

BEFORE THE TENNESSEE PUBLIC SERVICE COMMISSION
Nashville, Tennessee

December 22, 1995

**IN RE: THE APPLICATION OF WINSTAR WIRELESS OF
TENNESSEE, INC. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.**

Docket No. 95-03232

ORDER

This matter is before the Tennessee Public Service Commission upon the application of WinStar Wireless of Tennessee, Inc. ("WinStar") for a certificate of public convenience and necessity as set forth in the above caption.

The matter was heard December 1, 1995, in Nashville, Tennessee, before Ralph B. Christian, II, Administrative Judge, on December 12, 1995, the Administrative Judge issued his Initial Order recommending that the application be granted.

The Public Service Commission considered this matter at its regularly scheduled Commission Conference, December 19, 1995. It was concluded after careful consideration of the entire record, including the Administrative Judge's Initial Order and all applicable laws that the Administrative Judge's Initial Order should be approved and the authority granted. The Commission further ratifies and adopts the findings of the Administrative Judge as its own.

IT IS THEREFORE ORDERED:

1. That the Administrative Judge's Initial Order, dated December 12, 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 WinStar Wireless of Tennessee, Inc. for a statewide certificate of public 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 WinStar Wireless of Tennessee, Inc. is authorized to offer all of the services which may be provided by a Competing Telecommunications Service Provider, as the term is defined in Section 3 of Chapter 408, T.C.A. § 65-4-101(e) including but not limited to toll, local exchange, access, and private line (dedicated) services;

4. That WinStar Wireless of Tennessee, Inc. 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 Tennessee Public Service Commission; and

5. That before providing service pursuant to this certificate WinStar Wireless of Tennessee, Inc. shall file tariffs describing the areas it proposes to serve, the services

it proposes to offer, and such other information the Public Service Commission may require.

6. That any party aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Tennessee Public Service Commission within ten (10) days from and after the date of this Order.

7. That any party aggrieved by the Commission's decision in this matter may file a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


CHAIRMAN


COMMISSIONER


COMMISSIONER

ATTEST:


EXECUTIVE DIRECTOR