

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

IN RE:)	
)	
APPLICATION OF MASTEC NETWORK)	
SOLUTIONS, LLC FOR A CERTIFICATE)	DOCKET NO.
TO PROVIDE ACCESS)	20-00103
TELECOMMUNICATIONS SERVICES)	
STATEWIDE)	

INITIAL ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before the Hearing Officer of the Tennessee Public Utility Commission (the “Commission” or “TPUC”) at a Hearing held on December 8, 2020 to consider the *Application of Mastec Network Solutions, LLC to Provide Access Telecommunications Services* (the “*Application*”) filed by Mastec Network Solutions, LLC (“Mastec,” “Applicant,” or “Company”) on August 25, 2020. In its *Application*, Mastec seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide access telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

Mastec’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

* * *

(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 November 25, 2020, setting the case for Hearing on December 8, 2020. No persons sought intervention prior to or during the Hearing. Mr. Ricardo Suarez, President of Mastec, appeared at the Hearing and provided testimony through WebEx, a provider of audio/video electronic meetings authorized and utilized by the State of Tennessee.

Mr. Suarez participated in the Hearing, adopting and summarizing his Pre-Filed Testimony with no corrections, additions, or amendments. He also provided updates on the status of similar applications to provide intrastate telecommunications services pending in South Carolina, Illinois,

Hawaii, Alaska, and Louisiana. Mr. Suarez 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 testified that the Company possesses the financial, technical, and managerial qualifications necessary to provide telecommunications services 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 Mastec's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. MASTEC'S QUALIFICATIONS

1. Mastec is a limited liability company organized under the laws of the State of Florida on July 30, 2008. The Company was authorized to transact business in Tennessee on September 4, 2008.¹

2. The Company's registered agent, Corporation Service Company, is located at 2908 Poston Ave., Nashville, TN 37203-1312. The complete street address of the principal office of Mastec is 800 S. Douglas Rd., Ste. 1200, Coral Gables, FL 33134-3165. The Company's telephone number is (866) 545-1782.

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

¹ *Application*, p. 2 (August 25, 2020).

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

5. Mastec has represented that it will adhere to all applicable statutes, policies, rules and orders of the Commission.²

B. PROPOSED SERVICES

Mastec seeks authority to provide access service using fiber optic cabling that is either leased from other providers, placed within existing rights-of-way leased from other providers or via pole attachment agreements. The Company may seek to deploy its own poles for small wireless facilities. Mastec asserts that the authorization it seeks is necessary in order to obtain interconnection agreements with the incumbent local exchange carriers, pole attachment agreements and franchise agreements with local municipalities in Tennessee.³

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Mastec'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. The Company's proposed services would also assist in ensuring that persons are able to obtain competitive pricing and quality for provided services, advanced technological innovation, and efficient use of existing telecommunications resources.

² *Id.* at Exh. I, Ricardo Suarez, Pre-Filed Direct Testimony, pp. 4-5.

³ *Id.* at 3-4.

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

Mastec 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 Mastec Network Solutions, LLC to Provide Access Telecommunications Services* filed by Mastec Network Solutions, 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.



Aaron J. Conklin, Hearing Officer