

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

August 10, 2018

IN RE:

**APPLICATION OF BTC COMMUNICATIONS, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES STATEWIDE**

DOCKET NO.
18-00059

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 BTC Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services Statewide* (the “*Application*”) filed by BTC Communications, LLC (“BTC” or “Applicant”) on May 18, 2018. In its *Application*, BTC seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

BTC'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. Mr. Charles H. Boring, General Manager, appeared at the Hearing and provided testimony.

Mr. Boring participated in the Hearing and adopted and summarized his pre-filed testimony. Mr. Boring was then subject to examination by the Hearing Officer. During the Hearing, Mr. Boring testified that BTC is subsidiary of Tennessee Telecommunications

Company, which is a subsidiary of Bledsoe Telephone Cooperative, which has been providing telecommunication services in Tennessee since 1953. He further provided that BTC desires to offer services statewide in order to deliver to more consumers increased carrier choices, competitive pricing, and increased reliability, responsiveness and innovation.

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

I. BTC'S QUALIFICATIONS

1. BTC is a limited liability company organized under the laws of the State of Tennessee on May 5, 2016 and currently authorized to transact business in the State of Tennessee.

2. The complete street address of the registered agent for BTC, Charles Boring, is 338 Cumberland Ave., Pikeville, TN 37367. Said address is also the principal office address. The telephone number is (423) 447-2121.

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

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

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

II. PROPOSED SERVICES

BTC seeks a certificate of public convenience and necessity in order to provide a fully array of telecommunications services on a statewide basis, as business conditions warrant, including without limitation, in Rhea County, Tennessee.¹ BTC is indirectly owned by Bledsoe Telephone Company which has been providing telephone services in Tennessee since 1953, primarily in 5 Tennessee counties. BTC intends to offer, in addition the current offerings of its parent company, a full range of telecommunications services via VoIP and other platforms, 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 Commission-required services. To the extent appropriate or necessary, BTC may supplement its services by leasing the facilities of third party carriers and/or reselling the services.²

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

BTC'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

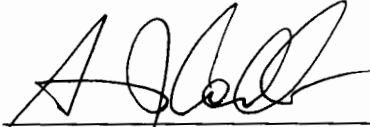
BTC has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 and the Commission's Rules.

¹ *Application of BTC Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services Statewide*, p. 2 (May 18, 2018).

² *Id.*

IT IS THEREFORE ORDERED THAT:

1. The *Application of BTC Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Intrastate 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