

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

April 22, 2019

IN RE:

**APPLICATION OF LIGHT SOURCE COMMUNICATIONS,
LLC FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD COMPETING LOCAL
TELECOMMUNICATIONS SERVICES**

**DOCKET NO.
18-00124**

**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 April 11, 2019 to consider the *Application of Light Source Communications, LLC for Authority to Provide Competing and Local Exchange Services in Tennessee* (the “*Application*”) filed by Light Source Communications, LLC (“Light Source” or “Company”) on November 30, 2018. In its *Application*, Light Source seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

Light Source’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 April 11, 2019. No persons sought intervention prior to or during the Hearing. Ms. Debra Frietas, Chief Executive Officer of Light Source appeared at the Hearing and provided testimony telephonically.¹

¹ Ms. Frietas' telephonic testimony was permitted by order of the Hearing Officer establishing the conditions and parameters by which telephonic attendance and testimony is presented. *See Order Granting Motion to Appear and Participate Telephonically at Hearing*, (April 5, 2019).

Ms. Frietas participated in the Hearing and adopted her pre-filed testimony. She had no corrections or amendments to her pre-filed testimony. Ms. Frietas was then subject to examination by the Hearing Officer. During the Hearing, Ms. Frietas testified that the Company will comply with all Commission policies, rules and orders. She also gave testimony concerning the managerial, technical and financial abilities of the Company to provide telecommunications service. Ms. Frietas stated that the CLEC application submitted in North Carolina has been approved since the filing of the *Application*.

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

I. LIGHT SOURCE'S QUALIFICATIONS

1. Light Source is a limited liability company organized under the laws of the State of Michigan on May 9, 2014. Light Source was authorized to transact business in the State of Tennessee on October 15, 2018.

2. The complete street address of the registered agent for Light Source, Incorp Services, Inc, is 216 Centerview Dr., Ste. 317, Brentwood, TN 37027-3226. The complete street address of the principal office of Light Source is 13909 Pennsylvania Rd., Ste. C, Riverview, MI 48193-7502. The Company's telephone number is (844) 539-1805.

3. The *Application* and information in the record indicate that Light Source has the requisite technical and managerial ability to provide competitive access services and transport telecommunications services within the State of Tennessee. Specifically, Light Source's

management team possesses extensive business, technical, operational and regulatory experience in the telecommunications industry.

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

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

II. PROPOSED SERVICES

Light Source proposes to offer a broad variety of local exchange services, fiber, and data service to business customers in Tennessee. The Company currently provides high-bandwidth, fiber-based communications networks, and related competitive data services for high-bandwidth customers. These networks typically involve providing fiber connectivity, under long term contracts, between multiple customer facilities and to key carrier meet-point locations and local data centers. The Company's customers consist of large business enterprises, governmental organizations, educational institutions, data centers, and other carriers.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Light Source'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

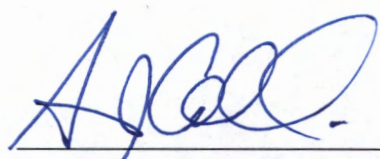
Light Source has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 and the Commission's Rules.

IT IS THEREFORE ORDERED THAT:

1. The *Application of Light Source Communications, LLC for Authority to Provide Competing and Local Exchange Services in Tennessee*, filed by Light Source Communications, 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.



Aaron J. Conklin, Hearing Officer