

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 24, 2012

IN RE:

**APPLICATION OF TIME WARNER CABLE
INFORMATION SERVICES (TENNESSEE), LLC d/b/a
TIME WARNER CABLE FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE LOCAL EXCHANGE SERVICES**

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**DOCKET NO.
11-00179**

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

This matter came before the Tennessee Regulatory Authority (the "Authority"), at a regularly scheduled Authority Conference held on January 9, 2012 to consider the *Application of Time Warner Cable Information Services (Tennessee), LLC d/b/a Time Warner Cable for a Certificate of Public Convenience and Necessity to Provide Competitive Local Exchange Services* (the "*Application*") filed on October 24, 2011 by Time Warner Cable Information Services (Tennessee), LLC d/b/a Time Warner Cable ("Time Warner" or "Applicant"). In its *Application*, Time Warner seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local exchange and interexchange telecommunications services in Tennessee.¹

LEGAL STANDARD

Time Warner'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

¹ The original *Application* was filed under the name Time Warner Cable Information Services (Tennessee), LLC, but was amended on December 21, 2011 to reflect the assumed name of Time Warner Cable.

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.

JANUARY 9, 2012 AUTHORITY CONFERENCE

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), public notice was issued by the Hearing Officer on December 12, 2011, setting the matter for hearing during the Authority Conference on January 9, 2012. No persons sought intervention prior to or during the Hearing. On January 2, 2012, Time Warner filed a *Motion to Appear and Participate Telephonically at Hearing*. On January 4, 2012, the Hearing Officer granted Time Warner's motion in an *Order Granting Telephonic Appearance in Hearing*.

During the Hearing, convened during a regularly scheduled Authority Conference on January 9, 2012, Vincent M. Paladini, Senior Regulatory Counsel, who is responsible for federal and state regulatory matters concerning Time Warner Cable Inc. and its affiliates, including Time Warner Cable Information Services (Tennessee), participated in the Hearing telephonically. Mr. Paladini affirmed his pre-filed testimony, filed on October 24, 2011, and was subject to examination by the panel.

In accordance with the *Order Granting Telephonic Appearance in Hearing*, Eleanor Matter, a licensed Notary Public in good standing in the Commonwealth of Virginia, Fairfax County, administered the testimonial oath and remained present with Mr. Paladini throughout his examination and testimony. In addition, the Authority received a properly executed *Witness Certification* and a *Notary Public Affidavit* on January 13, 2012. Mr. Henry Walker, Esq., who appeared personally at the Hearing, represented the Company.

FINDINGS & CONCLUSIONS

I. Time Warner's Qualifications

1. Time Warner is a limited liability corporation organized under the laws of the State of Delaware and was authorized to transact business in Tennessee by the Secretary of State as of September 28, 2011.

2. Time Warner's corporate office and principal place of business is located at 60 Columbus Circle, New York, NY 10023. The telephone number is (212) 364-8200.

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

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

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

II. Proposed Services

Time Warner intends to provide local exchange and interexchange telecommunications services in all areas of Tennessee where such competitive entry is permitted by state and federal law, and plans initially to use the existing boundaries and established local calling areas of the incumbent local exchange carriers. The Applicant intends to offer intrastate telecommunications services to commercial and wholesales customers, including point-to-point, private line, access, transport, interconnection and other such services that the Applicant may introduce from time to time.²

III. Permitting Competition to Serve the Public Convenience and Necessity

Approval of Time Warner's *Application* would inure to the benefit of the present and future public convenience by furthering 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

Time Warner 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.

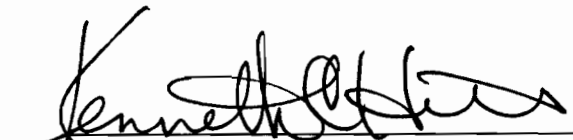
² *Application of Time Warner Cable Information Services (Tennessee), LLC for a Certificate of Public Convenience and Necessity to Provide Competitive Local Exchange Services*, Docket No. 11-00179, p. 6 (October 24, 2011).

Upon review of the *Application* and the record in this matter, the panel found that approval of Time Warner's *Application* met the requirements of Tenn. Code Ann. § 65-4-201 and TRA Rules 1220-4-8.02 through 1220-4-8.04. Further, the panel found that Time Warner has demonstrated that it has sufficient managerial, financial, and technical qualifications to provide the services for which it has applied and has affirmed that it will adhere to all applicable Authority policies, rules, and orders.

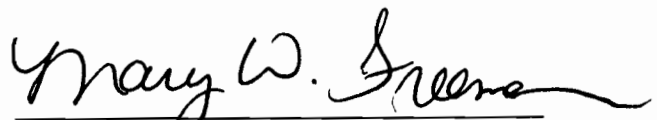
IT IS THEREFORE ORDERED THAT:

1. The *Application of Time Warner Cable Information Services (Tennessee), LLC d/b/a Time Warner Cable for a Certificate of Public Convenience and Necessity to Provide Competitive Local Exchange Services* is approved.

2. Time Warner Cable Information Services (Tennessee), LLC d/b/a Time Warner Cable shall file an official tariff that conforms to the requirements of the statutes and rules of the Tennessee Regulatory Authority, which includes notation of the appropriate issued and effective dates.


Kenneth C. Hill, Chairman


Sara Kyle, Director


Mary W. Freeman, Director