

## TENNESSEE PUBLIC UTILITY COMMISSION



502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243

June 25, 2019

Terri K. Firestein  
CGC Consulting  
10806 Garrison Hollow Rd.  
Clear Spring, Maryland 21722

RE: Docket No. 19-00054, *Application of Point Broadband Fiber Holding, LLC for a Certificate to Provide Competing Intrastate and Local Telecommunications Services in Tennessee*

Dear Ms. Firestein:

CLEC applicants are required, by statute, to demonstrate their managerial, financial and technical abilities to provide the services for which they seek authority. To assist the Commission in its review of Point Broadband Fiber Holding, LLC's application for certificate of convenience and necessity to provide competing intrastate and local telecommunications services in Tennessee, you are requested to provide the following:

- 1) A surety bond or letter of credit in compliance with Tenn. Code Ann. § 65-4-125(j). Please use the Tennessee Public Utility Commission's standard bond form. A copy is attached for your convenience.
- 2) The Certificate of Existence from the Tennessee Secretary of State's Office.
- 3) The application states "Applicant elects Market Regulation." Affirm that the company understands the notice of intent to operate pursuant to the Market Regulation Act should be handled in a separate filing after a hearing on the CCN application has been held.
- 4) Exhibit A to Point Broadband Fiber Holding, LLC's application indicates one of its subsidiary companies is Sunset Fiber, LLC. Our records indicate Sunset Fiber, LLC is certificated by this agency and is not current on its annual statement of gross earnings and computation of inspection fees. We have also received notice that Sunset Fiber, LLC's surety bond, as required by Tenn. Code Ann. § 65-4-125(j), is set to expire on July 5, 2019. Does Point Broadband Fiber Holding ensure that its subsidiary company will file all required fees and maintain the required bond?
- 5) Does Point Broadband Fiber Holding, LLC agree to pay all inspection fees by April 1 of each year as well as maintain a continuous bond or letter of credit?

Point Broadband Fiber Holding, LLC  
Docket No. 19-00054  
Page 2

It is requested that this information be provided no later than 2:00 pm on July 12, 2019 and that you reference Docket Number 19-00054 on the response. In accordance with TN PUC rules submit either (1) thirteen written copies of your response or (2) four written copies and an electronic version. Should you have questions regarding this request, please contact Lisa Foust at 615-770-6886.

Sincerely,

A handwritten signature in black ink, appearing to read "D M Foster".

David Foster  
Director, Utilities Division

C: Chad Wachter, General Counsel  
Point Broadband Fiber Holding, LLC  
1791 O. G. Skinner Drive, Suite A  
West Point, Georgia 31833

Docket File

# TENNESSEE PUBLIC UTILITY COMMISSION

## TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond #: \_\_\_\_\_

**WHEREAS,** \_\_\_\_\_ (the "Principal"), has applied to the Tennessee Public Utility Commission for authority to provide telecommunications services in the State of Tennessee; and

**WHEREAS,** under the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is required to file this bond in order to obtain such authority and to secure the payment of any monetary sanction imposed in any enforcement proceeding brought under Title 65 of the Tennessee Code Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the Tennessee Public Utility Commission (the "TPUC"); and

**WHEREAS,** \_\_\_\_\_ (the "Surety"), a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to issue this bond in order to permit the Principal to comply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated;

**NOW THEREFORE, BE IT KNOWN,** that we the Principal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in accordance with the provisions of Tennessee Code Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand dollars (\$20,000.00) lawful money of the United States of America to be used for the full and prompt payment of any monetary sanction imposed against the Principal, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TPUC, for which obligation we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

This bond shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and shall be continuous; provided, however, that each annual renewal period or portion thereof shall constitute a new bond term. Regardless of the number of years this bond may remain in force, the liability of the Surety shall not be cumulative, and the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed Twenty Thousand Dollars (\$20,000.00). The Surety may cancel this bond by giving thirty (30) days written notice of such cancellation to the TPUC and Principal by certified mail, it being understood that the Surety shall not be relieved of liability that may have accrued under this bond prior to the date of cancellation.

### PRINCIPAL

### SURETY

\_\_\_\_\_  
Name of Company authorized by the TPUC

\_\_\_\_\_  
Name of Surety

\_\_\_\_\_  
Company ID # as assigned by TPUC

\_\_\_\_\_  
Address of Surety

SIGNATURE OF PRINCIPAL

SIGNATURE OF SURETY AGENT

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

Address of Surety Agent:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)**

**ACKNOWLEDGMENT OF PRINCIPAL**

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

Before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_ with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of \_\_\_\_\_, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGMENT OF SURETY**

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

Before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_ with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of \_\_\_\_\_, the within named Surety, a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, and that he as such an individual being authorized to do so, executed the foregoing bond, by signing the name of the corporation by himself and as such individual.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_, 2000

\_\_\_\_\_  
Notary Public

**APPROVAL AND INDORSEMENT**

This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the sureties on the same are good and worth the penalty thereof, and that the same has been filed with the Tennessee Public Utility Commission, State of Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name:

Title: