

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 23, 2010

IN RE:

APPLICATION OF FOUR STAR MARKETING, LLC  
D/B/A MIDSOUTH HOME PHONE FOR A CCN TO  
PROVIDE COMPETING LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS  
SERVICES IN TENNESSEE

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DOCKET NO.  
10-00023

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ORDER GRANTING CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY

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This matter came before Chairman Sara Kyle, Director Kenneth C. Hill, and Director Mary W. Freeman 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 Four Star Marketing, LLC d/b/a Midsouth Home Phone for Authority to Provide Competing Local Exchange and Interexchange Telecommunications Service* (the "Application") filed by Four Star Marketing, LLC d/b/a Midsouth Home Phone ("Four Star" or "Applicant") on February 12, 2010. In its *Application*, Four Star seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local exchange and interexchange telecommunications services in Tennessee.

**Legal Standard for Granting Certificate of Public Convenience and Necessity**

Four Star'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 . . .

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(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.

During the Hearing held on March 22, 2010, Mr. Ronald Brent Ragin, Director of Compliance and Human Resources, participated in the Hearing, affirmed his pre-filed testimony and

was subject to examination by the panel. Mr. James Black, Director of Operations, also appeared for the Company.

#### **I. Four Star's Qualifications**

1. Four Star is a limited liability company organized under the laws of the State of Tennessee and was licensed to transact business in Tennessee by the Secretary of State as of December 7, 2009.

2. The complete street address of the corporate office of Four Star is 1337 Warford Street, Memphis, Tennessee 38108. The telephone number is (901) 494-3574.

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

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

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

#### **II. Proposed Services**

Four Star intends to offer prepaid local exchange and interexchange services to both business and residential customers in non-rural areas throughout the state and will offer interexchange services statewide.

#### **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 Four Star'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**


Four Star 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 Four Star Marketing, LLC d/b/a Midsouth Home Phone for Authority to Provide Competing Local Exchange and Interexchange Telecommunications Service is approved.*

  
Sara Kyle, Chairman

  
Kenneth C. Hill, Director

  
Mary W. Freeman, Director