

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

June 26, 2015

APPLICATION OF ATHENA BROADBAND FOR AUTHORITY
TO PROVIDE COMPETING LOCAL EXCHANGE AND
INTEREXCHANGE SERVICE

DOCKET NO.
14-00151

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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 June 9, 2015 to consider the *Application of Athena Broadband for Authority to Provide Competing Local Telecommunications Service* ("Application") filed by Athena Broadband ("Athena" or "Applicant") on December 8, 2014. In its *Application*, Athena Broadband seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local exchange and interexchange telecommunications services in Tennessee.

LEGAL STANDARD

Athena'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. 2012), 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. § 65-4-204 (2004), public notice of the Hearing in this matter was issued by the Hearing Officer on May 29, 2015. No persons sought intervention prior to or during the Hearing.

I. ATHENA'S QUALIFICATIONS

1. Athena is a corporation organized under the laws of the State of Tennessee and was licensed to transact business in Tennessee by the Secretary of State on April 30, 2012.

2. The complete street address of the registered agent for Athena is 1215 Union Street, Shelbyville, Tennessee 37160. The complete street address of the corporate office of Athena is P.O. Box 653, Shelbyville, Tennessee 37162. The telephone number is (931) 680-

4668.

3. The *Application* and information in the record indicate that Athena has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of Tennessee. Specifically, Athena's senior management team possesses extensive business, technical, operational and regulatory experience.

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

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

II. PROPOSED SERVICES

Athena proposes to deploy fiber optic connectivity to commercial customers in Shelbyville, Tennessee. The network will begin in the east end of Shelbyville on Madison Street and run west to the intersection of Madison and North Main Street. The network will then run north on Main Street to the northern edge of Shelbyville. The network will be used to provide one gigabit Internet connections and VoIP. Some circuit switched telephony may also be carried over these facilities. Initially, Athena will offer services in Bedford and Marshall Counties.

Furthermore, Athena expects to offer a broad variety of local exchange services, to wholesale and business customers in Tennessee. Athena's initial line of local services will be comparable to that currently offered by the incumbent LECs. Athena plans to offer basic access line service, PBX and DID Services, Optional Calling Features, Directory Assistance, Directory Services and Operator Services, as well as, all services required under TRA Rule 1220-4-8-.04.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

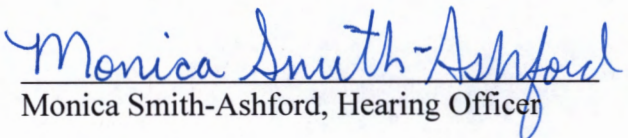
Athena's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

Athena 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 of Athena Broadband for Authority to Provide Competing Local Telecommunications Service* 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, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the fifteen-day appeal period.


Monica Smith-Ashford, Hearing Officer