

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

February 15, 2019

IN RE:)	
)	
IN THE MATTER OF THE APPLICATION OF FIBERLIGHT,)	
LLC FOR A CERTIFICATE TO PROVIDE COMPETING)	DOCKET NO.
LOCAL TELECOMMUNICATIONS SERVICES)	18-00130
)	

**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 February 8, 2019 to consider the *Application of FiberLight, LLC for a Certificate to Provide Competing Local Telecommunications Services* (the “*Application*”) filed by FiberLight, LLC (“FiberLight” or “Company”) on December 21, 2018. In its *Application*, FiberLight seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

FiberLight’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 January 29, 2019. No persons sought intervention prior to or during the Hearing. Mr. Kevin Coyne, Chief Operating Officer and founder of FiberLight appeared at the Hearing and provided testimony telephonically.¹

¹ Mr. Coyne's 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 Allow Witness*

Mr. Coyne participated in the Hearing and adopted his pre-filed testimony. He had no corrections or amendments to his pre-filed testimony. Mr. Coyne was then subject to examination by the Hearing Officer, during which Mr. Coyne stated under oath that the pre-filed testimony he submitted, which was not sworn, was true and correct. During the Hearing, Mr. Coyne testified that the Company will comply with all Commission policies, rules and orders. He also gave testimony concerning the managerial, technical and financial abilities of the Company to provide telecommunications service. Mr. Coyne stated that services are primarily geared toward governmental application and that residential services would not be provided at this time, but may be at some point in the future.

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

I. FIBERLIGHT'S QUALIFICATIONS

1. FiberLight is a limited liability company organized under the laws of the State of Delaware on March 18, 2005. FiberLight was authorized to transact business in the State of Tennessee on October 10, 2018.

2. The complete street address of the registered agent for FiberLight, CT Corporation System, is 300 Montvue Rd., Knoxville, TN 37919-5546. The complete street address of the principal office of FiberLight is 11700 Great Oaks Way, Suite 100, Alpharetta, GA 30022. The Company's telephone number is (678) 366-0027.

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

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

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

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

II. PROPOSED SERVICES

FiberLight proposes to offer its services throughout the State of Tennessee in the service areas of any ILEC that does not enjoy a rural exemption under Section 251(f) of the Telecommunications Act of 1996. FiberLight proposes to offer wholesale and retail local and interexchange services, primarily, but not exclusively to business customers in Tennessee. FiberLight intends to offer a broad range of telecommunications services through the use of its own facilities, resold facilities, unbundled network elements, as available, and through a combination of these methods. FiberLight does not intend to immediately provide voice grade service in Tennessee.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

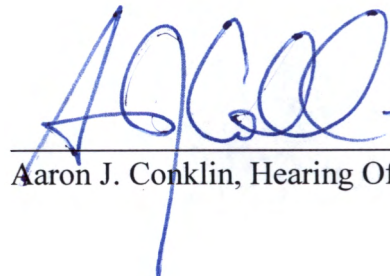
FiberLight's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

FiberLight 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 FiberLight, LLC for a Certificate to Provide Competing Local Telecommunications Services*, filed by FiberLight, 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