

BEFORE THE TENNESSEE PUBLIC SERVICE COMMISSION
Nashville, Tennessee

September 7, 1995

**IN RE: APPLICATION OF BROOKS FIBER COMMUNICATIONS OF
TENNESSEE, INC. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES.**

Docket No. 95-02764

ORDER

This matter is before the Tennessee Public Service Commission upon the application of Brooks Fiber Communications of Tennessee, Inc. ("Brooks") for a certificate of convenience and necessity pursuant to T.C.A. §65-4-201 as set forth in the above caption.

The matter was heard August 22, 1995, in Nashville, Tennessee, before Administrative Judge, Ralph B. Christian, II. On August 30, 1995, the Administrative Judge issued his Initial Order recommending that the application be granted.

The Commission considered this matter at its regularly scheduled Commission Conference, September 7, 1995. It was concluded after careful consideration of the entire record, including the Administrative Judge's Initial Order and all applicable laws and statutes and particularly the requirements of Chapter 408 of the Public Acts of 1995, that the Administrative Judge's Initial Order should be approved and the authority granted. The Commission further ratifies and adopts the findings and conclusions of the Administrative Judge as its own.

IT IS THEREFORE ORDERED:

1. That the Administrative Judge's Initial Order dated August 30, 1995, in this docket is hereby ratified, adopted and incorporated by reference in this Order as fully as though copied verbatim herein, including the findings and conclusions of the Administrative Judge which the Commission adopts as its own;
2. That the application of Brooks Fiber Communications of Tennessee, Inc., for a statewide certificate of convenience and necessity as a Competing Telecommunications Service Provider, pursuant to Section 7 of Chapter 408 of the Public Acts of 1995, T.C.A. § 65-4-201(c), is hereby granted;
3. That Brooks is hereby authorized to offer all of the services which may be provided by a Competing Telecommunications Service Provider including, but not limited to the following services: toll, local exchange, access, private line, paging, and enhanced services pursuant to applicable Commission orders and rules;
4. That Brooks may not provide service to customers served by an incumbent local exchange telephone company with less than 100,000 total access lines or by a telephone cooperative, except in accordance with T.C.A. § 65-4-201(d), or as authorized by federal law, or otherwise authorized by the Public Service Commission;
5. That before providing service pursuant to this certificate, Brooks shall file tariffs describing the areas which Brooks proposes to serve, the services which the company proposes to offer, and such other information as the Commission may require;

2 6. That the franchise issued to Brooks Fiber Communications of Tennessee, Inc., by the City of Knoxville is hereby approved.

7. That ATS may commence service under its Certificate and franchise when it has filed proper tariffs for services to be offered and such other information required by the Tennessee Public Service Commission;

8. That any party aggrieved by the Commission decision may file a Petition for Reconsideration with the Commission within ten (10) days from and after the date of this Order; and

9. That any party aggrieved by the Commission's decision in this matter has the right of judicial review by filing a Petition For Review in the Tennessee Court of Appeals, Middle District, within sixty (60) days from and after the date of this Order.


CHAIRMAN


COMMISSIONER


COMMISSIONER

ATTEST:


EXECUTIVE DIRECTOR