

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 2, 2009

IN RE:

APPLICATION OF GEORGIA PUBLIC WEB, INC. FOR
CERTIFICATE TO PROVIDE COMPETING LOCAL AND
INTEREXCHANGE TELECOMMUNICATIONS SERVICES
IN TENNESSEE

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DOCKET NO.
09-00079

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 August 24, 2009 to consider the *Application of Georgia Public Web, Inc. for Certificate to Provide Competing Local and Interexchange Telecommunications Services in Tennessee* (the "*Petition*") filed by Georgia Public Web, Inc. ("GPW" or "Petitioner") on June 8, 2009. In its *Petition*, GPW seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local and interexchange telecommunications services in Tennessee.

Legal Standard for Granting Certificate of Public Convenience and Necessity

GPW'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.

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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 August 24, 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 August 11, 2009. No persons sought intervention prior to or during the Hearing. At the Hearing held on August 24, 2009, Mr. David Muschamp, President and CEO of GPW, participated in the Hearing, adopted his pre-filed testimony and was subject to examination by the panel. Also appearing for GPW was Mr. Robert Middleton, Esq.

I. GPW's Qualifications

1. GPW is a corporation organized under the laws of the State of Georgia and was licensed to transact business in Tennessee by the Secretary of State as of June 24, 2009.

2. The complete street address of the corporate office of GPW is 1470 Public Web, Inc., 1470 Riveredge Parkway, PO Box 420888, Atlanta, Georgia 30342. The telephone number is (770) 661-2700.

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

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

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

II. Proposed Services

GPW plans to provide point-to-point data services in Tennessee. GPW 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 June 5, 2009.

III. Permitting Competition to Serve the Public Convenience and Necessity


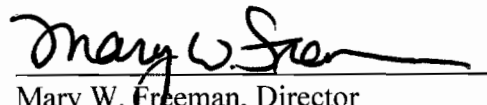
Upon a review of the *Petition* and the record in this matter, the panel found that approval of GPW's *Petition* would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an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

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

GPW 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 Georgia Public Web, Inc. for Certificate to Provide Competing Local and Interexchange Telecommunications Services in Tennessee* filed by Georgia Public Web, Inc. is approved.


Sara Kyle, Chairman
Eddie Roberson, Director
Mary W. Freeman, Director