

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 27, 2012

IN RE:

**APPLICATION OF LIBERTY-BELL TELECOM,
LLC D/B/A DISH NETWORK PHONE & INTERNET
FOR CCN TO PROVIDE COMPETING LOCAL
TELECOMMUNICATIONS SERVICES**

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**DOCKET NO.
11-00201**

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

This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at a regularly scheduled Authority Conference held on February 13, 2012 to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the "*Application*") filed on November 23, 2011 by Liberty-Bell Telecom, LLC d/b/a DISH Network Phone & Internet ("Liberty-Bell" or "Applicant"). In its *Application*, Liberty-Bell seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing facilities-based and resold local exchange, switched exchange access, and non-facilities-based interexchange telecommunications services in Tennessee.

LEGAL STANDARD

Liberty-Bell'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.

FEBRUARY 13, 2012 AUTHORITY CONFERENCE

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), public notice was issued by the Hearing Officer on February 3, 2012, setting the matter for hearing during the Authority Conference on February 13, 2012. No persons sought intervention prior to or during the Hearing.

During the Hearing, convened during a regularly scheduled Authority Conference on February 13, 2012, William P. Hunt, III, Director of Regulatory Affairs for DISH Network Phone & Internet, a subsidiary of DISH Network, participated in the Hearing. Mr. Hunt adopted the pre-filed testimony, filed with the *Application* on November 23, 2011, of Nigel Alexander, President and Chief Executive Officer of Liberty-Bell, and was subject to examination by the Directors. Nathan Ridley, Esq., represented the Applicant.

FINDINGS & CONCLUSIONS

I. Liberty-Bell's Qualifications

1. Liberty-Bell is a privately-held corporation organized under the laws of the State of Colorado on February 27, 2003 and authorized to transact business in Tennessee by the Tennessee Secretary of State as of June 8, 2011.

2. Liberty-Bell's corporate office and principal place of business is located at 2460 West 26th Avenue, Suite #380-C, Denver, Colorado 80211. The telephone number is (303) 831-1977.

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

4. Liberty-Bell has the necessary capital and financial ability to provide the services it proposes to offer.

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

II. Proposed Services

Liberty-Bell intends to provide competing facilities-based and non-facilities-based local exchange and switched exchange access services within exchanges served by AT&T Tennessee and CenturyLink, and non-facilities-based interexchange telecommunications services throughout Tennessee.¹

III. Permitting Competition to Serve the Public Convenience and Necessity

Approval of Liberty-Bell'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

Liberty-Bell 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.

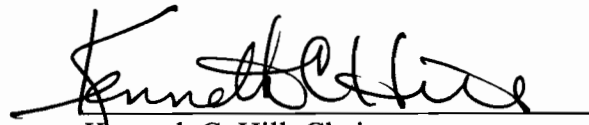
Upon review of the *Application* and the record in this matter, the Directors found that approval of Liberty-Bell's *Application* met the requirements of Tenn. Code Ann. § 65-4-201 and TRA Rules 1220-4-8.02 through 1220-4-8.04. Further, the Directors found that Liberty-Bell has demonstrated that it has 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.

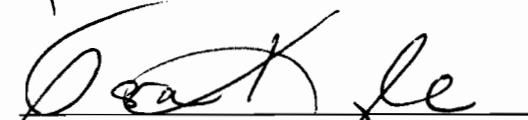
¹ *Application*, p.1 (November 23, 2011).

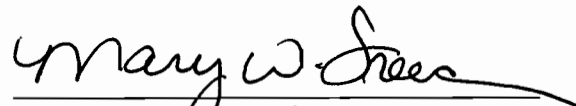
IT IS THEREFORE ORDERED THAT:

1. The *Application for Certificate to Provide Competing Local Telecommunications Services* is approved.

2. Liberty-Bell Telecom, LLC d/b/a DISH Network Phone & Internet 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