

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:	November 24, 2014)	
)	
APPLICATION OF VODAFONE US INC., d/b/a VODAFONE)	DOCKET NO.
AMERICAS FOR AUTHORITY TO AMEND ITS CERTIFICATE)	14-00080
OF PUBLIC CONVENIENCE AND NECESSITY AND NOTICE OF)	
NAME CHANGE)	

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

This matter came before the Hearing Officer of the Tennessee Regulatory Authority (the “Authority” or “TRA”) at a Hearing held on November 6, 2014 to consider the *Application to Amend Certificate of Public Convenience and Necessity and Notice of Name Change* (the “Application”) filed by Vodafone US, Inc., d/b/a Vodafone Americas (“Vodafone” or “Applicant”) on August 28, 2014. In its *Application*, Vodafone seeks to amend its Certificate of Public Convenience and Necessity (“CCN”) to include authority to provide competing local exchange and interexchange telecommunications services in Tennessee.

LEGAL STANDARD

Vodafone’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. 2012), 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.

HEARING ON THE MERITS

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), public notice of the Hearing in this matter was issued by the Hearing Officer on October 22, 2014. No persons sought intervention prior to or during the Hearing.

I. VODAFONE'S QUALIFICATIONS

1. Vodafone is a corporation organized under the laws of the State of Delaware and was licensed to transact business in Tennessee by the Secretary of State on August 21, 2012.

2. The name and complete street address of the registered agent for Vodafone is National Registered Agents, Inc., 800 South Gay Street, Suite 201, Knoxville, Tennessee 37929. The complete street address of the corporate office of Vodafone is 560 Lexington

Avenue, 9th Floor, New York, New York, 10022. The telephone number is (855) 377-8360.

3. The *Application* and information in the record indicate that Vodafone has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of Tennessee. Specifically, Vodafone's senior management team possesses extensive business, technical, operational and regulatory experience.

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

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

II. PROPOSED SERVICES

Vodafone proposes to offer facilities-based and resold competitive local exchange service, facilities-based switched exchange access service and facilities-based interexchange service within the state of Tennessee, in conjunction to the resold interexchange services already authorized by the Tennessee Regulatory Authority.

Specifically, Vodafone will provide regulated switched and dedicated local exchange services to enterprise subscribers as set forth in the company's local exchange tariff.

Furthermore, Vodafone may also provide switched exchange access telecommunications services to interconnecting carriers under a separate tariff to be filed for approval prior to service initiation.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Vodafone's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services

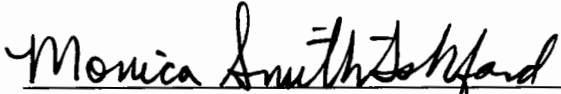
markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

IV. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN AND BUSINESS ASSISTANCE PROGRAM

Vodafone 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:

1. The *Application to Amend Certificate of Public Convenience and Necessity and Notice of Name Change* filed by Vodafone US, Inc. d/b/a Vodafone Americas is approved.
2. Any party aggrieved by the Hearing Officer's decision in this matter may file a petition for reconsideration within fifteen days from the date of this Order.
3. This Initial Order shall become a Final Order of the Tennessee Regulatory Authority, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the fifteen-day appeal period.



Monica Smith-Ashford, Hearing Officer