

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

December 3, 2021

IN RE:

**APPLICATION OF NGA 911, LLC FOR A
CERTIFICATE TO PROVIDE ACCESS
TELECOMMUNICATIONS SERVICES
THROUGHOUT THE STATE OF
TENNESSEE**

DOCKET NO.
21-00049

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 November 19, 2021 to consider the *Application for a Certificate of Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services* (the “*Application*”) filed by NGA 911, LLC (“NGA,” “Applicant,” or “Company”) on April 21, 2021. In its *Application*, NGA seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

NGA'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 10, 2021, setting the case for Hearing on November 19, 2021. No persons sought intervention prior to or during the Hearing. Mr. Don Ferguson, President and Chief Executive Officer of NGA, appeared at the Hearing and provided testimony.

Mr. Ferguson participated in the Hearing, adopting and summarizing his Pre-Filed Testimony with no corrections, additions, or amendments. Mr. Ferfuson testified that the Company will comply with all applicable laws, and TPUC rules, policies and orders and stated that it is in

the public interest to grant the *Application*. He also provided a summary of the Company's financial, technical, and managerial qualifications and provided responses to the questions of the Hearing Officer.

The Hearing Officer opened the floor for public comment, but no member of the public came forward to comment. Upon conclusion of the presentation of its proof, the Hearing Officer granted NGA's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. NGA'S QUALIFICATIONS

1. NGA is a limited liability company, incorporated in the State of California on May 17, 2016. It became authorized to transact business in the State of Tennessee on January 27, 2021.

2. The Company's principal office is located at 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211. The Company's telephone number is (877) 899-8337.

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

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

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

B. PROPOSED SERVICES

NGA seeks authority to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point (“PSAP”) operations. While the Applicant primarily intends to provide a N9-1-1 solution that utilizes an efficient path to achieve end-to-end IP call handling, NGA will also support and deliver legacy E9-1-1 services for carrier and PSAPs that have not yet transitioned to NG9-1-1. NGA will provide these services primarily through facilities leased from a variety of telecommunications carriers and other providers but may also utilize its own facilities. NGA 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. 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 will not directly serve end-user customers.

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY


NGA’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, increased accountability through reliable and responsive customer service, and advanced technological innovation.

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

NGA has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 and the Commission’s Rules.

IT IS THEREFORE ORDERED THAT:

1. The *Application for a Certificate of Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services* filed by NGA 911, 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