

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 11, 2021

IN RE:

PETITION OF BEN LOMAND COMMUNICATIONS,
LLC TO BE DESIGNATED AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

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DOCKET NO.
21-00054

ORDER APPROVING PETITION TO BE DESIGNATED
AN ELIGIBLE TELECOMMUNICATIONS CARRIER

This matter came before Chairman Kenneth C. Hill, Vice Chair Herbert H. Hilliard, Commissioner Robin L. Morrison, Commissioner John Hie and Commissioner David F. Jones of the Tennessee Public Utility Commission ("TPUC" or "Commission"), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on July 13, 2021, for consideration of the *Petition of Ben Lomand Communications, LLC to Be Designated an Eligible Telecommunications Carrier* ("Petition") filed by Ben Lomand Communications, LLC ("BLC," "Company" or "Petitioner") on May 7, 2021, requesting designation as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. § 214(e) in Cumberland County, Tennessee.

BACKGROUND AND PETITION

BLC is a competing local telecommunications exchange carrier ("CLEC") established as a limited liability company in the State of Tennessee. BLC was granted a Certificate of Convenience and Necessity ("CCN") to provide telecommunications services in Warren and White Counties in Docket No. 98-00600.¹ The Commission granted BLC's request to modify its CCN to include

¹ *Petition*, p. 2 (January 2, 2019). See also *In Re: Application of Ben Lomand Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services as a Competing Telecommunications Service Provider*, Docket No. 98-00600, *Order Granting Certificate of Convenience and Necessity* (April 28, 1999).

statewide service in 2008.² BLC has also been granted designation as an Eligible Telecommunications Carrier ("ETC") in Coffee County, Franklin County, Marion County, Warren and White Counties by the Commission.³

BLC's *Petition* states that it owns facilities in Cumberland County as the result of a merger with Volunteer First Services, LLC ("VFS"), a matter which was noticed in Docket No. 20-00125. VFS, based in Cumberland County, Tennessee, was awarded a Certificate of Public Convenience and Necessity by the Commission to provide competing telecommunications services in Docket No. 03-00607.⁴

The BLC facilities-based system provides customers with a minimum of the following services: voice grade access to a public switched network or its functional equivalent, minutes for use for local service provided at not additional charge to end users, access to emergency services such as 911, toll limitation services to a minor degree for qualifying low-income services, free blocking service for 900 type services, access to the Tennessee Relay Center, white page and directory assistance, broadband internet access, and Lifeline programs.⁵

BLC asserts it will continue to participate and offer Lifeline programs to qualifying low-income consumers and publicize the availability of Lifeline services as required by Federal Communications Commission ("FCC") rules.⁶ Along with its *Petition*, BLC provided relevant

² *Id.* See also *In Re: Petition of Ben Lomand Communications, LLC to Modify Its CCN*, Docket No. 08-00210, *Order Granting Amendment to Certificate of Public Convenience and Necessity* (January 13, 2009).

³ *Id.* See also *In Re: Universal Service Proceeding*, Docket No. 97-00888, *Order Designating Ben Lomand Communications, Inc. as an Eligible Telecommunications Carrier* (January 8, 2001); *Petition of Ben Lomand Communications, LLC to be Designated an Eligible Telecommunications Carrier*, Docket No. 19-00002, *Order Approving Petition to Be Designated an Eligible Telecommunications Carrier*, (February 7, 2019).

⁴ See *In Re: Application of Volunteer First Services, Inc. For A Certificate of Public Necessity to Provide Competing Telecommunication Services Within the State of Tennessee*, Docket No. 03-00607, *Initial Order Approving Application for Certificate of Public Convenience and Necessity*, (April 30, 2004).

⁵ *Petition*, pp. 4-5.

⁶ *Id.* at 5.

documentation and a map of the current and future service areas of BLC for which ETC designation is sought.⁷

STANDARD FOR COMMISSION APPROVAL

Commission approval is required for designation as an ETC pursuant to the Telecommunications Act of 1996, 47 U.S.C.A § 214(e), which provides, in relevant part:

(e) Provision of universal service

(1) Eligible telecommunications carriers. A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, 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 carrier); and

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

(2) Designation of eligible telecommunications carriers

A State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.⁸

FINDINGS AND CONCLUSIONS

The Commission's review of an ETC designation request focuses on whether the applicant offers and advertises the availability of required services in accordance with applicable law and the

⁷ *Id.*, Exh. F.

⁸ 47 U.S.C.A. § 214(e)(1)-(2)

request is consistent with the public interest, convenience, and necessity. The panel found that BLC is aware of and in compliance with the requirements for obtaining and maintaining ETC designation, and currently holds ETC designation granted by this Commission in Coffee County, Franklin County, Marion County, Warren and White Counties, Tennessee.

Further, the panel found that BLC currently provides the required services through its own facilities or through the services of another facilities-based carrier or vendor with whom BLC has contracts and will continue to provide such services in the county for which ETC designation is sought. In addition, BLC provided evidence of its promotion and advertising of ETC services and the charges for such services by means of media of general distribution in accordance with applicable laws and rules. BLC has stated its intention to continue the promotion and advertisement of these services in the counties for which designation is currently sought.

The panel further found that designation of BLC as an ETC in Cumberland County, Tennessee, will promote competition among telecommunications providers, which assists in providing service to underserved areas, reducing prices for services, and increasing the quality of the services provided. BLC's *Petition* and its proposed services through ETC designation would inure to the benefit of the present and future public interest, convenience, and necessity by permitting competition in the telecommunications services markets in the designated county and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

Based upon these findings, the panel voted unanimously to approve the *Petition*, and designated BLC an ETC in Cumberland County within the State of Tennessee.

IT IS THEREFORE ORDERED THAT:

1. The *Petition* filed by Ben Lomand Communications, LLC on May 7, 2021, is approved.
2. Ben Lomand Communications, LLC is designated an eligible telecommunications

carrier in Cumberland County, Tennessee, for the purpose of receiving federal universal service support.

3. Any person who is aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen days from the date of this Order.

4. Any person who is aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty days from the date of this Order.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman Kenneth C. Hill,
Vice Chairman Herbert H. Hilliard,
Commissioner Robin L. Morrison,
Commissioner John Hie, and
Commissioner David F. Jones concurring.**

None dissenting.

ATTEST:



Earl R. Taylor, Executive Director

Electronically Filed in TPUC Docket Room on August 10, 2021 at 4:13 p.m.

August 10, 2021

Docket Manager Ectory (Tory) Lawless
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

RE: Renewal Application for State-Issued Certificate of Franchise Authority
Docket No. 11-00146

Dear Ms. Lawless,

Please find enclosed filing for Spring City Cable TV, Inc. of affidavit application for renewal of State-Issued Certificate of Franchise Authority.

The application fee of \$1,000 is being remitted in the mailed copies of this Renewal Application.

If you have any questions or need any additional information, please contact me directly at 423-365-0082 or via email to walter3@SpringCityCable.com

Sincerely,



Walter E. Hooper III
President
Spring City Cable TV, Inc.

Electronically filed via email to tpuc.docketroom@tn.gov
4 copies and check mailed to Docket Manager