

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 29, 2016

IN RE:

APPLICATION OF MOBILITIE MANAGEMENT LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE COMPETING LOCAL
TELECOMMUNICATION SERVICES IN TENNESSEE

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DOCKET NO.
16-00036

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 July 22, 2016 to consider the *Application of Mobilitie, LLC for a Certificate to Provide Competing Local Telecommunications Services in Tennessee* (“Application”) filed by Mobilitie Management, LLC (“Mobilitie” or “Company”) on April 11, 2016. In its *Application*, Mobilitie seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local exchange and interexchange telecommunications services in Tennessee.

LEGAL STANDARD

Mobilitie’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 (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 July 11, 2016. Prior to the hearing, the Company sought to have its witness participate telephonically. The Hearing Officer granted the request by order on July 20, 2016.¹ Further, Mobilitie filed an amendment to the *Application* on July 21, 2016, to reflect the restructuring of the Company's management team.²

The Hearing was conducted on June 22, 2016. The witness for the Company, Mr.

¹ *Order Granting Motion to Allow Witness to Participate by Telephone*, (July 20, 2016).

² *Amendment to Exhibits B, D, & E of the Application* (July 21, 2016).

Christopher Glass adopted the pre-filed testimony of Mr. Christos Karmis submitted as part of the *Application*. At the Hearing, Mr. Glass was sworn and presented the *Application* and provided testimony. No persons sought intervention in the proceeding or recognition for public comment prior to or during the Hearing.

I. MOBILITIE'S QUALIFICATIONS

1. Mobilitie is a corporation organized under the laws of Delaware on January 15, 2016, and was licensed to transact business in Tennessee by the Secretary of State on April 8, 2016.

2. The complete street address of the registered agent for Mobilitie is National Register Agents, Inc. Corporation Service Company, STE 2021, 800 S Gay Street, Knoxville, Tennessee, 37929-9710. The complete street address of the corporate office of Mobilitie is 2220 University Drive, Newport Beach, California, 92660-3319. The telephone number is (877) 999-7070.

3. The *Application* and information in the record indicate that Mobilitie 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, Mobilitie has the necessary capital and financial ability to provide the services it proposes to offer.

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

II. PROPOSED SERVICES

Mobilitie proposes to offer to provide transport, backhaul, broadband and other voice and

service data services to carriers and other infrastructure customers.³ Mobilitie has no plans to serve end-user customers.⁴

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Mobilitie'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

Mobilitie 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 *Application of Mobilitie Management, LLC for a Certificate to Provide Competing Local Telecommunications Services Within the State of Tennessee* filed by Mobilitie Management, LLC 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

³ Christos Karmis, Pre-filed Direct Testimony, (April 11, 2016).

⁴ *Id.*