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November 30, 2020

Via Email and U.S. Mail

The Honorable Earl Taylor
Executive Director
Tennessee Public Utility Commission
c/o Tory Lawless
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243

**In re: *Petition of United Communications, Inc. to be Designated an Eligible
Telecommunications Carrier***
Docket No. 20-00129

Dear Mr. Taylor:

Enclosed please find an original and five (5) copies of United Communications, Inc.'s Petition to be Designated an Eligible Telecommunications Carrier with accompanying exhibits. Filed along with this material are four copies of Exhibit B which are submitted under seal in a separate envelope. Also enclosed is a check in the amount of Twenty-five Dollars (\$25.00) to cover the filing fee. This Petition, without the confidential exhibit, is being filed electronically with the Authority's Docket Manager, Tory Lawless.

Please file the original and four (4) copies of this material and stamp the additional copy as "filed". Then please return the stamped copy to me in enclosed self-addresses stamped envelope.

Should you have any questions concerning this matter, please do not hesitate to contact me at the email address or telephone number listed above.

With kindest regards, I remain

Very truly yours,



R. Dale Grimes

Enclosures

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

IN RE:)	
PETITION OF UNITED)	
COMMUNICATIONS, INC.)	DOCKET NO. 20-00129
TO BE DESIGNATED AN ELIBLE)	
TELECOMMUNICATIONS CARRIER)	

**PETITION OF
UNITED COMMUNICATIONS, INC.
TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

United Communications, Inc. ("UCI"), a competitive local exchange carrier ("CLEC"), hereby respectfully moves the Tennessee Public Utility Commission (the "Commission"), pursuant to 47 U.S.C. § 214(e), for designation as an Eligible Telecommunications Carrier ("ETC") for Bedford, Cannon, Coffee, Davidson, Franklin, Lincoln, Marshall, Maury, Moore, Rutherford, Wilson, and Williamson County, Tennessee under section 254(c) of the Telecommunications Act of 1996¹ (the "Act") and Rules 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC") for the purposes of receiving federal universal support services.

As demonstrated below, UCI satisfies all the statutory and regulatory requirements for designation as an ETC in Bedford, Cannon, Coffee, Davidson, Franklin, Lincoln, Marshall, Maury, Moore, Rutherford, Wilson, and Williamson County, Tennessee (collectively, the "Designated Area"). Furthermore, designation of UCI as an ETC in the Designated Area will serve the public interest. Accordingly, based on the information set forth below, UCI respectfully requests that the Commission grant this petition to designate UCI as an ETC in the Designated Area.

¹ 47 U.S.C. § 254(c)

I. BACKGROUND

1. United Communications, Inc., by Order of the Commission² dated March 21, 2017, Docket No. 17-0007, styled *Application of United Communications, Inc. for a Certificate to Provide Competing Local Telecommunications Services*, was granted a Certificate of Convenience and Necessity to provide telecommunications services within the State of Tennessee.

2. Further, UCI's parent corporation, United Telephone Company, has been granted ETC status for its incumbent local exchange carrier ("ILEC") territory by virtue of its status as an ILEC. UCI is operated by the same management as United Telephone Company. Accordingly, UCI is familiar with the requirements that maintaining ETC status necessitates and is fully committed to continue upholding those standards with regard to the request for ETC status in the Designated Area.

3. UCI has its principal offices at 120 Taylor Street, Chapel Hill, Tennessee 37034. UCI is a wholly-owned subsidiary of United Telephone Company. UCI, formerly UTC Video Concepts, LLC, underwent a conversion to become UCI in 2012. A copy of UCI's Certificate of Conversion and Charter is attached hereto as Exhibit A. UCI currently provides voice services (business and residential hosted IP); broadband internet services (deploying active, synchronous GIG capable fiber throughout its service territory to residential and business customers); and video services.

4. Specific to the Designated Area, UCI owns its own fixed wireless and fiber optic facilities and provides services in portions of the Designated Area. UCI is also constructing fiber optic facilities in various other portions of Bedford, Marshall, Maury, Rutherford, Williamson, and Wilson counties.

² At the time known as the Tennessee Regulatory Authority

II. UCI MEETS THE REQUIREMENTS FOR DESIGNATION AS AN ETC

5. As set forth in Section 214(e)(2) of the Act, the Commission "shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214 (e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission." 47 U.S.C. § 214(e)(2). Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.

6. The requirements for designation as an ETC set forth in Section 214 (e)(1) are that the carrier must

(A) offer the services that are supported by Federal universal support mechanisms under section 245(c) of [the Act], either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications earner); and

(B) advertise the availability of such services and the charges therefore using the media of general distribution.

See 47 U.S.C. § 214(e)(1).

7. Under the authority of the Certificate of Public Convenience and Necessity granted by the Commission, UCI is a CLEC. UCI's facilities-based system in the Designated Area provides to its customers a minimum of the following services:

- a. voice grade access to a public switched network or its functional equivalent;
- b. minutes of use for local service provided at no additional charge to end users;
- c. access to emergency services provided by local governments, such as 911 and enhanced 911;
- d. toll limitation services to a minor degree for qualifying low-income consumers;
- e. free blocking service for 900, 976 type services in accordance with Commission policy;
- f. consumer access to and support for the Tennessee Relay Center in the same manner as incumbent local exchange telephone companies; and

- g. broadband internet access capable of transmitting data to and receiving data by wire or radio from all or substantially all internet endpoints, including capabilities that are incidental to and enable the operation of the communications service, excluding dial-up service.

UCI offers, and will continue to offer, these services using its own facilities or through services of another facilities-based carrier or vendor with whom it has contracts.

8. Upon designation as an ETC, UCI will participate in, and offer, LifeLine programs to qualifying low-income consumers and publicize the availability of LifeLine services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules. *See* 47 C.F.R. §§ 54.401-54.423; 54.405(b); 54.410(a). UCI already actively promotes these services by, among other forms of promotion, providing information through its website at <https://united.net/legal/> and in its tariff at <http://united.net/wp-content/uploads/2019/08/United-General-Exchange-Service-Tariff-effective-2019.07.02.pdf>.

9. UCI will advertise the availability of the above-referenced services and the charges for those services in the Designated Area using media of general distribution, as required by FCC Rules. *See* 47 C.F.R. §54.201(d)(2).

10. Attached as Exhibit B and incorporated herein by reference are UCI's most current financial statements demonstrating that the Company has the financial qualifications to provide the services specified herein. UCI has previously provided the Commission with evidence of its financial capabilities to provide the supported services in the context of its application for its Certificate of Convenience and Necessity, Docket No. 17-0007. The financial statements of UCI contain proprietary and confidential information and are being submitted under seal to be maintained by the Commission and Commission staff on a confidential basis pursuant to the Commission's current rules.

11. Attached as Exhibit C and incorporated herein by reference is a current list of UCI's officers. UCI has previously provided the Authority with evidence of its managerial and technical capabilities to provide the supported services in the context of its application for its Certificate of Convenience and Necessity, Docket No. 17-00007.

12. Attached as Exhibit D to this Petition and incorporated herein by reference is the testimony of Kristin Jackson, Chief Financial Officer, Treasurer, and Secretary of UCI, certifying that UCI satisfies all of the requirements for designation as an ETC to serve the Designated Area.

III. AREA FOR WHICH DESIGNATION IS REQUESTED

13. UCI has served and is working to expand its services in the Designated Area through its current and, if applicable, future facilities. A map of the Designated Area that UCI currently serves and for which it is seeking ETC Designation is attached as Exhibit E. These maps contain proprietary and confidential information and are being submitted under seal to be maintained by the Commission and Commission staff on a confidential basis pursuant to the Commission's current rules.

IV. DESIGNATION OF UCI AS AN ETC IS IN THE PUBLIC INTEREST

14. UCI respectfully submits that its request to be designated as an ETC at this time serves the public interest and ensures that resources are committed to the provision of and preservation of universal service. A central purpose of the Act was to "promote competition and reduce regulation, [thereby securing] lower prices and higher quality services . . . and encourage the rapid deployment of new telecommunications technologies." *See* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996). Designation of UCI as an ETC would further these goals.

V. REQUEST

For the foregoing reasons, UCI respectfully moves and requests that the Commission designate UCI as an ETC within the Designated Area. An expedited grant of this motion will facilitate the ability of UCI in its planning needs and ensure that federal grant funds are available for its expansion plans.

Respectfully submitted,



R. Dale Grimes (TN Bar No.: 6223)
BASS BERRY & SIMS PLC
150 Third Avenue, S, Ste 2800
Nashville, Tennessee 37201
Telephone: (615) 742-6244
dgrimes@bassberry.com

Attorneys for United Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Petition to each of the following via U.S. First Class Mail, postage prepaid, at the addresses shown below, this 30th day of November, 2020.

Ardmore Telephone Company 237 N. 8th Street Mayfield, KY 42066-0000	Bell South Telecommunications, LLC 333 Commerce Street Nashville, TN 37201-3300	CenturyTel of Adamsville P.O. Box 680644 Franklin, TN 37068
CenturyTel of Claiborne P.O. Box 680644 Franklin, TN 37068	CenturyTel of Ooltewah-Collegedale P.O. Box 680644 Franklin, TN 37068	Concord Telephone Exchange, Inc. P.O. Box 22995 Knoxville, TN 37933-0995
Crockett Telephone Company Attention: Lisa Wigington P.O. Box 24207 Jackson, MS 39225-0000	Frontier Communications of Tennessee 5003 S. Miami Blvd. Suite 300 Durham, NC 27703-0000	Frontier Communications of The Volunteer State 5003 S. Miami Blvd. Suite 300 Durham, NC 27703-0000
Humphreys County Telephone Company P.O. Box 22995 Knoxville, TN 37933-0995	Loretto Telephone Company P.O. Box 130 Loretto, TN 38469-0000	Millington Telephone Company, Inc. 4880 Navy Road Millington, TN 38053-0000
Peoples Telephone Company Attention: Lisa Wigington P.O. Box 24207 Jackson, MS 39225-0000	Tellico Telephone Company P.O. Box 22995 Knoxville, TN 37933-0955	Tennessee Telephone Company P.O. Box 22995 Knoxville, TN 37933-0955
Ben Lomand Communications LLC 311 N. Chancery St. McMinnville, TN 37110	United Telephone Southeast, LLC P.O. Box 680644 Franklin, TN 37068	West Tennessee Telephone Co. Attention: Lisa Wigington P.O. Box 24207 Jackson, MS 39225-0000

Dated: November 30, 2020



EXHIBIT A

UNITED COMMUNICATIONS, INC.

TENNESSEE PUBLIC UTILITIES COMMISSION
PETITION TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

CERTIFICATE OF CONVERSION AND CHARTER



STATE OF TENNESSEE
Tre Hargett, Secretary of State
Division of Business Services
William R. Snodgrass Tower
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

United Communications, Inc.
120 TAYLOR ST
CHAPEL HILL, TN 37034-3123

July 6, 2012

Control # 450887

Effective Date: 07/06/2012

Document Receipt

Receipt #: 788525

Filing Fee: \$120.00

Payment-Check/MO - CFS, NASHVILLE, TN

\$120.00

ACKNOWLEDGMENT OF CONVERSION

UTC VIDEO CONCEPTS, LLC converted from a **TENNESSEE Limited Liability Company** to
United Communications, Inc.
a **TENNESSEE Corporation For-Profit**

This will acknowledge the filing of the attached Articles of Conversion with an effective date as indicated above.

When corresponding with this office or submitting documents for filing, please refer to the control number given above.

Tre Hargett
Secretary of State

Processed By: Jennifer Smothers

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State of Tennessee



Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

CERTIFICATE OF CONVERSION
(LLC into another Business Entity)

For Office Use Only

FILED

Pursuant to the provisions of §48-249-704 of the Tennessee Revised Limited Liability Company Act, the undersigned Limited Liability Company submits this certificate of conversion:

1. The current name of the of the domestic limited liability company (hereinafter referred to as the domestic LLC) is: UTC Video Concepts, LLC

If different, the name of the domestic LLC under which its articles of organization were originally filed is: _____

2. The date of filing of the original articles of organization of the domestic LLC was:

July 24, 2003 (month/day/year).

3. The name of the other business entity into which the domestic LLC is to be converted is _____
United Communications, Inc., its jurisdiction of formation is Tennessee, and its business type is a corporation.

4. All required approvals of the conversion have been obtained by the domestic limited liability company.

5. If the conversion is not to be effective upon the filing of the certificate of conversion, then the future effective date or time of the conversion is:

Date: _____, Time: _____

6. The following box must be checked and the mailing address provided if the domestic LLC is converting to a foreign entity:

☐ The foreign entity agrees that it may be served with process in this State in any proceeding for the enforcement of any obligation of the domestic LLC arising prior to the date of the conversion, irrevocably appointing the Secretary of State as its agent to accept service of process in any such proceeding. The address (including zip code) to which a copy of such process shall be mailed to it by the Secretary of State is:

July 5, 2012
Signature date

William H. Bradford
Signature

President & CEO
Signer's capacity

William H. Bradford
Name (typed or printed)

FILED

CHARTER
OF
UNITED COMMUNICATIONS, INC.

The undersigned person under the Tennessee Business Corporation Act adopts the following charter for the above listed corporation:

1. The name of the corporation is United Communications, Inc.
2. The number of shares of stock the corporation is authorized to issue is 100 shares of common stock, no par value per share.
3. The street address of the corporation's principal office is:

120 Taylor Street
Chapel Hill, Tennessee 37034
County of Marshall

4. (a) The name of the initial registered agent is Cindy L. Rothstein.
- (b) The street address of the corporation's initial registered office in Tennessee is:

120 Taylor Street
Chapel Hill, Tennessee 37034
County of Marshall

5. The name and complete address of the Incorporator is:

David Killion
150 3rd Avenue South, Suite 2800
Nashville, Tennessee 37201
County of Davidson

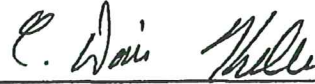
6. The shareholders of the corporation shall not have preemptive rights.
7. The corporation is for profit.

8. To the fullest extent permitted by the Tennessee Business Corporation Act as in effect on the date hereof and as hereafter amended from time to time, a director of the corporation shall not be liable to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director. If the Tennessee Business Corporation Act or any successor statute is amended after adoption of this provision to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the Tennessee

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Business Corporation Act, as so amended from time to time. Any repeal or modification of this Paragraph 8 by the shareholders of the corporation shall not adversely affect any right or protection of a director of the corporation existing at the time of such repeal or modification or with respect to events occurring prior to such time.

Dated: July 5, 2012.



David Killion, Incorporator

10689916.1

EXHIBIT B

UNITED COMMUNICATIONS, INC.

TENNESSEE PUBLIC UTILITIES COMMISSION
PETITION TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

FINANCIAL STATEMENTS
FILED UNDER SEAL

EXHIBIT C

UNITED COMMUNICATIONS, INC.

TENNESSEE PUBLIC UTILITIES COMMISSION
PETITION TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

LIST OF DIRECTORS AND OFFICERS

EXHIBIT C

Directors and Officers of United Communications, Inc.

Directors:

William H. Bradford
Eugene B. Johnson
Steven E. Seger
Chris Jones
Bradley A. Gibson

Officers:

NAME

Eugene B. Johnson
Steven E. Seger

William H. Bradford
Kristin Jackson

OFFICE

Chairman of the Board of Managers
Vice Chairman of the Board of
Managers

Chief Executive Officer and President
Chief Financial Officer, Treasurer and
Secretary

EXHIBIT D

UNITED COMMUNICATIONS, INC.

TENNESSEE PUBLIC UTILITIES COMMISSION
PETITION TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

TESTIMONY OF KRISTIN JACKSON

EXHIBIT D

**TESTIMONY OF KRISTIN JACKSON
CHIEF FINANCIAL OFFICER, TREASURER, AND SECRETARY
OF UNITED COMMUNICATIONS, INC.**

STATE OF TENNESSEE

COUNTY OF Marshall

I, Kristin Jackson, certify that I am the company officer responsible for this Petition and that I have examined the foregoing Petition. To the best of my knowledge, information, and belief, all statements of fact contained in the Petition are correct statements of the business affairs of United Communications, Inc., with respect to each and every matter set forth therein.

This the 30th day of November, 2020.

Signature: Kristin Jackson

Sworn and subscribed to before me, a notary public, on this the 30 day of November, 2020.

My commission expires: June 29, 2024



Tammy H. Welch
Notary Public

EXHIBIT E

UNITED COMMUNICATIONS, INC.

TENNESSEE PUBLIC UTILITIES COMMISSION
PETITION TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

MAP OF DESIGNATED AREA

Exhibit E

