

FARRIS BOBANGO PLC

ATTORNEYS AT LAW

Nashville · Memphis

21-00049

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NASHVILLE, TENNESSEE 37219

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Charles B. Welch, Jr.  
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April 21, 2021

**VIA ELECTRONIC FILING**

Chairman Kenneth C. Hill  
c/o Ectory Lawless  
Tennessee Public Utilities Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

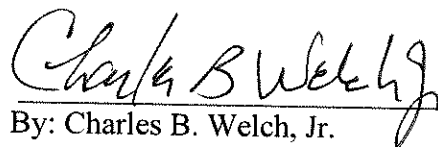
*Re: NGA 911, L.L.C.'s Application for a Certificate to provide Competing Local  
Exchange and Interexchange Telecommunications services*

Dear Chairman Hill:

Please file the enclosed Application for a Certificate to provide Competing Local Exchange and Interexchange Telecommunications services. My office will deliver a check in the amount of \$25.00 for the required filing fee. In addition, I will deliver the original along with four copies to your office. Please contact me if you have any questions or need additional information.

Sincerely,

FARRIS BOBANGO PLC

  
By: Charles B. Welch, Jr.

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

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**In the Matter of the Application of  
NGA 911, L.L.C.  
for a Certificate of Convenience and Necessity  
To Provide Competing Local Exchange  
and Interexchange Telecommunications  
Services in the State of Tennessee**

---

**Docket No. 21-00049**

**APPLICATION FOR A CERTIFICATE TO PROVIDE  
COMPETING LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES**

Pursuant to applicable Tennessee Statutes and the Rules and Regulations of the Tennessee Public Utility Commission (“Commission”) and Section 253 of the Federal Telecommunications Act of 1996 (“Telecommunications Act of 1996”), NGA 911, L.L.C. (“NGA 911” or “Applicant”), by and through its counsel respectfully requests that the Commission grant NGA 911 authority to provide competing local exchange and interexchange telecommunications services throughout the State of Tennessee in order to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point (“PSAP”) operations. Applicant is willing and able to adhere to all applicable Commission policies, rules, and orders pertaining to the provision of competing local exchange and interexchange telecommunications services as specified in TCA §65-4-201.

The State of Tennessee has adopted a policy of allowing competition in the local and long-distance telecommunications markets, recognizing that it is in the public interest to develop effective competition to ensure that all consumers will have access to high quality, low cost, and

innovative telecommunications services. The Telecommunications Act of 1996 also seeks to promote competition and reduce regulation in order to secure lower prices and higher quality telecommunications services for American consumers. Both goals will be promoted by granting this Application.

In support of its Application, NGA 911 submits the following information:

1. **The full name and address of the Applicant is:**

NGA 911, L.L.C.  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, CA 90211  
Tel: 877-899-8337  
Fax: 646-632-1311  
Website: [www.nga911.com](http://www.nga911.com)

**Questions regarding this application should be directed to:**

Charles B. Welch, Jr.  
Tyler A. Cosby  
Farris Bobango  
414 Union Street, Suite 1105  
Nashville, TN 37219  
Tel: 615-726-1200  
Fax: 615-726-1776  
[cwelch@farris-law.com](mailto:cwelch@farris-law.com)  
[tcosby@farris-law.com](mailto:tcosby@farris-law.com)

with a copy to:

Catherine Wang  
Brett Ferenchak  
Stephany Fan  
Morgan Lewis & Bockius LLP  
1111 Pennsylvania Ave., N.W.  
Washington, DC 20004  
Tel: 202-739-3000  
Fax: 202-739-3001  
[catherine.wang@morganlewis.com](mailto:catherine.wang@morganlewis.com)  
[brett.ferenchak@morganlewis.com](mailto:brett.ferenchak@morganlewis.com)  
[stephany.fan@morganlewis.com](mailto:stephany.fan@morganlewis.com)

**Contact name and address at the Company is:**

Don Ferguson, CEO  
NGA 911, L.L.C.  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, CA 90211  
Tel: 213-284-1480  
Fax: 646-632-1311  
Email: don@nga911.com

**2. Organizational Chart of Corporate Structure: Include any pertinent acquisition or merger information.**

Attached as **Exhibit A** is an organizational chart of the Company's corporate structure. Although formed in 2016, Applicant did not become an operating entity until 2018 when, in connection with a further capitalization of the company, NGA 911, Inc. contributed substantially all of its assets to Applicant and became Applicant's majority owner. Otherwise, there is no applicable pertinent acquisition or merger information to detail.

**3. Corporate Information**

Applicant is a duly formed limited liability company, organized under the laws of the State of California. A copy of Applicant's Articles of Organization are attached as **Exhibit B**. Applicant is a privately held company and does not have a parent company or affiliates; however, NGA 911, Inc. is the majority owner of Applicant. Other than NGA 911, Inc. there are no other persons, entities or direct owners with a 10% or greater interest in the Applicant. A copy of Applicant's Certificate of Authority to transact business as a foreign limited liability company in Tennessee is attached as **Exhibit C**.

**4. Managerial, Technical and Financial Qualifications**

NGA 911 possesses the managerial, technical and financial ability to provide telecommunications services in the State of Tennessee as demonstrated below:

**A. Managerial Qualifications**

Applicant has the managerial and technical qualifications necessary to provide the proposed services in Tennessee. NGA 911 is managed by a highly skilled team with substantial expertise and experience in public safety communications, related engineering, and business management. Its founder and CEO is Don Ferguson. Mr. Ferguson is joined by Bill Munn, Ph.D., who serves as the company's Vice President; Darold Whitmer, Senior Vice President, Strategic Relationships; Michelle Bland, ENP, who is the Chief Operating Officer; and Ed Veal, who is the Chief Technology Officer. Biographies of key management personnel of Applicant, who are responsible for the Applicant's operations, are attached as **Exhibit D**. These biographies reflect management's substantial communications

industry experience and expertise, and demonstrate that the Applicant possesses significant managerial and technical expertise operating a variety of communications services across multiple jurisdictions. Thus, NGA 911 possesses the managerial and technical qualifications necessary to operate as a competing local telecommunications company in Tennessee, consistent with the Commission's requirements. Applicant's officers and directors are:

**Corporate Officers**

Don Ferguson, President and CEO  
Charmaine Francesca (Ishka) Villacisneros, Chief Financial Officer/Controller  
Darold E. Whitmer, Senior Vice President Strategic Relationships  
John (Bill) Munn, Ph.D., Vice President  
Michelle Bland, Chief Operating Officer  
Ed Vea, Chief Technical Officer

**Board of Directors**

Don Ferguson  
Larry Russ  
Koorosh Rad  
Elio Galam

There are no officers located within Tennessee. All officers and directors may be reached at Applicant's principal place of business provided above.

**B. General Technical Qualifications**

NGA 911 will satisfy the minimum standards established by the Commission. To the extent required, Applicant will file and maintain tariffs in the matter prescribed by the Commission and will meet minimum basic local standards, including quality of service and billing standards required of all Local Exchange Carriers regulated by the Commission. Applicant will not require Customers to purchase CPE that cannot be used with the Incumbent Local Exchange Carrier's systems. As noted in the biographies provided in **Exhibit D**, Applicant's operations will be overseen by a well-qualified management team with substantial telecommunications experience and technical expertise.

Applicant currently holds authority or is registered to provide intrastate telecommunications services in the following jurisdictions: California, Florida, Georgia, Hawaii, Idaho, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia and Wisconsin. Additionally, NGA 911 is in the process of seeking authorization and has applications or registrations pending in the States of Arizona, Illinois and New York and is in the process of seeking such authorization in other states. Applicant has not been denied authority to provide telecommunications services in any state, nor has any state

revoked the authority of Applicant to operate therein. Applicant does not hold any authority from the Federal Communications Commission.

**C. Financial Qualifications and Surety Bond**

The Applicant has sufficient financial resources to initiate and maintain the services and related operations in Tennessee as proposed in this Application. Applicant is providing *under seal* financial information for NGA 911 as **Confidential Exhibit E**, which demonstrates the financial resources available to provide the proposed telecommunications services in Tennessee. Because Applicant is a privately held company, Applicant requests that the financial statements appended hereto as **Confidential Exhibit E** be treated as Confidential. Included with **Confidential Exhibit E** are audited financial statements for 2019, unaudited financial statements for the period ended December 30, 2020; and projected financial statements for a three year period of 2021, 2022 and 2023. The Confidential exhibits are marked “CONFIDENTIAL” and are being filed as a separate document and Applicant requests that it not to be made part of the public record. NGA 911’s financials nor their projected financials reflect any revenues or expenses associated with reciprocal compensation. Upon request, this Application will be supplemented with a capital expenditures budget for a three-year period.

Since Applicant does not own or operate equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), T.C.A. § 65-4-125 requires the filing of a surety bond in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanctions imposed against NGA 911 in any proceeding brought under this title or the Consumer Telemarketing Protection Act of 1990. Applicant will provide the applicable Surety Bond in the amount of \$20,000 prior to beginning operations in Tennessee.

**5. Proposed Service Area and Description of Services**

NGA 911 seeks authority to provide telecommunications services and operate throughout the State of Tennessee and therefore, seeks statewide authority in order to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point (“PSAP”) operations. While NGA 911 primarily intends to provide a NG9-1-1 solution that utilizes a highly efficient path to achieve end-to-end IP call handling for NG9-1-1 services, Applicant also will support and deliver legacy E911 and 9-1-1 services for carriers and PSAPs that have not yet transitioned to NG9-1-1 services. NGA 911’s incremental deployment, patented and patent pending services are designed to safely transition legacy 9-1-1 systems to the latest NG9-1-1 technology available. Applicant seeks to comply with the State of Tennessee’s regulatory requirements so NGA 911’s advanced technology can be applied and offered to modernize the state’s 9-1-1 system. The anticipated impact of NGA 911’s technology is the improvement in the operation, function and downtime of 9-1-1 in the state at a manageable cost.

Applicant proposes to provide these services primarily through facilities to be leased from a variety of telecommunications carriers and other providers, but may also use its own facilities. NGA 911 will use existing network infrastructure, including data centers, interconnection facilities, fiber optic lines, poles, conduits, ducts and other access methods, where appropriate to provide its services. Should additional access or network deployment be necessary, NGA 911 will obtain necessary approvals through the appropriate permitting agency.

NGA 911 will rely on a number of different network and infrastructure facilities for the provisioning of a combination of both legacy 9-1-1 services and IP-based services (NG9-1-1). These can be characterized as Ingress, ESInet, Cloud, Direct Connect, and PSAP-based. Applicant's NG9-1-1 solution utilizes a diverse, redundant, secure IP infrastructure. Facilities and nodes are geographically diverse and are equipped with physically redundant data communications and power equipment that allow for continuous operation and reliability. Applicant's NG9-1-1 Emergency Services provides a secure, IP-based, open-standards system comprised of hardware, software, data, Next Generation Core Service (NGCS) Functional Elements (FE), and operational policies and procedures.

With its cloud-based NG9-1-1 services, Applicant has created an infrastructure that stays ahead of cyber threats, scales on demand, and employs numerous failover strategies. It enables multiple access points to integrate new technology through innovative collaborative techniques, with no single point of failure. It allows for the seamless integration of PSAP processes that translate into more accurate call routing, faster call processing times, increased resource efficiency, quicker response times, and better decision making.

Applicant also will be able to process and transport calls from the legacy 9-1-1 system. For wireless and wirelines service providers using circuit-base, SS7 signaling, Applicant will use a Legacy Network Gateway to convert signaling to Internet-Protocol before routing and delivering to the appropriate PSAP. For wireless, wireline, and voice over IP (VoIP) service providers using IP based multimedia SIP signaling, Applicant offers aggregation and routing services that comply with NG9-1-1 standards to deliver calls to the appropriate PSAP.

## **6. Types of Telecommunications Service To Be Provided**

As noted in response to Question 5, NGA 911 intends to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point ("PSAP") operations. NGA 911 will not directly serve end-user customers. NGA 911 does not have plans to provide retail switched voice services, including dial-tone to end-user customers in Tennessee. In the event that Applicant decides to expand its services to include voice services as dictated by marketplace conditions, Applicant will seek such authority at that time and will provide those services required by Rule 1220-4-8-.04(3)(b).

7. **Repair and Maintenance**

NGA 911 will perform network and equipment maintenance necessary to ensure compliance with any quality of service requirements and will comply with all applicable Commission rules, regulations and standards and will provide safe, reliable and high-quality telecommunications services within Tennessee. Customers with complaints or inquiries should contact the Company toll free at 877-899-8337, via email at regulatory@nga911.com or by mail to the Company's principal place of business at 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211. The contact person knowledgeable about the Applicants ongoing operations in Tennessee is Don Ferguson, Chief Executive Officer.

8. **Small and Minority-Owned Telecommunications Business Participation Plan**

As required pursuant to TCA § 65-5-112, attached as **Exhibit F** is Applicant's plan for purchasing goods and services from Small and Minority telecommunications businesses and information on programs to provide technical assistance to such businesses.

9. **Toll Dialing Parity Plan**

Not applicable. Applicant does not intend to provide voice services at this time.

10. **Notice Requirements**

Applicant has served notice of this Application to the eighteen (18) incumbent local exchange telephone Companies, as well as the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General with a statement regarding the Company's intention to operate throughout the State of Tennessee. Attached as **Exhibit G** is the Notice and a Certificate of Service confirming compliance.

11. **Numbering Issues**

Please see the statement provided in **Exhibit H**.

12. **Tennessee Specific Operation Issues**

Please see the statement provided in **Exhibit I**.

13. **Miscellaneous and Supporting Documentation**

- A. Attached as **Exhibit J** is the sworn pre-filed testimony of NGA 911's CEO Don Ferguson, on behalf of Applicant.
- B. Applicant reserves the right to collection deposits from its Customers and the requirements will be included in any proposed tariffs that NGA 911 files with the Commission.



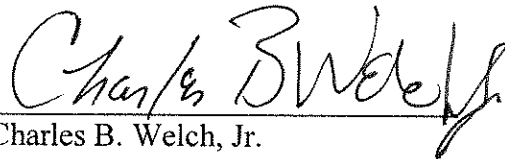
- C. As of the filing of this Application, NGA 911 has not been the subject of any complaints in any of the states within which Applicant is certified and currently providing service.
- D. Subsequent to the approval of this Application, NGA 911 will elect to operate under market regulation pursuant to T.C.A. Section 65-5-109 enacted in May 2009. Since Applicant does not intend provide switched access services, it will not file or maintain tariffs with the Commission but rather will provide its services pursuant to individual contracts with its customers.

In conclusion, this application demonstrates that NGA 911 possesses the technical, financial and managerial resources to provide facilities-based and resold local exchange and interexchange service in the State of Tennessee. Furthermore, granting this Application will promote the public interest by increasing the level of competition in the Tennessee telecommunications market. Ultimately, competition will compel all telecommunications service providers to operate more efficiently and with resulting reduced prices for consumers. These benefits work to maximize the public interest by providing continuing incentives for carriers to reduce costs while simultaneously promoting the availability of potentially desirable services.

Wherefore, NGA 911 respectfully requests that the Commission grant a Certificate of Convenience and Necessity to provide competing telecommunications service provider and authority to provide telecommunications services throughout the State of Tennessee in the service areas of the Incumbent Local Exchange Carriers that do not enjoy a rural exemption under Section 251(f) of the Telecommunications Act of 1996. For the reasons stated above, NGA 911's provision of these services would promote the public interest by providing high-quality service at competitive prices and by creating greater economic incentives for the development and improvement for all competing providers.

Dated: April 21, 2021

Respectfully submitted,



Charles B. Welch, Jr.  
Tyler A. Cosby  
Farris Bobango  
414 Union Street, Suite 1105  
Nashville, TN 37219  
Tel: 615-726-1200  
Fax: 615-726-1776  
[cwelch@farris-law.com](mailto:cwelch@farris-law.com)  
[tcosby@farris-law.com](mailto:tcosby@farris-law.com)

*Counsel for Applicant*

## **LIST OF EXHIBITS**

**Exhibit A** - Organizational Chart

**Exhibit B** - Formation Documents

**Exhibit C** - Authority to Transact Business

**Exhibit D** - Management Biographies

**Exhibit E** - Financial Information - ***CONFIDENTIAL, FILED UNDER SEAL***

**Exhibit F** - Small and Minority-Owned Telecommunications Business Participation Plan

**Exhibit G** - Notice of Application

**Exhibit H** - Numbering Issues

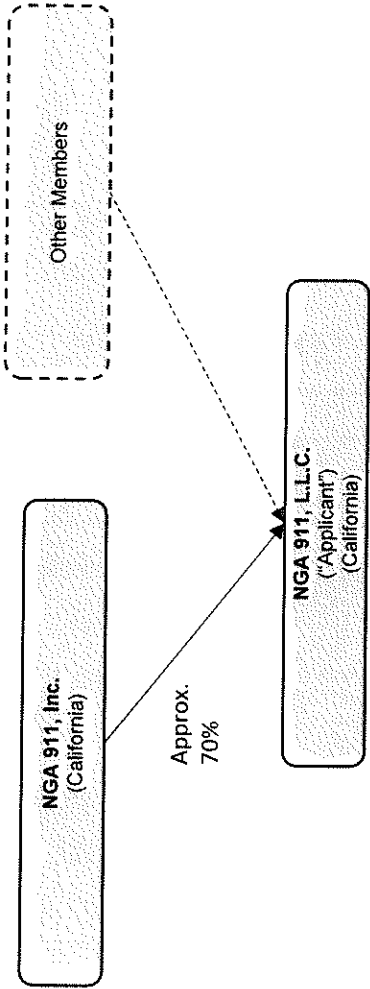
**Exhibit I** - Tennessee Specific Operational Issues

**Exhibit J** - Sworn Pre-filed Testimony

## **Exhibit A**

### **Organizational Chart**

**Ownership Structure of NGA 911, L.L.C.**



**Exhibit B**

**Formation Documents**

LLC-1

# Articles of Organization of a Limited Liability Company (LLC)

201614410609

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you **drop off** the completed form.

**Important!** LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to <https://www.ftb.ca.gov>.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

FILED

Secretary of State  
State of California

MAY 17 2016

This Space For Office Use Only

For questions about this form, go to [www.sos.ca.gov/business/be/filing-tips.htm](http://www.sos.ca.gov/business/be/filing-tips.htm).

LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

① NGA 911, L.L.C.

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to [www.sos.ca.gov/business/be/name-availability.htm](http://www.sos.ca.gov/business/be/name-availability.htm).

## Purpose

- ② The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

## LLC Addresses

③ a. 4721 LAUREL CANYON BLVD., SUITE 100 LOS ANGELES CA 91607

Initial Street Address of Designated Office in CA - Do not list a P.O. Box

City (no abbreviations)

State Zip

b.

Initial Mailing Address of LLC, if different from 3a

City (no abbreviations)

State Zip

**Service of Process** (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

④ a. MIKE GALAM

Agent's Name

b. 4721 LAUREL CANYON BLVD., SUITE 100 LOS ANGELES CA 91607

Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box

City (no abbreviations)

State Zip

## Management (Check only one.)

- ⑤ The LLC will be managed by:



One Manager



More Than One Manager



All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer - Sign here

MIKE GALAM

Print your name here

Make check/money order payable to: **Secretary of State**

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

## By Mail

Secretary of State  
Business Entities, P.O. Box 944228  
Sacramento, CA 94244-2280

## Drop-Off

Secretary of State  
1500 11th Street, 3rd Floor  
Sacramento, CA 95814

**Exhibit C**

**Authority to Transact Business**





**Tre Hargett**  
Secretary of State

**Division of Business Services**

**Department of State**

**State of Tennessee**

312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

NGA 911, L.L.C.  
STE 800  
8383 WILSHIRE BLVD  
BEVERLY HILLS, CA 90211-2440

January 27, 2021

**Filing Acknowledgment**

Please review the filing information below and notify our office immediately of any discrepancies.

|                        |  |                           |                   |
|------------------------|--|---------------------------|-------------------|
| <b>SOS Control # :</b> | <b>001164007</b>                           | <b>Formation Locale:</b>  | <b>CALIFORNIA</b> |
| <b>Filing Type:</b>    | <b>Limited Liability Company - Foreign</b> | <b>Date Formed:</b>       | <b>05/17/2016</b> |
| <b>Filing Date:</b>    | <b>01/26/2021 3:54 PM</b>                  | <b>Fiscal Year Close:</b> | <b>12</b>         |
| <b>Status:</b>         | <b>Active</b>                              | <b>Annual Report Due:</b> | <b>04/01/2022</b> |
| <b>Duration Term:</b>  | <b>Perpetual</b>                           | <b>Image # :</b>          | <b>B0972-2793</b> |
| <b>Managed By:</b>     | <b>Manager Managed</b>                     |                           |                   |

**Document Receipt**

|                           |                             |                    |                 |
|---------------------------|-----------------------------|--------------------|-----------------|
| <b>Receipt # :</b>        | <b>006022700</b>            | <b>Filing Fee:</b> | <b>\$300.00</b> |
| <b>Payment-Check/MO -</b> | <b>CFS-2, NASHVILLE, TN</b> |                    | <b>\$300.00</b> |

**Registered Agent Address:**  
REGISTERED AGENT SOLUTIONS, INC.  
STE B  
992 DAVIDSON DR  
NASHVILLE, TN 37205-1051

**Principal Address:**  
STE 800  
8383 WILSHIRE BLVD  
BEVERLY HILLS, CA 90211-2440

Congratulations on the successful filing of your **Application for Certificate of Authority** for **NGA 911, L.L.C.** in the State of Tennessee which is effective on the date shown above. Please visit the Tennessee Department of Revenue website ([www.tn.gov/revenue](http://www.tn.gov/revenue)) to determine your online tax registration requirements. If you need to obtain a Certificate of Existence for this entity, you can request, pay for, and receive it from our website.

You must file an Annual Report with this office on or before the Annual Report Due Date noted above and maintain a Registered Office and Registered Agent. Failure to do so will subject the business to Administrative Dissolution/Revocation.

**Tre Hargett**  
Secretary of State

Processed By: Cassandra Bowman



03

**APPLICATION FOR CERTIFICATE OF AUTHORITY  
LIMITED LIABILITY COMPANY** (ss-4233)

Page 1 of 2



Business Services Division  
Tre Hargett, Secretary of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th Fl.  
Nashville, TN 37243-1102  
(615) 741-2286

Filing Fee: \$50.00 per member  
(minimum fee = \$300, maximum fee = \$3,000)

For Office Use Only

**FILED****To The Secretary of the State of Tennessee:**

Pursuant to the provisions of T.C.A. § 48-249-804 of the Tennessee Revised Limited Liability Company Act, the undersigned hereby applies for a certificate of authority to transact business in the State of Tennessee, and for that purpose sets forth:

1. The name of the Limited Liability Company is: NGA 911, L.L.C.

If different, the name under which the certificate of authority is to be obtained is: \_\_\_\_\_

**NOTE:** The Secretary of State of the State of Tennessee may not issue a certificate of authority to a foreign Limited Liability Company if its name does not comply with the requirements of T.C.A. § 48-249-106 of the Tennessee Revised Limited Liability Company Act. If obtaining a certificate of authority under an assumed Limited Liability Company name, an application must be filed pursuant to T.C.A. § 48-249-106(d).

2. The state or country under whose law it is formed is: CA

and the date of its formation is: 05 / 17 / 2016 and the date it commenced doing business in Tennessee is: 01 / 25 / 2021  
Month Day Year Month Day Year

**NOTE:** Additional filing fees and proof of tax clearance confirming good standing may apply if the Limited Liability Company commenced doing business in Tennessee prior to the approval of this application. See T.C.A. § 48-249-913(d) and T.C.A. § 48-249-905(c)

3. This company has the additional designation of: \_\_\_\_\_

4. The name and complete address of its registered agent and office located in the state of Tennessee is:

Name: Registered Agent Solutions, Inc.

Address: 992 Davidson Drive Suite B

City: Nashville State: TN Zip Code: 37205 County: Davidson

5. Fiscal Year Close Month: December

6. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date and time is: (Not to exceed 90 days)

Effective Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_  
Month Day Year

7. The LLC will be: ☐ Member Managed ☒ Manager Managed ☐ Director Managed ☐ Board Managed ☐ Other

8. Number of Members at the date of filing: 4

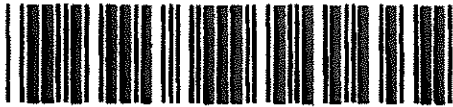
9. Period of Duration: ☒ Perpetual ☐ Other \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

10. The complete address of its principal executive office is:

Address: 8383 Wilshire Blvd, Suite 800

City: Beverly Hills State: CA Zip Code: 90211

Business Email: michelle@nga911.com



# APPLICATION FOR CERTIFICATE OF AUTHORITY LIMITED LIABILITY COMPANY (ss-4233)

Page 2 of 2



Business Services Division  
Tre Hargett, Secretary of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102  
(615) 741-2286

Filing Fee: \$50.00 per member  
(minimum fee = \$300, maximum fee = \$3,000)

For Office Use Only

The name of the Limited Liability Company is: NGA 911, L.L.C.

11. The complete mailing address of the entity (If different from the principal office) is:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

12. Non-Profit LLC (required only if the Additional Designation of "Non-Profit LLC" is entered in section 3.)

- ☐ I certify that this entity is a Non-Profit LLC whose sole member is a nonprofit corporation, foreign or domestic, incorporated under or subject to the provisions of the Tennessee Nonprofit Corporation Act and who is exempt from franchise and excise tax as not-for-profit as defined in T.C.A. § 87-4-2004. The business is disregarded as an entity for federal income tax purposes.

13. Professional LLC (required only if the Additional Designation of "Professional LLC" is entered in section 3.)

- ☐ I certify that this PLLC has one or more qualified persons as members and no disqualified persons as members or holders.  
☐ I certify that this entity meets the requirement of T.C.A. § 48-249-1123(b)(3)

Licensed Profession: \_\_\_\_\_

14. Series LLC (required only if the Additional Designation of "Series LLC" is entered in section 3.)

- ☐ I certify that this entity meets the requirements of T.C.A. § 48-249-309(i)

If the provisions of T.C.A. § 48-249-309(i) (relating to foreign series LLCs) apply, then the information required by that section should be attached as part of this document.

15. Obligated Member Entity (list of obligated members and signatures must be attached)

- ☐ This entity will be registered as an Obligated Member Entity (OME) Effective Date: \_\_\_\_\_  
Month Day Year

- ☐ I understand that by statute: THE EXECUTION AND FILING OF THIS DOCUMENT WILL CAUSE THE MEMBER(S) TO BE PERSONALLY LIABLE FOR THE DEBTS, OBLIGATIONS AND LIABILITIES FOR THE LIMITED LIABILITY COMPANY TO THE SAME EXTENT AS A GENERAL PARTNER OF A GENERAL PARTNERSHIP. CONSULT AN ATTORNEY.

16. Other Provisions: \_\_\_\_\_

1/25/2021

Signature Date

Chief Operating Officer

Signer's Capacity (if other than individual capacity)

*Michelle Bland*

Signature

Michelle Bland

Name (printed or typed)



## Secretary of State Certificate of Status

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

**Entity Name:** NGA 911, L.L.C.  
**File Number:** 201614410609  
**Registration Date:** 05/17/2016  
**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY  
**Jurisdiction:** CALIFORNIA  
**Status:** ACTIVE (GOOD STANDING)

As of January 14, 2021 (Certification Date), the entity is authorized to exercise all of its powers, rights and privileges in California.

This certificate relates to the status of the entity on the Secretary of State's records as of the Certification Date and does not reflect documents that are pending review or other events that may affect status.

No information is available from this office regarding the financial condition, status of licenses, if any, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate  
and affix the Great Seal of the State of California  
this day of January 15, 2021.

**ALEX PADILLA**  
Secretary of State

**Certificate Verification Number:** RG22G9R

To verify the issuance of this Certificate, use the Certificate Verification Number above with the Secretary of State Certification Verification Search available at [bebizfile.sos.ca.gov/certification/index](http://bebizfile.sos.ca.gov/certification/index).

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## **Exhibit D**

### **Management Biographies**

## **Exhibit D**

### **Management Biographies**

#### **DON FERGUSON, Founder and CEO**

Don Ferguson is Founder and CEO of NGA 911 LLC and a leading innovator in the adoption of Next Generation 9-1-1. Prior to founding NGA 911, Don was CEO from Mobiletrec from 2008-2015. Don served as a member of President Barack Obama's technology and Innovation brainstorming team on modernizing public safety communications. Don has also held various positions in other technology companies.

#### **ED VEA, Chief Technology Officer**

Ed is an engineering executive with global experience in telecommunications and next generation technologies. At NGA 911, he is member of an unparalleled team of industry experts engineering Next Generation 9-1-1 for the Cloud where it belongs. Previously, he also served as a member of the FirstNET response team covering engineering, quality, process and solution modeling tasks for Rivada Networks. He also had various positions at other telecommunications and related companies including those a focus on public safety communications systems.

#### **DAROLD WHITMER, Senior Vice President, Strategic Relationships**

Darold joins the team with 25 years of service in Public Safety, most recently leading Frontier Communications 9-1-1 sales efforts in California. Darold leads NGA 911 in developing new relationships and nurturing existing ones as we work toward our goal of moving public safety into affordable, effective, streamlined NG9-1-1 services.

#### **JOHN "BILL" MUNN, Vice President**

Bill is a lifelong emergency services professional with a passion for public safety. As Executive Director of the Tarrant County 9-1-1 District, he spearheaded the successful implementation of an enhanced 9-1-1 network serving 1.9 million people in the DFW area.

#### **MICHELLE BLAND, Chief Operating Officer**

With 10 years' experience in the industry, Michelle Bland is NGA 911's Chief Operating Officer. She began her emergency services career as 9-1-1 program manager for the California Highway Patrol, later moving into a role as Procurement Manager for the California Department of Technology.

**MIGUEL MARTINEZ, Senior Solutions Engineer**

Miguel has almost 30 years in the telecommunications industry. In his previous role as a Sales Engineer with Motorola, Miguel was actively involved in the design and engineering of many 9-1-1 solutions, from small 2-position PSAPs to hosted, regional systems.

**STEVE O'CONNOR, Industry Compliance**

Steve has over 30 years' experience in public safety. He currently serves as Co-Chair of NENA's i3 Architecture Working Group, managing and overseeing the development of the NENA 13 Standard for Next Generation 9-1-1.

**Exhibit E**

**Financial Information**

***CONFIDENTIAL - FILED UNDER SEAL***



**Exhibit F**

**Small and Minority-Owned Telecommunications  
Business Participation Plan**

**NGA 911, L.L.C.**

**SMALL AND MINORITY-OWNED TELECOMMUNICATIONS  
BUSINESS PARTICIPATION PLAN**

Pursuant to T.C.A. §65-5-112, as amended, NGA 911, L.L.C. (“NGA 911”) submits this small and minority-owned Telecommunications business participation plan (the “Plan”) along with its Application for a Certificate of Public Convenience and Necessity to provide competing intrastate and local exchange services in Tennessee.

## **I. PURPOSE**

The purpose of §65-5-112 is to provide opportunities for small and minority-owned businesses to provide goods and services to Telecommunications service providers. NGA 911 is committed to the goals of §65-5-112 and to taking steps to support the participation of small and minority-owned Telecommunications businesses in the Telecommunications industry. NGA 911 will endeavor to provide opportunities for small and minority-owned Telecommunications businesses to compete for contracts and subcontracts for goods and services. As part of its procurement process, NGA 911 will make effort to identify and inform minority-owned and small businesses that are qualified and capable of providing goods and services to NGA 911 of such opportunities. NGA 911’s representatives intends to contact the Department of Economic and Community Development, the administrator of the small and minority-owned Telecommunications assistance program, to obtain a list of qualified vendors. Moreover, NGA 911 will seek to increase awareness of such opportunities so that companies not otherwise identified will have sufficient information to participate in the procurement process.

## **II. DEFINITIONS**

As defined in § 65-5-112.

*Minority-Owned Business.* Minority-owned business shall mean a business which is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is

owned, by an individual who personally manages and controls daily operations of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000).

*Small Business.* Small Business shall mean a business with annual gross receipts of less than four million dollars (\$4,000,000).

### **III. ADMINISTRATION**

NGA 911's Plan will be overseen and administered by the individual named below, hereinafter referred to as the Administrator, who will be responsible for carrying out and promoting NGA 911's full efforts to provide equal opportunities for small and minority-owned businesses. The Administrator of the Plan will be:

Michelle Bland, ENP  
NGA 911, L.L.C.  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, CA 90211  
Tel: 877-899-8337, Ext. 1016  
Fax: 646-632-1311  
michelle@nga911.com

Applicant intends the Administrator's responsibilities to include:

- (1) Maintaining an updated Plan in full compliance with §65-5-112 and the rules and orders of the Tennessee Public Utilities Commission.
- (2) Establishing and developing policies and procedures necessary for the successful implementation of the Plan.
- (3) Preparing and submitting such forms as may be required by the Tennessee Public Utility Commission, including the filing of required annual updates.
- (4) Serving as the primary liaison to and cooperate with the Tennessee Public Utility Commission, other agencies of the State of Tennessee, and small and minority-owned businesses to locate and use qualified small and minority-owned businesses as defined in §65-5-112.

- (5) Searching for and developing opportunities to use small and minority-owned businesses and encouraging such businesses to participate in and bid on contracts and subcontracts.
- (6) Providing records and reports and cooperating in any authorized surveys as required by the Tennessee Public Utility Commission.
- (7) Establishing a record-keeping system to track qualified small and minority-owned businesses and efforts to use such businesses.
- (8) Providing information and educational activities to persons within NGA 911 and training such persons to seek out, encourage, and promote the use of small and minority-owned businesses.

In performance of these duties, the Administrator will utilize a number of resources, including:

Chambers of Commerce  
The Tennessee Department of Economic and Community Development  
The United States Department of Commerce  
Small Business Administration  
Office of Minority Business  
The National Minority Supplier Development Counsel  
The National Association of Women Business Owners  
The National Association of Minority Contractors  
Historically Black Colleges, Universities, and Minority Institutions


The efforts through which Applicant intends to promote and ensure equal opportunities for small and minority-owned businesses are primarily spelled out in the Administrator's duties above. Additional efforts to provide opportunities to small and minority-owned businesses will include offering, where appropriate and feasible, small and minority-owned businesses assistance with technical, insurance, bonding, licensing, production, and deadline requirements.

#### IV. RECORDS AND COMPLIANCE REPORTS

NGA 911 will maintain records of qualified small and minority-owned business and efforts to use the goods and services of such businesses. In addition, NGA 911 will maintain records of educational and training activities conducted or attended and of the internal procurement procedures adopted to support this plan.

NGA 911 will submit records and reports required by the Tennessee Public Utility Commission concerning the Plan. Moreover, NGA 911 will cooperate fully with any surveys and studies required by the Tennessee Public Utilities Commission.

NGA 911, L.L.C.

By: Michelle Bland  Verified by PDFfiller  
Michelle Bland  
Chief Operating Officer

Dated: March 30, 2021

**EXHIBIT G**

**Notice of Application**

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

\_\_\_\_\_  
**In the Matter of the Application of**

**NGA 911, L.L.C.**

**for a Certificate of Convenience and Necessity  
To Provide Competing Local Exchange  
and Interexchange Telecommunications  
Services in the State of Tennessee**  
\_\_\_\_\_

**Docket No. \_\_\_\_\_**

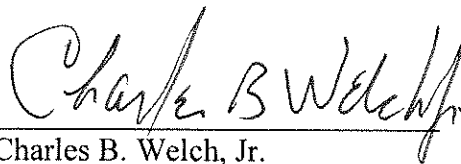
**NOTICE OF FILING**

TO: ALL INCUMBENT LOCAL EXCHANGE CARRIERS (ILECS)

PLEASE TAKE NOTICE, that in accordance with the Tennessee Public Utility Commission Rules for the Provision of Competitive Intrastate Telecommunications Services, you are hereby given notice that on April 21<sup>st</sup>, 2021, NGA 911, L.L.C. filed an Application for a Certificate of Convenience and Necessity to Provide Competing Local Exchange and Interexchange Telecommunications Services in the State of Tennessee.

This 21<sup>st</sup> day of April, 2021.

By: \_\_\_\_\_

  
Charles B. Welch, Jr.



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Notice of Filing of the Application of NGA 911, L.L.C. for Authority to Provide Competing Local Exchange Telecommunications Services was served upon the following parties of record by depositing a copy of same in the United States Mail, First Class, Postage Prepaid, to their last known address as follows:

**Ardmore Telephone Company**  
237 N. 8<sup>th</sup> Street  
Mayfield, KY 42066

**BellSouth 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

**Century Tel 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**  
P.O. Box 24207  
Jackson, MS 39225

**Frontier Communications of Tennessee**  
5003 S. Miami Blvd., Suite 300  
Durham, NC 27703

**Frontier Communications of the Volunteer State**  
5003 S. Miami Blvd., Suite 300  
Durham, NC 27703

**Humphreys County Telephone Company**  
P.O. Box 22995  
Knoxville, TN 37933

**Loretto Telephone Company**  
P.O. Box 130  
Loretto, TN 38469

**Millington Telephone Company, Inc.**  
4880 Navy Road  
Millington, TN 38053

**Peoples Telephone Company**  
P.O. Box 24207  
Jackson, MS 39225

**Tellico Telephone Company**  
P.O. Box 22995  
Knoxville, TN 37933

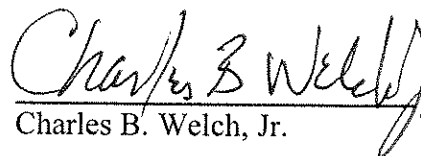
**Tennessee Telephone Company**  
P.O. Box 22995  
Knoxville, TN 37933

**United Telephone Company, Inc.**  
P.O. Box 38  
Chapel Hill, TN 37034

**United Telephone Southeast, LLC**  
P.O. Box 680644  
Franklin, TN 37068

**West Tennessee Telephone Co.**  
P.O. Box 24207  
Jackson, MS 39225

This the 21<sup>st</sup> day of April, 2021.

  
Charles B. Welch, Jr.

## **Exhibit H**

### **Numbering Issues**

## **EXHIBIT H**

### **Numbering Issues**

Please provide answers to the following questions concerning numbering within your proposed service areas.

1. What is your company's expected demand for NXXs per NPA within a year of approval of your application?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

2. How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

3. When and in what NPA do you expect to establish your service footprint?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

4. Will the company sequentially assign telephone numbers within NXXs?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

5. What measures does the company intend to take to conserve Tennessee numbering resources?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

6. When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?

**Not applicable, as Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

## **EXHIBIT I**

### **Tennessee Specific Operational Issues**

## **EXHIBIT I**

### **Tennessee Specific Operational Issues**

Please provide answers to the following questions concerning Tennessee Specific Operational Issues.

1. How does the company intend to comply with TCA §65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.

**Not applicable. Applicant does not intend to provide voice services, including dial tone to end-user customers, at this time.**

2. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers in the database?

**Not applicable. Although Applicant is aware of those requirements, NGA 911 will not issue telephone numbers as it does not intend to provide voice services to end users at this time.**

3. Is your company aware of the local calling areas provided by the Incumbent Local Exchange Carriers in your proposed service areas?

**Yes, Applicant is aware of the ILEC local calling areas.**

4. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro calling areas.

**Not applicable. Applicant does not intend to provide voice services at this time.**

5. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TPUC on resolving customer complaints.

**Michelle Bland, ENP  
Chief Operating Officer  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, CA 90211  
Tel: 877-899-8337, Ext. 1016  
Fax: 646-632-1311  
Email: regulatory@nga911.com**

6. Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA §65-4-401 *et seq.* and Chapter 1220-4-11?

**Applicant is aware of the above-referenced telemarketing status and regulations. As previously noted, NGA 911 plans to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support PSAP operations. Typically, a government agency will issue a request for proposal ("RFP") to provide services and Applicant will respond to that RFP. Applicant may conduct some direct marketing to governmental agencies but will not engage in multilevel marketing.**

**Exhibit J**

**Sworn Pre-Filed Testimony**

**In the Matter of the Application of**  
**NGA 911, L.L.C.**  
**for a Certificate of Convenience and Necessity**  
**To Provide Competing Local Exchange**  
**and Interexchange Telecommunications**  
**Services in the State of Tennessee**

**PRE-FILED TESTIMONY OF DON FERGUSON**

I, Don Ferguson, do hereby testify as follows in support of the application of NGA 911, L.L.C. ("NGA 911") for a Certificate of convenience and necessity as a competing telecommunications services provider to provide telecommunication services throughout the State of Tennessee.

**Q: Please state your full name, business address, and position.**

A: My name is Don Ferguson. My business address is 8332 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211. My telephone number is 213-284-1480.

**Q: Please briefly describe your duties.**

A: I am the President and Chief Executive Officer of NGA 911 L.L.C. (“NGA 911” or “the Company”). In conjunction with the Board, I develop NGA 911’s business strategy. I oversee the implementation of the Company’s long- and short-term plan, filings, docketed proceedings, and interconnection agreements with incumbent local exchange carriers (“ILECs”), wireless carriers, and Voice over Internet Protocol (“VoIP”) service providers.



**Q: Please describe your business experience and educational background.**

A: I have 25 years of experience in technology leadership positions. I have been the President and Chief Executive Officer of NGA 911 since 2015. Under my direction, NGA 911 has registered or filed applications and has been granted authorization to provide its services in California, Florida, Georgia, Hawaii, Idaho, Iowa, Louisiana, Minnesota Missouri, Montana, Nebraska, Nevada, New Jersey, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia and Wisconsin. NGA 911 has filings pending in Arizona, Illinois and New York. My prior experience includes being the Chief Executive Officer for MobileTREC (Mobile Time Response Emergency Call), from 2008 to 2015. At MobileTREC, I supervised Research and Development and Technology Services and developed cloud-based, and mobile consumer technology. I was a Consultant with Strategic Business Group from 2004 to 2015. I had consulting engagements where I developed and executed mobile, internet, and social technology plans. As Director of Information Technology, from 2000 to 2004, I built and launched enterprise internet software. I was the Director of Information Technology at Open Sesame Systems from 1996 to 1999.

**Q: Are all statements in NGA 911's application true and correct to the best of your knowledge, information and belief?**

A: Yes.

**Q: Please describe the current corporate structure of NGA 911.**

A: NGA 911 is a duly formed limited liability company, organized under the laws of the State of California. A copy of Applicant's Articles of Organization are included with the Application as **Exhibit B**. Applicant is privately held and does not have a parent company or affiliates; however, NGA 911, Inc. is the majority owner of Applicant. Other than NGA 911, Inc. there are no other persons, entities or direct owners with a 10% or greater interest in NGA 911.

**Q: Does NGA 911 possess the requisite managerial, financial, and technical abilities to provide the services for which it has applied for authority?**

A: Yes. NGA 911 has the managerial, technical and financial qualifications necessary to provide the proposed services in Tennessee.

**Q: Please describe NGA 911's financial qualifications.**

A: NGA 911 has sufficient financial resources to initiate and maintain the services and related operations in Tennessee as proposed in this Application. Applicant is providing *under seal* financial information for NGA 911 as **Confidential Exhibit E**, which demonstrates the financial resources available to provide the proposed telecommunications services in Tennessee. Included with **Confidential Exhibit E** are audited financial statements for 2019, unaudited financial statements for the period ended December 30, 2020; and projected financial statements for a three-year period of 2021, 2022 and 2023.

**Q: Please describe NGA 911's managerial and technical qualifications.**

A: NGA 911 has the managerial qualifications necessary to provide the proposed services in Tennessee, as NGA 911 is managed by a highly skilled team with substantial expertise and experience in public safety communications, related engineering, and business management and are responsible for the Applicant's operations. The biographies included with the Application as **Exhibit D** reflects management's substantial communications industry experience and expertise, and demonstrate that the Applicant possesses significant managerial and technical expertise operating a variety of communications services across multiple jurisdictions. Thus, NGA 911 possesses the managerial and technical qualifications necessary to operate as a competing local telecommunications company in Tennessee, consistent with the Commission's requirements. NGA 911's operations will be overseen by a

well-qualified management team with substantial telecommunications experience and technical expertise.

**Q: What services will NGA 911 offer?**

A: NGA 911 seeks authority to provide telecommunications services and operate throughout the State of Tennessee in order to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point (“PSAP”) operations. While NGA 911 primarily intends to provide a NG9-1-1 solution that utilizes a highly efficient path to achieve end-to-end IP call handling for NG9-1-1 services, Applicant also will support and deliver legacy E911 and 9-1-1 services for carriers and PSAPs that have not yet transitioned to NG9-1-1 services. NGA 911’s incremental deployment, patented and patent pending services are designed to safely transition legacy 9-1-1 systems to the latest NG9-1-1 technology available. Applicant seeks to comply with the State of Tennessee’s regulatory requirements so NGA 911’s advanced technology can be applied and offered to modernize the state’s 9-1-1 system. The anticipated impact of NGA 911’s technology is the improvement in the operation, function and downtime of 9-1-1 in the state at a manageable cost. NGA 911 will rely on a number of different network and infrastructure facilities for the provisioning of a combination of both legacy 9-1-1 services and IP-based services (NG9-1-1). These can be characterized as Ingress, ESInet, Cloud, Direct Connect, and PSAP-based. Applicant’s NG9-1-1 solution utilizes a diverse, redundant, secure IP infrastructure. Facilities and nodes are geographically diverse and are equipped with physically redundant data communications and power equipment that allow for continuous operation and reliability. Applicant’s NG9-1-1 Emergency Services provides a secure, IP-based, open-standards system comprised of

hardware, software, data, Next Generation Core Service (NGCS) Functional Elements (FE), and operational policies and procedures. With its cloud-based NG9-1-1 services, Applicant has created an infrastructure that stays ahead of cyber threats, scales on demand, and employs numerous failover strategies. It enables multiple access points to integrate new technology through innovative collaborative techniques, with no single point of failure. It allows for the seamless integration of PSAP processes that translate into more accurate call routing, faster call processing times, increased resource efficiency, quicker response times, and better decision making.

**Q: Will NGA 911 offer service to all consumers within its service area?**

A: NGA 911 does not have plans to provide retail switched voice services, including dial tone to end-user customers in Tennessee. NGA 911 will offer emergency call routing, transport, and related functionalities to all state and municipal governmental agencies in the state of Tennessee.

**Q: Does NGA 911 plan to offer local exchange telecommunications services in areas served by any incumbent local exchange telephone company with fewer than 100,000 total access lines?**

A: NGA 911 is requesting authority to provide services throughout the State of Tennessee. However, NGA 911 does not have plans to provide retail switched voice services, including dial tone. The services proposed by NGA 911 to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support PSAP operations may well include agencies and businesses that are located in areas served by an incumbent local exchange telephone company with fewer than 100,000 total access lines.

**Q: Will the granting of a certificate of convenience and necessity to NGA 911 serve the public interest?**

A: Granting this Application will promote the public interest by increasing the level of competition in the Tennessee telecommunications market. Ultimately, competition will compel all exchange telecommunications service providers to operate more efficiently and with resulting reduced prices for consumers. These benefits work to maximize the public interest by providing continuing incentives for carriers to reduce costs while simultaneously promoting the availability of potentially desirable services. NGA 911's provision of these services would promote the public interest by providing high-quality service at competitive prices and by creating greater economic incentives for the development and improvement for all competing providers.

**Q: Does NGA 911 intend to comply with all TPUC rules, statues, and orders pertaining to the provision of telecommunications services in Tennessee, including those for disconnection and reconnection of service?**

A: Yes, to the extent applicable. However, NGA 911 does not have plans to provide retail switched voice services, including dial tone to customers in Tennessee.

**Q: Has any state ever denied NGA 911 or one of its affiliates authorization to provide intrastate service?**

A: No. NGA 911 has not been denied authority to provide telecommunications services in any state or jurisdiction.

**Q: Has any state ever revoked the certification of NGA 911 or one of its affiliates?**

A: No. NGA 911 has not had its authority to provide telecommunications services in any state, revoked.

**Q: Has NGA 911 or one of its affiliates ever been investigated or sanctioned by any regulatory authority for service or billing irregularities?**

A: No. NGA 911 has not been the subject of any investigations nor sanctioned by any regulatory authority for service or billing irregularities.

**Q: Who is knowledgeable about NGA 911's operations and will serve as NGA 911's regulatory and customer service contact?**

A: I will serve as NGA 911's Regulatory Contact person regarding the Company and ongoing operations and the Customer Service Contact for NGA 911 is Michelle Bland, ENP, Chief Operating Officer. Customers with complaints or inquiries should contact the Company at its toll-free number (877) 899-8337, via email at [regulatory@nga911.com](mailto:regulatory@nga911.com) or by mail to the Company's principal place of business at 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211.

**Q: Please explain in detail NGA 911's proposed procedures for responding to information requests from the TPUC and its staff.**

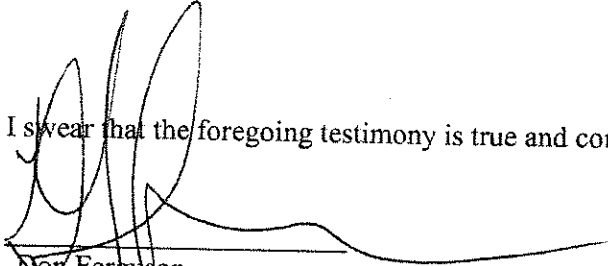
A: Information requests related to this Application should be directed to our counsel set forth in the Application, with a copy to me. Together we will prepare a response and ensure the response is filed promptly and by any deadline set by staff. Following certification, information requests should be directed to me. I will ensure that the response is filed promptly and by any deadline set by staff.

**Q: Does this conclude your testimony?**

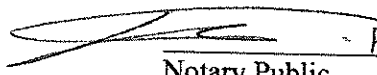
A: Yes.

12

I swear that the foregoing testimony is true and correct to the best of my knowledge.

  
Don Ferguson  
Chief Executive Officer  
NGA 911, L.L.C.

Respectfully submitted this 12th day of March, 2021

  
Notary Public

State of California

County of ~~San~~ Los Angeles

My commission expires 7-16-2023



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 3-12-2021 before me, HYUN JOO KIM, Notary Public  
(insert name and title of the officer)

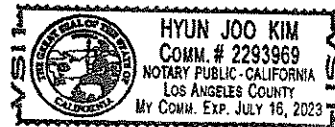
personally appeared Don Ferguson  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)





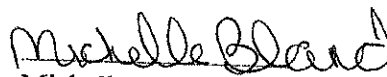
## **Verification**

STATE OF TEXAS  
COUNTY OF TARRANT

§  
§  
§

**VERIFICATION**

I, Michelle Bland, states that I am the Chief Operating Officer of NGA 911, L.L.C. ( the  
“Company”); that I am authorized to make this Verification on behalf of the Company; that the  
foregoing filing was prepared under my direction and supervision; and that the contents with  
respect to the Company are true and correct to the best of my knowledge, information, and  
belief.

  
Michelle Bland  
Chief Operating Officer  
NGA 911, L.L.C.

Sworn and subscribed before me this 21 day of February \_\_, 2021.

  
Notary Public

My commission expires November 2, 2024

