

**BEFORE THE  
MISSISSIPPI PUBLIC SERVICE COMMISSION**

2004-UA-0341

SOUTHERN LIGHT, L.L.C.

TC 123211800

**IN RE: APPLICATION OF SOUTHERN LIGHT,  
L.L.C. FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE SERVICE AS  
A RESELLER OF INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES,  
A RESELLER AND FACILITIES-BASED  
PROVIDER OF LOCAL  
TELECOMMUNICATIONS SERVICES  
AND AS A FACILITIES-BASED  
COMPETITIVE ACCESS PROVIDER  
THROUGHOUT THE STATE OF  
MISSISSIPPI**

**ORDER**

HAVING COME ON for consideration of the Application filed by Southern Light, L.L.C. ("Southern Light" or "Applicant") for a Certificate of Public Convenience and Necessity to provide service as a reseller of interexchange telecommunications services, a reseller and facilities-based provider of local exchange telecommunications services, and a facilities-based competitive access service provider throughout the State of Mississippi. The Commission, being fully apprised in the premises and having considered the documents, prefiled testimony, and record before it, as authorized by law and the Commission's Public Utilities Rules of Practice and Procedure, and upon recommendation of the Public Utilities Staff, finds as follows:

1. On May 18, 2004, Applicant filed with the Mississippi Public Service Commission its Application to provide services as a reseller of interexchange telecommunications services, a reseller and facilities-based provider of local exchange telecommunications services, and a facilities-based competitive access service provider throughout the State of Mississippi.

2. The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest.

3. Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure.

4. There were no intervenors or protestants of record in this matter before the Commission.

5. Applicant is an Alabama Limited Liability Company duly authorized to transact business in the State of Mississippi. Applicant's principal business address is 618 Azalea Road, Mobile, AL 36609.

6. Applicant seeks authority to provide service as a reseller of interexchange telecommunications services, a reseller and facilities-based provider of local exchange telecommunications services, and a facilities-based competitive access service provider throughout the State of Mississippi. Specifically, Southern Light seeks authority to initially provide local exchange service in the service area of BellSouth Telecommunications, Inc. however, Southern Light seeks statewide authority so that in the future it may expand its service areas as market conditions may warrant.

7. Applicant further seeks statewide authority so that, upon the expiration of protections afforded to certain Mississippi Independent telephone companies pursuant to the Commission's Final Order in Docket No. 96-UA-0298 (dated December 31, 1996) and the Commission's Order in Docket No. 02-UA-0317 (dated August 21, 2002), it will automatically be able to provide service in those service areas as market conditions warrant without having to seek additional authority from the Commission.

8. Applicant intends to offer a diverse array of local exchange, interexchange, and intraexchange services, including private line and special access services. Initially, Southern Light intends to offer special access and private line services to customers along its planned fiber network. Ultimately, Southern Light intends to offer switched voice services to business customers using its own switching system. Southern Light intends to install voice and data switching facilities in undetermined locations in Mississippi.

9. Applicant is managerially, financially and technically qualified to offer and provide the telecommunications services it proposes throughout the State of Mississippi.

10. Approval of this Application will serve the public interest by expanding the availability to Mississippi consumers of technologically advanced telecommunications facilities and services. Applicant anticipates that its presence in the market will afford consumers an additional choice of local and interexchange service providers. Applicant also believes that the public will benefit through the use of the high-quality services and reliable services offered.

The Commission, having jurisdiction of the party and the subject matter, and having considered Southern Light's Application and the evidence in support thereof, and upon recommendation of the Public Utilities Staff finds that Applicant is entitled to be granted a Certificate of Public Convenience and Necessity as requested in its Application.

IT IS, THEREFORE, ORDERED that:

1. Southern Light, L.L.C. is hereby granted a Certificate of Public Convenience and Necessity authorizing it to provide service as a reseller of interexchange telecommunications services, a reseller and facilities-based provider of local exchange telecommunications services, and a facilities-based competitive access service provider throughout the State of Mississippi.

2. Southern Light, L.L.C. filed with its Application as Exhibit G, a copy of its proposed tariff. Southern Light, L.L.C.'s tariff is reasonable and is hereby approved.

3. Southern Light, L.L.C. shall cooperate with the Commission and the Local Exchange Companies ("LECs") to ensure that Applicant or its underlying carriers accurately report its Percentage Interstate Usage ("PIU") in accordance with the Commission's PIU reporting requirements and in accordance with the applicable switched access tariff provisions of the applicable LECs on file with the Commission.

4. Southern Light, L.L.C. shall not initiate the provision of local exchange service in any area served by any Independent telephone company as defined in the Final Order of December 31, 1996, in Docket No. 96-UA-0298 and the Order of August 21, 2002, in Docket No. 02-UA-0317 prior to the date determined by the Commission in said proceedings.

5. Pursuant to Miss. Code Ann. §77-3-13(3) (Supp. 2003) the Commission may attach to the exercise of the rights granted by this certificate, "Such reasonable terms and conditions as to time or otherwise as in its judgment the public convenience, necessity and protection may require." (emphasis added). Section 77-3-13(3) provides further that the certificate holder, "may forfeit such certificate after issuance for noncompliance with its terms."

Therefore, pursuant to the above statutory authority, and for the reasons set forth in the final order adopting slamming rules, Docket No. 98-AD-90, the granting of this certificate is conditional. The condition is that the certificate holder shall not violate any of the Commission's Rules, and in particular Rule 47.1, Rules and Regulations Governing Public Utility Service, pertaining to slamming and telemarketing. If the Commission finds, after notice and a hearing, that the certificate holder has violated any Commission Rule, particularly Service Rule 47.1, the certificate may be forfeited, the company may be subject to a civil penalty pursuant to Miss. Code Ann. §77-1-53 (1972), as amended, and may be subject to all other fines and penalties pursuant to applicable law and rules of this Commission.

Due to the fact that many slammed customers will not be able to leave work to attend a hearing in Jackson, the Commission finds that it is in the public interest to accept sworn affidavits from ratepayers who have been slammed. Resellers will have an opportunity, through the hearing process, to dispute the affidavits.

The Final Order in Docket 98-AD-90 is incorporated herein by reference.

6. This Order is effective as of the date hereof.

SO ORDERED, this the 26th day of July, 2004.

Chairman Bo Robinson voted Aye; Vice Chairman Nielsen Cochran voted Aye;

Commissioner Michael Callahan voted Aye

MISSISSIPPI PUBLIC SERVICE COMMISSION

Bo Robinson  
BO ROBINSON, Chairman

Nielsen Cochran  
NIELSEN COCHRAN, Vice Chairman

Michael Callahan  
MICHAEL CALLAHAN, Commissioner



ATTEST: A true copy

Brian U. Ray  
BRIAN U. RAY  
Executive Secretary