

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 20, 2017

IN RE:

**APPLICATION OF ARDMORE TELEPHONE
COMPANY INCORPORATED FOR A
CERTIFICATE TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES STATEWIDE**

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**DOCKET NO.
17-00112**

**INITIAL ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Hearing Officer of the Tennessee Public Utility Commission (the "Commission" or "TPUC") at a Hearing held on November 15, 2017 to consider the *Application of Ardmore Telephone Company Incorporated for a Certificate to Provide Competing Local Telecommunications Services Statewide* (the "*Application*") filed by Ardmore Telephone Company Incorporated ("Ardmore" or "Applicant") on October 4, 2017. In its *Application*, Ardmore seeks a Certificate of Public Convenience and Necessity ("CCN") for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

Ardmore'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.

* * *

Furthermore, pursuant to Tenn. Code Ann. § 65-5-112, 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, public notice of the Hearing in this matter was issued by the Hearing Officer on November 6, 2017. No persons sought intervention prior to or during the Hearing. Mr. Trevor Bonnstetter, Chief Executive Officer of Ardmore Telephone Company Incorporated, appeared telephonically at the Hearing and provided testimony.

Thereafter, Mr. Bonnstetter participated in the Hearing, adopted and summarized his pre-filed testimony and was subject to examination by the Hearing Officer. During the Hearing, Mr.

Schneider testified that the Company has been providing telecommunications services since 1955, with services currently provided in Giles and Lincoln Counties in Tennessee and also in areas in Alabama. Further, Mr. Schneider submitted financial statements and other exhibits to the *Application* as part of the record of this matter.

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 its proof, the Hearing Officer granted Ardmore's *Application* based upon the following findings of fact and conclusions of law:

I. ARDMORE'S QUALIFICATIONS

1. Ardmore is a corporation organized under the laws of the State of Tennessee, originally established on August 6, 1955 and authorized to transact business in Tennessee by the Secretary of State on said date.

2. The complete street address of the registered agent for Ardmore, FBT of Tennessee, Inc., is 150 3rd Avenue South, Nashville, Tennessee 37201. The complete street address of the corporate office of Ardmore is 30190 Ardmore Avenue, Ardmore, Alabama 35739. The telephone number is (256) 423-2131.

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

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

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

II. PROPOSED SERVICES

Ardmore intends to provide a full range of telecommunications services, including, but not limited to, dedicated and switched access services, private line services, local dial tone, 911 and E911 emergency services, enhanced services and all other services required by Commission rule. Ardmore currently provides telecommunications services in select areas in Tennessee, primarily Giles and Lincoln counties, and intends to expand upon such services, as business conditions warrant, to offer consumers increased carrier choices, competitive pricing and increased reliability, responsiveness and innovation.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Ardmore'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


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

IT IS THEREFORE ORDERED THAT:

1. The *Application of Ardmore Telephone Company Incorporated for a Certificate to Provide Competing Local Telecommunications Services Statewide* 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.



Aaron J. Conklin, Hearing Officer