

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

**December 26, 2018**

**IN RE:**

**APPLICATION OF UNITI FIBER, LLC FOR A CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETING AND LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES**

**DOCKET NO.  
18-00116**

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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 December 11, 2018 to consider the *Application for Authority to Provide Competing Local Exchange and Interexchange Service* (the “*Application*”) filed by Uniti Fiber, LLC (“Uniti” or “Company”) on November 2, 2018. In its *Application*, Uniti seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

**LEGAL STANDARD**

Uniti’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, 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 30, 2018. No persons sought intervention prior to or during the Hearing. Mr. Jeffrey Strenkowski, Vice President/Deputy General Counsel of Governmental Affairs, appeared at the Hearing and provided testimony.

Mr. Strenkowski participated in the Hearing and adopted his pre-filed testimony. He had no corrections or amendments to his pre-filed testimony. Mr. Strenkowski was then subject to

examination by the Hearing Officer. During the Hearing, Mr. Strenkowski 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 in federal regulatory agencies or with any state regulatory agencies. Mr. Strenkowski also provided testimony concerning the relationship of Uniti with its parent company and with the conglomeration of related fiber companies operating under the parent company under the brand name "Uniti Fiber," which collectively are authorized to provide local exchange and interexchange services in much of the eastern United States and in California.

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

#### **I. UNITI'S QUALIFICATIONS**

1. Uniti is a limited liability company organized under the laws of the State of Indiana on February 4, 2010 as Wireless Infrastructure Partners, LLC, changing its name to Uniti Fiber, LLC by Certificate of Amendment on March 6, 2017. Uniti was authorized to transact business in the State of Tennessee on October 24, 2018.

2. The complete street address of the registered agent for Uniti, CT Corporation System, is 300 Montvue Rd., Knoxville, TN 37919-5546. The complete street address of the principal office of Uniti is 10802 Executive Center Dr. Ste. 300, Little Rock AR 72211-4379. The complete street address of Uniti's headquarters office is 107 St. Francis St., Suite 1800, Mobile, AL 36602. The Company's telephone number is (251) 662-1170.

3. The *Application* and information in the record indicate that Uniti has the requisite technical and managerial ability to provide competitive access services and transport

telecommunications services within the State of Tennessee. Specifically, Uniti's management team possesses extensive business, technical, operational and regulatory experience in the telecommunications industry.

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

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

## **II. PROPOSED SERVICES**

Uniti intends to offer resold local exchange, interexchange, dedicated point-to-point private line service, VoIP, and dedicated Internet access to business and residential customers. Uniti's data service offerings will provide bandwidth, beginning at T-1 (1.554 mbps) and proceeding into the high speed optical carrier networks. Uniti does not intend to provide alternate operator or switched access services at this time.<sup>1</sup>

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

Uniti'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**


Uniti 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.

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<sup>1</sup> *Application of Uniti Fiber, LLC for Authority to Provide Competing Local Exchange and Interexchange Service,*

**IT IS THEREFORE ORDERED THAT:**

1. The *Application for Authority to Provide Competing Local Exchange and Interexchange Service*, filed by Uniti Fiber, LLC, 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