

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 19, 2010

IN RE:

APPLICATION OF MCC TELEPHONY OF THE SOUTH,
LLC FOR AUTHORITY TO PROVIDE COMPETITIVE
LOCAL EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES IN TENNESSEE

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DOCKET NO.
09-00204

ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before Chairman Sara Kyle, 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 March 22, 2010, to consider the *Application of MCC Telephony of the South, LLC* (the "*Application*") filed by MCC Telephony of the South, LLC ("MCC" or "Applicant") on December 30, 2009. In its *Application*, MCC seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local exchange and interchange telecommunications services in Tennessee.

Legal Standard for Granting Certificate of Public Convenience and Necessity

MCC'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. 2009), 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 March 22, 2010 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 March 5, 2010. No persons sought intervention prior to or during the Hearing. On March 10, 2010, MCC filed its *Motion to Appear and Participate Telephonically at Hearing*. On March 11, 2010, the Hearing Officer granted MCC's request in an *Order Granting Telephonic Appearance at Hearing*.

During the Hearing held on March 22, 2010, Mr. Daniel P. Templin, Group Vice President of Strategic Marketing and Product Development for Mediacom Communications Corporation, the parent of MCC, participated in the Hearing telephonically. Mr. Templin adopted the pre-filed testimony of Mr. Calvin Craib, and was subject to examination by the panel. In accordance with the *Order Granting Telephonic Appearance at Hearing*, James McKnight, a licensed Notary Public in good standing in the State of New York, administered the testimonial oath to Mr. Templin and

remained present with him throughout his examination and testimony. In addition, as required, the Authority received a properly executed *Witness Certification* and a *Notary Public Affidavit* on March 25, 2010. The Company was represented by H. LaDon Baltimore, Esq., who appeared at the Hearing in person.

I. MCC's Qualifications

1. MCC is a corporation organized under the laws of the State of Delaware and was licensed to transact business in Tennessee by the Secretary of State as of January 23, 2008.

2. The complete street address of the registered agent for MCC, CT Corporation System, is 800 S. Gay Street, Suite 2021, Knoxville, Tennessee 37929. The complete street address of the corporate office of MCC is 100 Crystal Run Road, Middletown, New York 10941. The telephone number is (845) 695-2600.

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

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

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

II. Proposed Services

MCC anticipates that its initial offering to Tennessee customers will consist of voice services for residential and small business customers, local and long distance calling with a full menu of calling features and voicemail services, network services for larger enterprise customers (dedicated private line communications infrastructure for high-bandwidth, voice, video and data networks), and exchange access services for carrier customers (originating and terminating switched access services

for the transmission of voice, data or video/image information). MCC provided the Authority with documentation which reflects that it served notice of its application to provide competing local telecommunications services to all eighteen Incumbent Local Exchange Carriers in Tennessee on January 7, 2010.

III. Permitting Competition to Serve the Public Convenience and Necessity

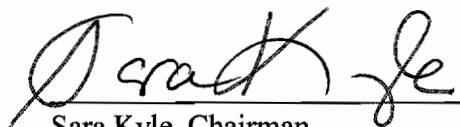
Upon a review of the *Application* and the record in this matter, the panel found that approval of MCC's *Application* would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development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

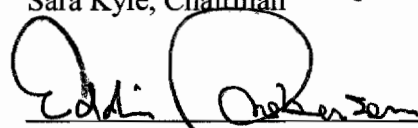
IV. Small and Minority-Owned Telecommunications Business Participation Plan and Business Assistance Program

MCC 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 MCC Telephony of the South, LLC* is approved.


Sara Kyle, Chairman


Eddie Roberson, Director


Kenneth C. Hill, Director