

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

**December 18, 2019**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF MISSOURI NETWORK</b>	)	
<b>ALLIANCE, LLC TO PROVIDE</b>	)	
<b>COMPETING LOCAL AND</b>	)	<b>DOCKET NO.</b>
<b>INTEREXCHANGE</b>	)	<b>19-00069</b>
<b>TELECOMMUNICATIONS SERVICES ON</b>	)	
<b>A FACILITIES AND RESOLD BASIS</b>	)	
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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 December 5, 2019 to consider the *Application Of Missouri Network Alliance, LLC to Provide Competing Local and Interexchange Telecommunications Services on a Facilities and Resold Basis* (the “*Application*”) filed by Missouri Network Alliance, LLC (“MNA” or “Company”) on August 7, 2019. In its *Application*, MNA seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

**I. LEGAL STANDARD**

MNA’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.

## **II. 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 November 25, 2019. No persons sought intervention prior to or

during the Hearing. Mr. Chris Force appeared at the Hearing and provided testimony. Mr. Force is the Director of Finance for MNA.

Mr. Force adopted as his own testimony, the Pre-Filed Testimony of Chris Bach, who was Chief Financial Officer for the Company at the time his testimony was filed, offering no corrections, amendments, or additions to Mr. Bach's testimony. Mr. Force testified that the Company will comply with all applicable laws, and TPUC rules, policies and orders. He also provided a summary of the Company's financial, technical, and managerial qualifications and provided responses to the questions of the Hearing Officer.

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 MNA's *Application* based upon the findings of fact and conclusions of law state herein.

### **III. FINDINGS AND CONCLUSIONS**

#### **A. MNA'S QUALIFICATIONS**

1. MNA is a limited liability company organized under the laws of the State of Missouri on May 21, 1999 and authorized to do business in the State of Tennessee on or about June 12, 2019.

2. The complete street address of the Company's registered agent, Cogency Global, Inc., is 992 Davidson Dr., Suite B, Nashville, Tennessee 37205-1051. The complete street address of the principal office of MNA is 2005 W. Broadway, Building A, Suite 215, Columbia, Missouri 65203. The Company's telephone number is (855) 258-2473.

3. The *Application* and information in the record indicate that MNA has the requisite technical and managerial ability to provide competitive local and intrastate

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

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

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

#### **B. PROPOSED SERVICES**

MNA does not intend to offer basic services initially, but rather proposes to offer dedicated private line (BDS)-type services that do not include local switched access. MNA intends to construct fiber to its enterprise and wholesale customers in the state of Tennessee. Its customers may purchase metro-Ethernet, wide area Ethernet, and/or dedicated internet access. Other services will include Ethernet Private Line, Ethernet Virtual Private Line, Ethernet Private LAN, Ethernet Virtual Private LAN; Ethernet Private Tree, Ethernet Virtual Private Tree, DS-1, DS-3 and SONET services.

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

MNA'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.

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

MNA 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 Missouri Network Alliance, LLC to Provide Competing Local and Interexchange Telecommunications Services on a Facilities and Resold Basis* filed by Missouri Network Alliance, 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