

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 20, 2010

IN RE:)	
)	
APPLICATION OF MOBILITIE, LLC FOR A)	DOCKET NO.
CCN TO PROVIDE COMPETING LOCAL)	10-00191
TELECOMMUNICATIONS SERVICES IN TENNESSEE)	

**ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

This matter came before Chairman Mary W. Freeman, Director Kenneth C. Hill and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a Hearing held on November 22, 2010 to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the "*Application*") filed by Mobilitie, LLC ("Mobilitie" or "Company") on September 21, 2010. In its *Application*, Mobilitie seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local telecommunications services in Tennessee.

Legal Standard for Granting Certificate of Public Convenience and Necessity

Mobilitie'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. 2010), 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.

* * *

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 November 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 November 10, 2010. No persons sought intervention prior to or during the Hearing. On November 17, 2010, Mobilitie filed its *Motion of Mobilitie, LLC to Permit Gene Beall to Adopt the Sworn Pre-filed Testimony of Yvonne Schroeder De Orr and to Appear Telephonically at the Hearing on the Merits*. On November 18, 2010, the Hearing Officer granted Mobilitie's request in an *Order Granting Telephonic Appearance at Hearing*.

During the Hearing held on November 22, 2010, Mr. Gene Beall, who is responsible for strategy and services for Mobilitie, participated in the Hearing telephonically. Mr. Beall adopted the pre-filed testimony of Ms. Yvonne Schroeder De Orr, Senior Vice President/General Counsel, and was subject to examination by the panel. In accordance with the *Order Granting Telephonic Appearance at Hearing*, Sue Fores, a licensed Notary Public in good standing in the State of Washington, administered the testimonial oath to Mr. Beall 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 December 8, 2010. The Company was represented by Henry Walker, Esq., who appeared at the Hearing in person.

I. Mobilitie's Qualifications

1. Mobilitie is a corporation organized under the laws of the State of Nevada and was licensed to transact business in Tennessee by the Secretary of State as of January 29, 2007.

2. The complete street address of the registered agent for Mobilitie is National Registered Agents, Inc., 1900 Church Street, Suite 400, Nashville, Tennessee 37203. The complete street address of the corporate office of Mobilitie is 660 Newport Center Drive, Suite 200, Newport Beach, California 92660. The telephone number is (949) 999-5778.

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

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

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

II. Proposed Services

Mobilitie intends to offer wireline-based transport and backhaul services of voice and radio frequency signals to business customers in Tennessee. These business customers are telecommunications companies, primarily wireless providers. Mobilitie proposes to offer its services through a combination of its own facilities and facilities to be leased from a variety of telecommunications carriers.

III. Permitting Competition to Serve the Public Convenience and Necessity

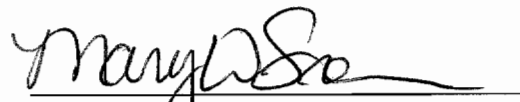
Upon a review of the *Application* and the record in this matter, the panel found that approval of Mobilitie's *Application* would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development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


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

Mobilitie 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:

Mobilitie, LLC's *Application for Certificate to Provide Competing Local Telecommunications Services* is approved.


Mary W. Freeman, Chairman


Kenneth C. Hill, Director


Sara Kyle, Director