

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

August 16, 2022

IN RE:)	
)	
APPLICATION OF US SIGNAL COMPANY,)	
LLC FOR A CERTIFICATE TO PROVIDE)	DOCKET NO.
COMPETING RESOLD PRIVATE LINE)	22-00014
TELECOMMUNICATIONS SERVICES)	
THROUGHOUT THE STATE OF TENNESSEE)	

**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 August 1, 2022 to consider the *Application of US Signal Company, L.L.C. for a Certificate to Provide Competing Resold Private Line Telecommunications Services Throughout the State of Tennessee* (the “*Application*”) filed by US Signal Company, LLC (“US Signal,” “Applicant,” or “Company”) on February 18, 2022. In its *Application*, US Signal seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

US Signal’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) (1) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the commission shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(A) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(B) 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 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, a public notice of the Hearing in this matter was issued by the Hearing Officer on July 20, 2022 setting the case for Hearing on August 1, 2022. No persons sought intervention prior to or during the Hearing. Mr. Trevor Bidle, Chief Information Security Officer of US Signal, appeared at the Hearing and provided testimony.

Mr. Bidle participated in the Hearing, adopting the Pre-Filed Testimony of Richard Postma, founder of U.S. Signal. Mr. Bidle had no corrections, additions, or amendments to Mr. Postma's adopted Pre-Filed Testimony. Mr. Bidle 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 US Signal's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. US SIGNAL'S QUALIFICATIONS

1. US Signal is a limited liability company, incorporated in the State of Michigan under the name RVP Fiber Company, LLC on May 25, 2000. The Company name changed from RVP Fiber Company, LLC to US Signal on January 22, 2002. It became authorized to transact business in the State of Tennessee on September 30, 2021.

2. The Company's principal office is located at 201 Ionia Avenue SW, Grand Rapids, Michigan 48503. The Company's telephone number is (866) 274-4625.

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

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

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

B. PROPOSED SERVICES

US Signal proposes to offer resold private line/ MPLS / virtual ethernet services within the state of Tennessee using services available from other facilities-based carriers. The Company does not expect to construct its own facilities and the cost of leasing unbundled network elements and administrative and sales overhead costs are not projected to be significant. US Signal will not be providing any voice service and is only planning to offer resold private line / MPLS / Virtual Ethernet within the state of Tennessee.

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

US Signal'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

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

IT IS THEREFORE ORDERED THAT:

1. The *Application of US Signal Company, L.L.C. for a Certificate to Provide Competing Resold Private Line Telecommunications Services Throughout the State of Tennessee* filed by US Signal Company, LLC is approved.

2. Any party aggrieved by the Hearing Officer's decision in this matter may file a petition for reconsideration within fifteen (15) 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 (15) day appeal period.



Aaron J. Conklin, Hearing Officer