

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

**October 11, 2019**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF POINT BROADBAND</b>	)	
<b>FIBER HOLDING, LLC FOR A</b>	)	
<b>CERTIFICATE TO PROVIDE COMPETING</b>	)	<b>DOCKET NO.</b>
<b>LOCAL AND INTRASTATE</b>	)	<b>19-00054</b>
<b>TELECOMMUNICATIONS</b>	)	
<b>SERVICES IN THE STATE OF TENNESSEE</b>	)	

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**AMENDED 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 September 26, 2019 to consider the *Application for Certificate to Provide Competing Intrastate and Local Telecommunications Services* (the “*Application*”) filed by Point Broadband Fiber Holding, LLC (“Point Broadband” or “Company”) on June 5, 2019. In its *Application*, Point Broadband seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local and intrastate telecommunications services within the State of Tennessee.

**LEGAL STANDARD**

Point Broadband’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 September 16, 2019. No persons sought intervention prior to or during the Hearing. Mr. Chad Wachter, General Counsel for the Company, appeared at the Hearing and provided testimony.

Mr. Wachter 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. During the Hearing, Mr. Wachter 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's application in the State of Alabama had been recently granted.

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

#### **I. POINT BROADBAND'S QUALIFICATIONS**

1. Point Broadband is a limited liability company organized under the laws of the State of Delaware on October 11, 2018. Point Broadband was authorized to transact business in the State of Tennessee on May 14, 2019.

2. The complete street address of the registered agent for Point Broadband, National Registered Agents, Inc., is 300 Montvue Rd., Knoxville, TN 37919. The complete street address of the principal office of Point Broadband is 1791 OG Skinner Dr., Ste. A, West Point, GA 31833. The Company's telephone number is (844) 255-3688.

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

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

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

## **II. PROPOSED SERVICES**

Point Broadband intends to provide services utilizing a geographically redundant Meta Switch softswitch located in Bristol, Virginia. The switch is currently interconnected to the Public Switched Telephone Network (PSTN) and the Company will seek additional Interconnection Agreements with applicable ILECs. Point Broadband currently operates a Fiber-to-the-Home/Premise network with fully redundant fiber paths to peering locations in Georgia and Virginia. Route redundancy, facilities protection and disaster recovery are ensured by the Point Broadband Network Operations Center (NOC). The Company intends to offer services initially in areas currently served by AT&T Tennessee and Centurylink-Tennessee, which are areas that are designated open to competition. The Company intends to provide a broad range of telecommunications services through the use of its own facilities, resold ILEC facilities, third-party facilities and combination of these methods of provision. Specifically, the Company will provide a broad range of facilities-based, leased and resale competitive wholesale and retail telecommunications and transport services, which include dedicated and switched access services, private line and special access services, enhances services and voice telecommunications services which also includes local exchange and interexchange services in the State of Tennessee. Further, Point Broadband intends to offer basic access line service, PBX and DID Services, Ethernet services, Number Portability, Call Management Features, Directory Assistance, Directory Services, Operator Services and all other services required under Commission Rules.

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

Point Broadband's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications

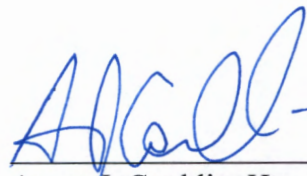
services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

Point Broadband 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 Intrastate and Local Telecommunications Services* filed by Point Broadband Fiber Holding, 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