

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 6, 2013

IN RE:

APPLICATION OF CROSSTEL TANDEM, INC. FOR
AUTHORITY TO PROVIDE COMPETING LOCAL
TELECOMMUNICATIONS SERVICES

)
)
)
)
)

DOCKET NO.
13-00126

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 25, 2013 to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the “*Application*”) filed by Crosstel Tandem, Inc. (“Crosstel Tandem” or “Applicant”), on September 25, 2013. In its *Application*, Crosstel Tandem seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services in Tennessee.

LEGAL STANDARD

Crosstel Tandem’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. 2013), 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. § 65-4-201, *et seq.*, public notice of the Hearing in this matter was issued by the Hearing Officer on November 15, 2013. No persons sought intervention prior to or during the Hearing. Mr. John Feehan, Vice President and General Manager, of Crosstel Tandem, appeared personally during the Hearing and was subject to examination by the Hearing Officer.

I. CROSSTEL TANDEM'S QUALIFICATIONS

1. Crosstel Tandem was incorporated in the state of Georgia on April 9, 2012. Crosstel Tandem was licensed by the Secretary of State to transact business in Tennessee on

September 28, 2012.

2. Pursuant to Tenn. Code Ann. § 4-5-313, the Hearing Officer takes official notice that the registered agent for Crosstel Tandem is Corporation Service Company located at 2908 Poston Avenue, Nashville, Tennessee 37203.

3. The corporate offices of Crosstel Tandem are located at 1791 OG Skinner Drive, Suite D, West Point, Georgia 31833. Crosstel Tandem may be reached at telephone number (706) 645-3024.

4. The *Application* and information in the record demonstrate that Crosstel Tandem has the requisite technical and managerial ability to provide the services for which it has applied within the State of Tennessee. Specifically, Crosstel Tandem's senior management team possesses extensive business, technical, operational and regulatory experience.

5. Crosstel Tandem has also demonstrated that it has the necessary capital and financial ability to provide the services it proposes to offer.

6. Crosstel Tandem has represented that it will adhere to all applicable statutes, policies, rules and orders of the Authority.

II. PROPOSED SERVICES

Crosstel Tandem intends to provide an array of facilities-based, leased and resale competitive wholesale and retail telecommunications and transport services including, but not limited to, dedicated and switched access services, private line services, enhanced services and voice telecommunications services including but not limited to local exchange, and interexchange services throughout the state of Tennessee. Furthermore, Crosstel Tandem plans to offer basic access line service, PBX and DID Services, Number Portability, Calling Features, Directory Assistance, Directory Services, and Operator Services, as well as all services required under TRA Rule 1220-4-8-.04 (3) (6) and (2). Crosstel Tandem will also provide management, operations and development

support to telecommunications service providers and wholesale voice and data service solutions to municipalities, CLECs, ILECs and CATV providers.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

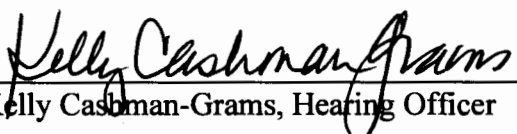
Crosstel Tandem's *Application* and its proposed services have been found to foster the goals of the Tennessee General Assembly and determined to likely benefit the present and future public convenience by increasing competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

Crosstel Tandem 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 for Authority to Provide Competing Local Exchange Service* filed by Crosstel Tandem, Inc., 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, unless a petition requesting reconsideration or an appeal of this Order is filed prior to the expiration of the fifteen-day period noted above.


Kelly Cashman-Grams, Hearing Officer