

October 15, 2020

DOCKET NO.
20-00095

¹ Due to the state of emergency declared by Governor Bill Lee relative to the Coronavirus 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 Order No. 14 on March 12, 2020, (superseded by Tenn.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 September 30, 2020 in Tenn. Exec. Order No. 59 on August 28, 2020), the hearing 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 hearing electronically, the Commission, by and through its Hearing Officer, relied upon Tenn. Exec. Order No. 16 (March 20, 2020), which was extended until September 30, 2020 by Tenn. Exec. Order No. 60 (August 28, 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.

(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

Pursuant to Tenn. Code Ann. § 65-4-204, public notice of the Hearing in this matter was issued by the Hearing Officer on September 18, 2020, setting the case for Hearing on September 29, 2020. No persons sought intervention prior to or during the Hearing. Mr. Samuel L. Bard,

Director, Product Management, MGCS Network Solutions, appeared via audio/visual electronic means via WebEx at the Hearing and provided testimony.

Mr. Bard participated in the Hearing, subject to the questioning of the Hearing Officer and adopted his Pre-Filed Testimony with no corrections, additions, or amendments. Mr. Bard testified that the Company will comply with all applicable laws, and TPUC rules, policies and orders and stated that it is in the public interest to grant the *Application*. 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 Vesta Solutions' *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. VESTA SOLUTIONS' QUALIFICATIONS

1. Vesta Solutions is a corporation organized under the laws of the State of California on September 19, 1968 and was authorized to do business in the State of Tennessee on or about February 1, 2013.

2. The Company's registered agent, CT Corporation System, is located at 300 Montvue Rd. Knoxville, TN 37919-5546. The complete street address of the principal office of Vesta Solutions is 42505 Rio Nedo, Temecula, CA 92590. The Company's telephone number is (800) 491-1734.

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

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

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

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

B. PROPOSED SERVICES

Vesta Solution seeks authority to provide 9-1-1 services statewide and does not intend to offer dial tone services to businesses or residences. The Company proposes to offer a portfolio of NG9-1-1 services designed to make it easier to adapt to technological advancements, routinely required by public safety communications technologies, for many years to come. Vesta Solutions will offer as part of its services, call routing operations, automatic location identification, and a redundant, secure IP infrastructure that provides continuous operation and reliability. Vesta Solutions seeks to provide telecommunications services to all government and quasi-government Public Safety Answering Points ("PSAPs") throughout the state of Tennessee. The Company's services permit landline, mobile, and VoIP service providers to transmit call routing and caller location information to PSAPs in a quick, reliable and efficient manner, ensuring that customers of these services obtain critical 9-1-1 services.

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Vesta Solutions' *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. The Company's proposed services would also assist in ensuring that persons are able to obtain reliable, critical 9-1-1 services.

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

Vesta Solutions 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 Intrastate Telecommunications Services* filed by Vesta Solutions, Inc. 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.



Aaron J. Conklin, Hearing Officer