

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

**June 14, 2019**

**IN RE:**

**APPLICATION OF CTI FIBER SERVICES, LLC FOR A  
CERTIFICATE TO PROVIDE COMPETING FACILITIES-  
BASED AND RESOLD LOCAL EXCHANGE AND  
INTEREXCHANGE SERVICES IN TENNESSEE**

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**DOCKET NO.  
19-00044**

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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 May 30, 2019 to consider the *Application of CTI Fiber Services for Certificate to Provide Facilities-Based Competitive Local/Interexchange and Resold Transport Services* (the “*Application*”) filed by CTI Fiber Services, LLC (“CTI” or “Company”) on April 3, 2019 and as amended in the Company’s filing on May 7, 2019. In its *Application*, CTI seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide facilities-based competing local/interexchange and resold transport services within the State of Tennessee.

**LEGAL STANDARD**

CTI’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 May 21, 2019. No persons sought intervention prior to or during the Hearing. Ms. Lisa Linares, VP of Strategic Initiatives of the Company, appeared at the Hearing and provided testimony.

Ms. Linares participated in the Hearing, subject to the questioning of the Hearing Officer, and adopted her pre-filed testimony. She had no corrections or amendments to her pre-filed testimony. During the Hearing, Ms. Linares testified that the Company will comply with all Commission policies, rules and orders, as well as applicable statutes concerning telemarketing

and facsimile marketing. She 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 CTI's *Application* based upon the following findings of fact and conclusions of law:

## **I. CTI'S QUALIFICATIONS**

1. CTI is a limited liability company organized under the laws of the State of Delaware on August 16, 2018. CTI was authorized to transact business in the State of Tennessee on January 14, 2019.

2. The complete street address of the registered agent for CTI, CT Corporation System, is 300 Montvue Rd., Knoxville, TN 37919. The complete street address of the principal office of City is 5000 Centre Green Way, Ste. 325, Cary, NC 27513. The Company's telephone number is (919) 893-2841.

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

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

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

## **II. PROPOSED SERVICES**

CTI intends to provide lit and/or dark fiber for cell backhaul services purchased at

wholesale from facilities-based carriers and/or fiber providers and resold to other carriers. The Company does not intend to provide switched services, including exchange access, and will provide services only as a wholesale carrier.

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

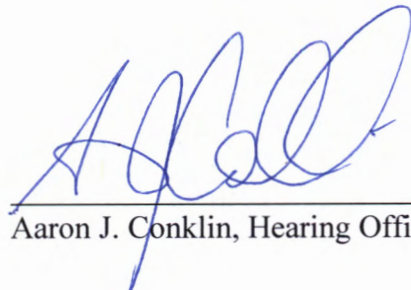
CTI's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications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

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

CTI 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 CTI Fiber Services for Certificate to Provide Facilities-Based Competitive Local/Interexchange and Resold Transport Services* filed by CTI Fiber Services, 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