

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 7, 2010

IN RE:

PETITION OF ABSOLUTE HOME PHONES, INC.  
FOR A CCN TO PROVIDE COMPETING LOCAL  
EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES IN TENNESSEE

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DOCKET NO.  
10-00071

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ORDER GRANTING CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY

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This matter came before Chairman Mary W. Freeman, 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 July 26, 2010 to consider the *Application of Absolute Home Phones, Inc. for Authority to Provide Competing Local Exchange and Interexchange Service* (the "*Application*") filed by Absolute Home Phones, Inc. ("Absolute Home Phones" or "Applicant") on April 20, 2010. In its *Application*, Absolute Home Phones 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**

Absolute Home Phones' *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 July 26, 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 July 14, 2010. No persons sought intervention prior to or during the Hearing.

During the Hearing held on July 26, 2010, Mr. Chris Peltier, Owner and President, participated in the Hearing, affirmed his pre-filed testimony and was subject to examination by the panel.

## **I. Absolute Home Phones' Qualifications**

1. Absolute Home Phones is a corporation organized under the laws of the State of Florida and was licensed to transact business in Tennessee by the Secretary of State as of December 28, 2009.

2. The complete street address of the corporate office of Absolute Home Phones is 3562 S.W. 24<sup>th</sup> Avenue Road, Ocala, Florida 34474. The telephone number is (352) 438-2225.

3. The *Application* and supporting information existing in the record indicate that Absolute Home Phones has the requisite technical and managerial ability to provide the applied for telecommunications services within the State of Tennessee.

4. Absolute Home Phones has the necessary capital and financial ability to provide the services it proposes to offer.

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

## **II. Proposed Services**

The Company will offer local exchange service to customers located in non-rural local exchange carriers' service areas of Tennessee and will offer interexchange service statewide. The Company will provide these services using unbundled network elements obtained through commercial and/or interconnection agreements, utilizing the facilities of the existing local exchange carriers or other competitive carriers that presently serve Tennessee. The Company states that they do not have any plans to install their own facilities in the State of Tennessee.

## **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 Absolute Home Phones' *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

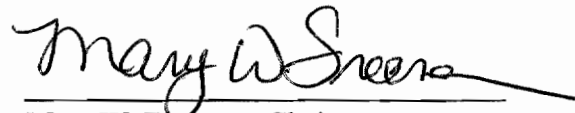
fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

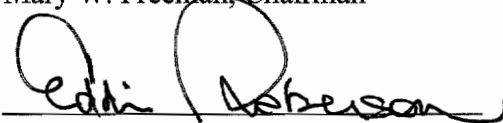
Absolute Home Phones has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

**IT IS THEREFORE ORDERED THAT:**

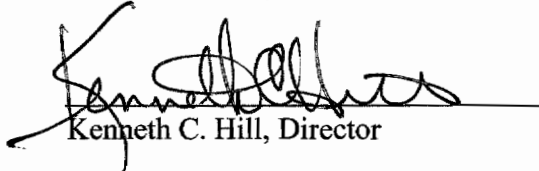
Absolute Home Phones Inc.'s *Application of Absolute Home Phones, Inc. for Authority to Provide Competing Local Exchange and Interexchange Service* is approved.



Mary W. Freeman, Chairman



Eddie Roberson, Director



Kenneth C. Hill, Director