

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

August 10, 2018

IN RE:

**APPLICATION OF ONVOY, LLC FOR A CERTIFICATE TO
PROVIDE COMPETING LOCAL EXCHANGE AND LONG
DISTANCE TELECOMMUNICATIONS ON A FACILITIES
AND RESOLD BASIS IN TENNESSEE**

**DOCKET NO.
18-00023**

**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 August 1, 2018 to consider the *Application of Onvoy, LLC for a Certificate to Provide Competing Local Exchange and Long Distance Telecommunications on a Facilities and Resold Basis* (the “*Application*”) filed by Onvoy, LLC (“Onvoy” or “Applicant”) on March 9, 2018. In its *Application*, Onvoy seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

Onvoy’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

* * *

(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 July 20, 2018. No persons sought intervention prior to or during the Hearing. Ms. Mary T. Buley, Senior Regulatory and Interconnection Manager, appeared at the Hearing telephonically and provided testimony.¹

Ms. Buley participated in the Hearing and adopted and summarized her pre-filed testimony. She offered two changes of information to the Company's *Application*. Ms. Buley

¹ Ms. Buley provided testimony pursuant to the conditions established in the order entered on July 27, 2018. *See Order Granting Motion to Appear and Participate Telephonically at Hearing*, (July 27, 2018). *See also Notary*

identified Edward O'Hara as replacing Michael Donahue as Chief Financial Officer on Exhibit B of the *Application*. In addition, Ms. Buley indicated that Exhibit J, which lists the jurisdictions in which Onvoy is authorized to provide service, should be amended to add the state of Mississippi. Ms. Buley was then subject to examination by the Hearing Officer. During the Hearing, Mr. Buley testified that the Company will comply with all Commission policies, rules and orders.

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 Onvoy's *Application* based upon the following findings of fact and conclusions of law:

I. ONVOY'S QUALIFICATIONS

1. Onvoy is a limited liability company organized under the laws of the State of Minnesota on March 10, 2014 and currently authorized to transact business in the State of Tennessee.

2. The complete street address of the registered agent for Onvoy, CT Corporation System, is 800 S. Gay Street, Suite 2021, Knoxville, TN 37929. The complete street address of the corporate office of Onvoy is 10300 6th Ave. North, Plymouth, MN 55441. The telephone number is (763) 230-4183.

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

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

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

II. PROPOSED SERVICES

Onvoy seeks a certificate of public convenience and necessity in order to provide facilities-based local exchanged telecommunications services, including exchange access telecommunications services, resold local exchange, and facilities-based and resold long distance services within the State of Tennessee. Onvoy will provide wholesale voice services, wholesale long distance, wholesale operator services, internet access, switched access, and transit services. In the future, Onvoy intends to provide retail local exchange services to enterprise customers.² Onvoy is not proposing to build a network or to deploy switches, but will utilize the network and switching provided by AT&T Tennessee. No construction is expected to be undertaken by Onvoy.³

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Onvoy'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

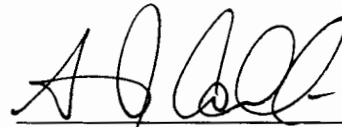
Onvoy has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 and the Commission's Rules.

² *Application of Onvoy, LLC for Certificate to Provide Competing Local Telecommunications Services in Tennessee*, p. 3 (March 9, 2018).

³ *Id.* at 4.

IT IS THEREFORE ORDERED THAT:

1. The *Application of Onvoy, LLC for Certificate to Provide Competing Local Telecommunications Services 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.



Aaron J. Conklin, Hearing Officer