

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

May 9, 2019

IN RE:

**APPLICATION OF CITY COMMUNICATIONS, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE COMPETING AND LOCAL
TELECOMMUNICATION SERVICES**

**DOCKET NO.
19-00026**

**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 29, 2019 to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the “*Application*”) filed by City Communications, Inc. (“City” or “Company”) on February 20, 2019. In its *Application*, City seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services within the State of Tennessee.

LEGAL STANDARD

City’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 18, 2019. No persons sought intervention prior to or during the Hearing. Mr. Faraz Mobeen, Director and CEO of City, appeared at the Hearing and provided testimony.

Mr. Mobeen participated in the Hearing, subject to the questioning of the Hearing Officer, and adopted his pre-filed testimony. He had no corrections or amendments to his pre-filed testimony, other than to state that the Company's Alabama application, which had been listed as pending in the *Application*, has since been approved. During the Hearing, Mr. Mobeen testified that the Company will comply with all Commission policies, rules and orders, as well as

applicable statutes concerning telemarketing and facsimile marketing. He also testified that the Company has no complaints currently pending against it in federal regulatory agencies or with any state regulatory agencies.

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

I. CITY'S QUALIFICATIONS

1. City is a corporation organized under the laws of the State of Georgia on February 24, 2014. Uniti was authorized to transact business in the State of Tennessee on March 30, 2018.

2. The complete street address of the registered agent for City, Incorp Services, Inc., is 216 Centerview Dr., Ste. 317, Brentwood, TN 37027. The complete street address of the principal office of City is 300 Village Center Dr., Ste. 103, Woodstock, GA 30188. The Company's telephone number is (678) 436-5590.

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

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

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

II. PROPOSED SERVICES

City intends to offer a variety of local exchange services to primarily business customers.

Such services will be comparable to those services offered by ILECs, including basic access line service, PBX and DID Services, optional calling features, directory assistance, directory services, and all services required by Tennessee statutes, rules, and regulations. The services will be provided through a combination of Company owned facilities and resold facilities.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

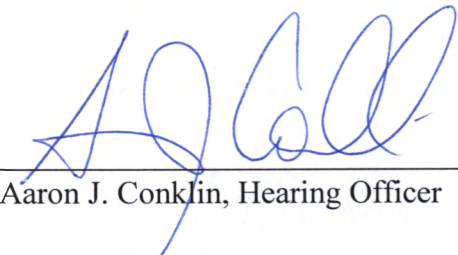
City's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications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

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

City 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 Local Telecommunications Services*, filed by City Communications, Inc., 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