

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

**June 5, 2020**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF FULL TILT</b>	)	
<b>COMMUNICATIONS, LLC FOR A</b>	)	<b>DOCKET NO.</b>
<b>CERTIFICATE OF PUBLIC</b>	)	<b>20-00055</b>
<b>CONVENIENCE AND NECESSITY TO</b>	)	
<b>PROVIDE COMPETING LOCAL</b>	)	
<b>TELECOMMUNICATIONS SERVICES</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 May 28, 2020<sup>1</sup> to consider the *Application of Full Tilt Communications, LLC to Provide Competing Local Telecommunications Services* (the “*Application*”) filed by Full Tilt Communications, LLC (“Full Tilt,” “Applicant,” or “Company”) on April 15, 2020. In its *Application*, Full Tilt seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide local telecommunications services within the State of Tennessee.

**I. LEGAL STANDARD**

Full Tilt’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:

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<sup>1</sup> Due to the state of emergency declared by Governor Bill Lee relative to the Cornoavirus Disease 2019 (“COVID-19”) pandemic in Tenn. Exec. Order No. 14 on March 12, 2020, (superseded by Tenn. Exec. Order No. 15 on March 19, 2020 which was extended until June 30 2020 in Tenn. Exec. Order No. 36 on May 12, 2020), the Commission Conference was held electronically via WebEx. The public health emergency places limitations on public gatherings and meetings in order to prevent the spread of COVID-19. In convening the Commission Conference electronically, the Commission relied upon Tenn. Exec. Order No. 16 (March 20, 2020), which was extended until June 30, 2020

(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.

\* \* \*

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**

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by Tenn. Exec. Order No. 34 (May 6, 2020), and affirmed on the record that the electronic meeting was necessary to conduct the essential business of the agency and to protect the health, safety, and welfare of Tennesseans.

Pursuant to Tenn. Code Ann. § 65-4-204, public notice of the Hearing in this matter was issued by the Hearing Officer on May 18, 2020, setting the case for Hearing on May 28, 2020. No persons sought intervention prior to or during the Hearing. Mr. Greg Friedman, Chief Financial Officer of the Company, appeared telephonically at the Hearing and provided testimony.

Mr. Friedman participated in the Hearing, subject to the questioning of the Hearing Officer and adopted his Pre-Filed Testimony. He offered one correction to his Pre-Filed Testimony concerning the principal address of the Company and stated that the correct address is also found in the Company's Responses to Data Request filed in the docket. Mr. Friedman 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 Full Tilts's *Application* based upon the findings of fact and conclusions of law stated herein.

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

#### **A. FULL TILTS'S QUALIFICATIONS**

1. Full Tilt is a limited liability company organized under the laws of the State of Delaware on August 15, 2019 and authorized to do business in the State of Tennessee on or about August 29, 2019.

2. The Company's registered agent, Corporation Service Company, is located at 2908 Poston Ave., Nashville, Tennessee 37203-1312. The complete street address of the

principal office of Full Tilt is 242 Rangeline Rd., Longwood, Florida 37250. The Company's telephone number is (800) 691-8376.

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

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

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

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

Full Tilt seeks to provide of limited facilities-based local exchange service, specifically by primarily providing broadband and video services to schools and libraries through the federal E-rate program, and to other persons and businesses in Tennessee. Applicant intends to deliver an aggregation of technologies utilizing fiber optic cable depending on the customer's location and needs. If requested by a customer and if financially feasible, the Applicant will also offer TDM telephone service through a special contract with the customer.

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

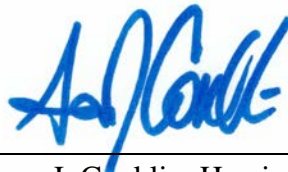
Full Tilt's *Application* and its proposed services would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications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

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

Full Tilt 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 Full Tilt Communications, LLC to Provide Competing Local Telecommunications Services in Tennessee* filed by Full Tilt Communications, 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