## BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

IN RE:	)	
PETITION FOR DECLARATORY RULING AND NUNC PRO TUNC DESIGNATION OF NEXUS COMMUNICATIONS AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER TO OFFER WIRELESS SERVICE IN TENNESSEE	) ) ) ) ) ) )	DOCKET NO. 10-00083

## AMENDMENT TO PETITION

Nexus Communications, Inc. respectfully amends its "Petition" filed April 28, 2010 in this docket by inserting a new paragraph designated as 17(f). The new paragraph should be inserted following paragraph 17(e) on page 6. The existing paragraphs 17(f) and 17(g) should be renumbered 17(g) and 17(h), respectively. The new paragraph reads as follows:

The difference between deregulating an "entity" and deregulating a "service" is illustrated by comparing T.C.A. § 65-4-101(6)(F) with T.C.A. § 65-5-203. The former statute deregulates certain entities which offer wireless services and declares that such under carefully defined circumstances, automatically cease to be treated as a public utility." By definition, an entity which has "automatically ceased" to be a public utility cannot offer any regulated services such as wireline telephone service. If it did, that entity would still be a public utility subject to TRA jurisdiction under Chapter 5. Such a regulated utility is expressly excluded from subsection (6)(F). By contrast, T.C.A. § 65-5-203 deregulates "broadband services" (emphasis added) and declares that the TRA "shall not exercise jurisdiction of any type over or relating to broadband services, regardless of the entity providing the service." (Emphasis added.) Here, the "service" is deregulated even though the "entity" remains a regulated public utility. Had the General Assembly wanted to deregulate wireless "service," it could easily have done so in the same way that broadband service was deregulated. Instead, the General

Assembly only deregulated certain entities described in subsection (6)(F). Nexus is not one of those entities.

Respectfully submitted,

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