

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

**October 10, 2018**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF COMMUNICATIONS VENTURE</b>	)	
<b>CORPORATION d/b/a INDIGITAL FOR A CERTIFICATE OF</b>	)	<b>DOCKET NO.</b>
<b>CONVENIENCE AND NECESSITY TO PROVIDE</b>	)	<b>18-00084</b>
<b>TELECOMMUNICATIONS SERVICES STATEWIDE</b>	)	

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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 25, 2018 to consider the *Application for Certificate to Provide Competing Telecommunications Services* (the “*Application*”) filed by Communications Venture Corporation d/b/a INdigital (“INdigital” or “Company”) on August 3, 2018. In its *Application*, INdigital seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

**LEGAL STANDARD**

INdigital’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 September 14, 2018. No persons sought intervention prior to or during the Hearing. Mr. Mark Grady, President of INdigital, appeared at the Hearing telephonically and provided testimony.<sup>1</sup>

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<sup>1</sup> Mr. Grady provided testimony pursuant to the conditions established in the order entered on September 20, 2018. *See Order Granting Motion to Appear and Participate Telephonically at Hearing*, (September 20, 2018). *See also Witness Certification and Notary Public Affidavit for Communications Venture Corporation*, (September 26, 2018).

Mr. O'Hara participated in the Hearing and adopted the pre-filed testimony of Deborah Prather, Director of Regulatory Affairs for INdigital.<sup>2</sup> He had no corrections or amendments to Ms. Prather's pre-filed testimony. Mr. Grady was then subject to examination by the Hearing Officer. During the Hearing, Mr. Grady testified that the Company will comply with all Commission policies, rules and orders. He also testified that the Company has no complaints currently pending against it.

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

#### **I. INDIGITAL'S QUALIFICATIONS**

1. INdigital is a corporation organized under the laws of the State of Indiana on June 16, 1995 and authorized to transact business in the State of Tennessee on October 4, 2016.

2. The complete street address of the registered agent for INdigital, CT Corporation System, is 800 S. Gay Street, Suite 2021, Knoxville, TN 37929. The complete street address of the corporate office of INdigital is 1616 Directors Row, Ft. Wayne, IN 46808. The telephone number is (260) 469-2413.

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

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<sup>2</sup> Ms. Prather was due to appear and testify telephonically, but was unable to do so due to unexpected circumstances. Mr. Grady testified in her stead.

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

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

## **II. PROPOSED SERVICES**

INdigital has been selected to, and is in the process of, providing the statewide NG9-1-1 network and ESInet to the State of Alabama. As the State of Tennessee is in the process of deploying similar services, INdigital seeks to interconnect the Alabama network with the Tennessee network to enable the Alabama Public Safety Answering Points (“PSAPs”) that border Tennessee PSAPs to transfer 9-1-1 callers between PSAPs, with locatin information and other data pertaining to the call. Such connectivity is needed with wireless 9-1-1 callers where the caller is traveling in a vehicle across state lines into other emergency responder’s jursdictions. INdigital seeks a certificate of public convenience and necessity in order to provide local exchange service as most ILECs and CMRS providers require that a 9-1-1 service provider be certificated as a carrier and enter into an interconnection agreement. INdigital does not intend to offer local dial tone or toll services as this time and therefore does not anticipate the need for numbering resources.<sup>3</sup>

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

INdigital’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.

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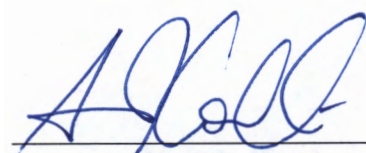
<sup>3</sup> *Application for Certificate to Provide Competing Telecommunications Services*, pp. 3-4 (August 3, 2018).

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

INdigital 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 for Certificate to Provide Competing Telecommunications Services*, filed by Communications Venture Corporation d/b/a INdigital, 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