

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 19, 2017

IN RE:	)	
	)	
PETITION FOR APPROVAL OF VELOCITY THE	)	DOCKET NO.
GREATEST PHONE COMPANY EVER, INC. FOR	)	17-00040
AUTHORITY TO PROVIDE RESELL	)	
TELECOMMUNICATIONS SERVICE IN TENNESSEE	)	

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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 Public Utility Commission (the "Commission" or "TPUC") at a Hearing held on September 8, 2017 to consider the *Petition for Approval of Velocity the Greatest Phone Company Ever, Inc. for Authority to Provide Resell Telecommunications Service in Tennessee* (the "*Application*") filed by Velocity the Greatest Phone Company Ever, Inc. ("Velocity" or "Applicant") on May 12, 2017. In its *Application*, Velocity seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local telecommunications services within the State of Tennessee.

**LEGAL STANDARD**

Velocity'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 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 commission, 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 Commission a small and minority-owned telecommunications business participation plan which provides a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses and 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 August 28, 2017. No persons sought intervention prior to or during the Hearing. The witness for the *Applicant*, Mr. William Werner was allowed to testify by telephone in accordance with the *Order Granting Motion to Allow Witness to Participate by Telephone* issued by the Hearing Officer on August 29, 2017.

Thereafter, Mr. Werner participated in the Hearing and was subject to examination by counsel for Velocity and the Hearing Officer. During the Hearing, Mr. Werner adopted his pre-filed testimony. Mr. Werner further stated that he is the secretary of the corporate entity and is the Chief Operating Officer of Velocity. He further testified that Velocity would comply with all TPUC rules and regulations. The Hearing Officer opened the floor for public comment, but no member of the public came forward to comment. Upon conclusion of the presentation of the Applicant's proof, the Hearing Officer granted Velocity's *Application* based upon the following findings of fact and conclusions of law:

**I. TRI-COUNTY FIBER'S QUALIFICATIONS**

1. Velocity is a corporation organized under the laws of the State of Delaware, originally established on October 24, 2005 and licensed to transact business in Tennessee by the Secretary of State on April 3, 2009.

2. The complete street address of the registered agent for Velocity, TCS Corporate Services, Inc., is 1900 Church Street, Ste. 400, Nashville, TN 37203. The complete street address of the corporate office of Velocity is 7130 Spring Meadows West Drive, Holland, Ohio 43528. The telephone number is (419) 868-9983.

3. The *Application* and information in the record indicate that Velocity has the requisite technical and managerial ability to provide competitive telecommunications services within the State of Tennessee. Specifically, Velocity's management team possesses extensive business, technical, operational and regulatory experience, having been authorized to provide current local exchange and/or interexchange services in 46 states and the District of Columbia.

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

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

## **II. PROPOSED SERVICES**

Velocity intends to provide telecommunications local exchange services to customers located in non-rural local exchange carriers' service areas of Tennessee and to provide interexchange services statewide. Velocity will establish appropriate and necessary resale and interconnection agreements with incumbent LECs in order to provide service utilizing unbundled network elements. Velocity does not intend to install facilities in within the State.

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

Velocity'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.

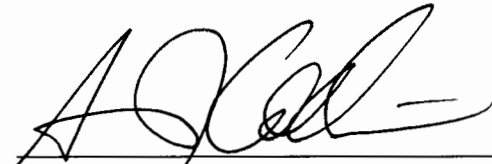
## **IV. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN AND BUSINESS ASSISTANCE PROGRAM**

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

## **IT IS THEREFORE ORDERED THAT:**

1. The *Petition for Approval of Velocity the Greatest Phone Company Ever, Inc. for Authority to Provide Resell Telecommunications Service in Tennessee* 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 Public Utility Commission, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the fifteen-day appeal period.



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Aaron J. Conklin, Hearing Officer