

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

January 7, 2016

***APPLICATION OF MEGAWATT COMMUNICATIONS, LLC  
FOR A CERTIFICATE TO PROVIDE BROADBAND AND  
INTERNET ACCESS SERVICE***

)  
)  
) **DOCKET NO.**  
) **15-00087**  
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**INITIAL ORDER GRANTING CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY**

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This matter came before the Hearing Officer of the Tennessee Regulatory Authority (the “Authority” or “TRA”) at a Hearing held on December 18, 2015 to consider the *Application of Megawatt Communications, LLC for Certificate to Provide Broadband and Internet Access Service* (the “*Application*”) filed by Megawatt Communications, LLC (“Megawatt” or “Applicant”) on September 16, 2015. In its *Application*, Megawatt seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide broadband and internet access service in Tennessee, or in the alternative, a certificate to provide competing local telecommunications services.

**LEGAL STANDARD**

Megawatt’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 (2015), 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 . . .

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(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.

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Furthermore, pursuant to Tenn. Code Ann. § 65-5-112 (2015), 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 (2015), public notice of the Hearing in this matter was issued by the Hearing Officer on December 8, 2015. No persons sought intervention prior to or during the Hearing.

#### **I. MEGAWATT'S QUALIFICATIONS**

1. Megawatt is organized under the laws of the State of Tennessee and was licensed to transact business in Tennessee by the Secretary of State on January 5, 2011.

2. The complete street address of the registered agent for Megawatt is Jack Cathey, 404 David Ave., Lewisburg, Tennessee 37091. The complete street address of the corporate

office of Megawatt is 404 David Ave., Lewisburg, Tennessee 37091. The telephone number is (931) 359-4321.

3. The *Application* and information in the record indicate that Megawatt has the requisite technical and managerial ability to provide the applied for telecommunications services within the State of Tennessee. Specifically, Megawatt's management possesses sufficient business, technical, operational and regulatory experience.

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

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

## **II. PROPOSED SERVICES**

Megawatt is a small, relatively new company that provides broadband internet access service and VOIP telephone service to approximately forty customers in and around Marshall County, Tennessee. In addition to broadband internet access services and VOIP telephone service, Megawatt also offers web design, wireless network installation, business wifi, and computer sales and repair in the Marshall County area.

## **III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY**

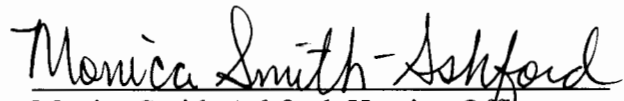
Megawatt's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications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

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

Megawatt has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2015) and the Authority's Rules.

**IT IS THEREFORE ORDERED THAT:**

1. Megawatt Communications, LLC's alternative request for a certificate to provide competing local exchange services contained in the *Application of Megawatt Communications, LLC for Certificate to Provide Broadband and Internet Access 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