

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 3, 2016

IN RE:

**PETITION OF THE NEXUS GROUP, INC. FOR A
CERTIFICATE TO PROVIDE COMPETING LOCAL
TELECOMMUNICATION SERVICES WITHIN THE
STATE OF TENNESSEE**

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**DOCKET NO.
16-00034**

**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 2, 2016 to consider the *Petition of The Nexus Group, Inc. for a Certificate to Provide Competing Local Telecommunications Services Within the State of Tennessee* filed by The Nexus Group, Inc. (“Nexus” or “Company”) on April 7, 2016. In its *Petition*, Nexus seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local exchange and interexchange telecommunications services in Tennessee.

LEGAL STANDARD

The *Petition* by Nexus 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 (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 October 21, 2016. The Hearing was conducted on November 2, 2016. The witness for the Company, Mr. Leonard Higgins, provided pre-filed testimony with the *Petition*. At the Hearing, Mr. Higgins was sworn and provided testimony before the Hearing Officer. No persons sought intervention prior to or during the Hearing.

I. COMPANY QUALIFICATIONS

1. Nexus is a corporation organized under the laws of the State of Wyoming on January 4, 1995, and was licensed to transact business in Tennessee by the Secretary of State on April 26, 1995.

2. The complete street address of the registered agent and the complete street address of the corporate office of Nexus is 1661 Murfreesboro, TN 37217. The telephone number is (615) 221-4200.

3. The *Petition* and information in the record indicate that Nexus has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of Tennessee.

4. Based on the record in this matter, Nexus has the necessary capital and financial ability to provide the services it proposes to offer.

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

II. PROPOSED SERVICES

Nexus proposes to offer Hosted Voice service, PRI and SIP trunks for access to a customer's PBX, POTS resale, interstate, intrastate and international long distance, as well as optional calling features, directory assistance, directory services, as well as all services required under Chapter 1220-4-8-.04(3), (6) and (2).¹ Nexus proposes to offer its services throughout the State of Tennessee in the Nashville and Knoxville metropolitan area.²

¹ *Petition*, 5

² *Id.*

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

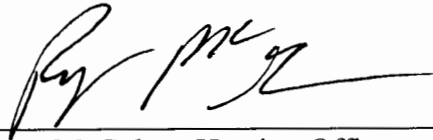
The Company's *Petition* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications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

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

Nexus 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. The *Petition of The Nexus Group, Inc. for a Certificate to Provide Competing Local Telecommunications Services Within the State of Tennessee* filed by The Nexus Group, 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, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the fifteen-day appeal period.



Ryan McGehee, Hearing Officer