* (the "*Petition*") filed by Worldspice Communications, Inc. ("Worldspice" or "Petitioner") on April 23, 2009. In its *Petition*, Worldspice seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide facilities-based and resold local exchange and interexchange telecommunications services to both business and residential customers throughout the state in non-rural carrier's service areas.

Legal Standard for Granting Certificate of Public Convenience and Necessity

Worldspice's *Petition* 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 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. Paul Tomes, President of Worldspice, participated in the Hearing, adopted his pre-filed testimony and was subject to examination by the panel. Also appearing for Worldspice was Mr. Paul Rice, Esq.

I. Worldspice's Qualifications

1. Worldspice is a corporation organized under the laws of the State of Tennessee and licensed to transact business effective April 18, 2006.

2. The complete street address of the corporate office of Worldspice is 5050 Poplar Avenue, Suite 170, Memphis, Tennessee 38157. The telephone number is (901) 843-9300.

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

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

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

II. Proposed Services

Worldspice expects to offer local exchange service to both business and residential customers located in non-rural carriers' service areas. Worldspice provided the Authority with documentation which reflects that it served notice of its *Petition* to provide competing local telecommunications services to all eighteen Incumbent Local Exchange Carriers in Tennessee on April 23, 2009.

III. Permitting Competition to Serve the Public Convenience and Necessity

Upon a review of the *Petition* and the record in this matter, the panel found that approval of Worldspice'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

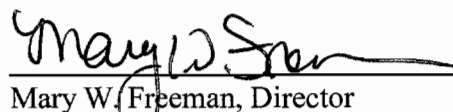
Worldspice has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

The Petition for Certificate of Public Convenience and Necessity to Provide Services as a Competing Local Exchange Carrier filed by Worldspice Communications, Inc. is approved.


Sara Kyle, Chairman


Eddie Roberson, Director


Mary W. Freeman, Director