

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 21, 2007

IN RE:)
)
APPLICATION OF GOAMERICA RELAY)
SERVICES CORP. FOR CERTIFICATE TO) DOCKET NO.
PROVIDE COMPETING LOCAL) 07-00205
TELECOMMUNICATIONS SERVICES)

ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before Chairman Eddie Roberson, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA") at a hearing held during the Authority's December 3, 2007 Conference, to consider the *Application of GoAmerica Relay Service Corp. for a Certificate to Provide Competing Local Telecommunications Services* (the "*Application*") filed by GoAmerica Relay Services Corp. ("GoAmerica" or the "Applicant") on September 5, 2007. In its *Application*, GoAmerica seeks a certificate of public convenience and necessity for authority to provide competing local telecommunications services, including, in particular, intrastate telecommunications relay services ("TRS"), within the State of Tennessee.

Legal Standard for Granting Certificate of Public Convenience and Necessity

GoAmerica's *Application* was made pursuant to, and was considered in light of, the criteria for granting a certificate of public convenience and necessity ("CCN") as set forth in Tenn. Code Ann. § 65-4-201 (Supp. 2006), 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.

The December 3, 2007 Hearing

Pursuant to Tenn. Code Ann. § 65-4-204 (2004), a *Notice of Hearing* was issued by the Hearing Officer on November 21, 2007. No persons sought intervention prior to or during the Hearing.

During the Hearing, Mr. Mark L. Stern, Vice President of Product Management and TRS Compliance Officer for GoAmerica, appeared on behalf of GoAmerica and Dana Frix, Esq. appeared as counsel for GoAmerica. Mr. Stern was subject to examination by the Authority.

During his testimony, Mr. Stern adopted his pre-filed testimony and stated that, as a result of several years of experience providing interstate TRS, GoAmerica has the technical, managerial, and financial capabilities to provide TRS service within Tennessee. Additionally, Mr. Stern affirmed that GoAmerica submits to the jurisdiction of the State of Tennessee with respect to services to be provided under the CCN and that GoAmerica will abide by all laws, rules, and obligations applicable to it by reason of such jurisdiction. Upon the conclusion of the presentation of proof, the Authority granted GoAmerica's *Application* based upon the following findings of fact and conclusions of law:

I. GoAmerica's Qualifications

1. GoAmerica is a corporation organized under the laws of the State of Delaware on July 24, 2007, and was licensed to transact business in Tennessee by the Secretary of State on August 17, 2007.

2. The complete street address of the registered agent for GoAmerica Relay Services Corp. is Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203. The complete street address of GoAmerica's corporate office is 433 Hackensack Avenue, Hackensack, New Jersey 07601. The telephone number is (201) 996-1717.

3. The *Application*, and the extensive documentation provided in support thereof, indicates that GoAmerica has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of

Tennessee. Specifically, GoAmerica's senior management team possesses extensive business, technical, operational and regulatory telecommunications experience.

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

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

II. Proposed Services

GoAmerica now seeks certification to provide intrastate TRS within the State of Tennessee. GoAmerica intends to offer intrastate TRS to all communicatively disabled Tennessee consumers and to those non-disabled individuals that wish to communicate with them. A Notice of Filing dated September 4, 2007, sent by GoAmerica to all eighteen (18) ILECs in Tennessee, was provided to this Authority with the initial *Application*.

III. Permitting Competition to Serve the Public Convenience and Necessity

Upon review of the record in this matter, the Authority finds that approval of GoAmerica's *Application* would inure to the benefit of the present and future public convenience by allowing an experienced TRS provider, whose entire business is focused on providing communications solutions for deaf, hard-of-hearing, and speech-disabled consumers, to assume responsibility for providing high-quality TRS within the State of Tennessee, and by 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

GoAmerica has filed a satisfactory small and minority-owned telecommunications business participation plan in accordance with Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

1. The *Application of GoAmerica Relay Services Corp. for Certificate to Provide Competing Local Telecommunications Services*, filed by GoAmerica Relay Services Corp., is approved.

2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

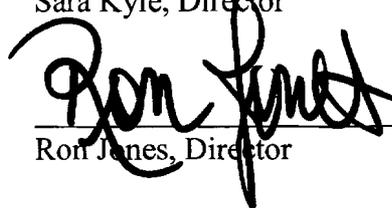
3. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.



Eddie Roberson, Chairman



Sara Kyle, Director



Ron Jones, Director