

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 30, 2015

IN RE:)	
)	DOCKET NO.
APPLICATION OF IBASIS RETAIL, INC.)	09-00176
D/B/A IBASIS FOR AUTHORITY TO PROVIDE)	
RESELL TELECOMMUNICATIONS SERVICES)	Company ID:
IN TENNESSEE)	129079

**ORDER GRANTING REQUEST FOR RECONSIDERATION
AND CONTINUING AUTHORITY UNINTERRUPTED**

This matter came before Chairman Herbert H. Hilliard, Director Kenneth C. Hill and Director Robin Morrison of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 23, 2015 to consider the Request for Reconsideration filed by the Authority’s Compliance Division on November 12, 2015.

During the Authority Conference held on October 19, 2015, the Directors voted to cancel the authority of iBasis Retail, Inc. d/b/a iBasis (“iBasis” or the “Company”) to provide telecommunications services in Tennessee due to non-payment of its annual inspection fees pursuant to Tenn. Code Ann. § 65-4-301(a)(1) (2015).¹ However, the TRA Compliance Division discovered that payment of the outstanding inspection fees was received by the Authority at or before the time of the panel’s action to cancel the Company’s authority. Because iBasis is now current on its inspection fees, and because payment was received by the TRA on the same day as

¹ Tenn. Code Ann. § 65-4-301(a)(1) (2015) provides:

Every public utility doing business in this state and subject to the control and jurisdiction of the authority to which the provisions of this chapter apply, shall pay to the state of Tennessee on or before April 1 of each year, a fee for the inspection, control and supervision of the business, service and rates of such public utility.

the Authority Conference, the TRA Compliance Division requested that the Directors reconsider their decision to cancel the Company's authority.


During the November 23, 2015 Authority Conference, the Directors voted unanimously to approve the TRA Compliance Division's request to reconsider cancellation of the Company's authority to provide telecommunications services in Tennessee. Further, in light of the unique and very limited circumstances presented in this instance, the Directors voted to continue the Company's authority uninterrupted.²

IT IS THEREFORE ORDERED THAT:

1. The Request for Reconsideration filed by the Tennessee Regulatory Authority's Compliance Division is approved.
2. The authority of iBasis Retail, Inc. d/b/a iBasis to provide telecommunications services in Tennessee shall not be cancelled but shall continue uninterrupted.
3. This action should not be construed as precedent or an overall change in Tennessee Regulatory Authority policy, but limited to the special circumstances of this case.

Chairman Herbert H. Hilliard, Director Kenneth C. Hill and Director Robin Morrison concur.

ATTEST:



Earl R. Taylor, Executive Director

² It is the TRA's policy to require a public utility to reapply for authority to operate after its authority has been cancelled due to non-payment of fees. *See In re: Application of Metropolitan Telecommunications of Tennessee, Inc. for a Certificate of Public Convenience and Necessity to Provide Competing Local Exchange and Interexchange Telecommunications Services Within the State of Tennessee*, Docket No. 06-00014, *Order Denying Petition for Reconsideration* (April 27, 2009) (noting that where a utility's Certificate of Public Convenience and Necessity ("CCN") has been revoked and the utility seeks reinstatement, the policy of the Authority has consistently been to require the utility to apply for a new CCN). However, under the particular circumstances presented here, the TRA Compliance Division's request for reconsideration and reinstatement of authority was considered not to be unreasonable.