

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

August 31, 2022

IN RE:)	
)	
APPLICATION OF BRADLEY FIBER, LLC)	
FOR A CERTIFICATE OF CONVENIENCE)	DOCKET NO.
AND NECESSITY TO PROVIDE)	22-00079
COMPETING TELECOMMUNICATION)	
SERVICE)	

**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 23, 2022 to consider the *Application of Bradley Fiber, LLC for Certificate to Provide Broadband and Internet Access Service* (the “*Application*”) filed by Bradley Fiber, LLC (“Bradley Fiber,” “Applicant,” or “Company”) on July 29, 2022 as amended by filing on August 16, 2022. In its *Application*, Bradley Fiber seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

Bradley Fiber’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 August 12, 2022 setting the case for Hearing on August 23, 2022. No persons sought intervention prior to or during the Hearing.¹ Mr. David Wilson, Owner of Bradley Fiber, appeared at the Hearing and provided testimony.

Mr. Wilson participated in the Hearing, adopting and summarizing his Pre-Filed Testimony with no corrections, additions, or amendments. Mr. Wilson testified that the Company will comply

¹ Karen Stachowski, Esq. and Mason Rush, Esq. from the Consumer Advocate Unit in the Financial Division of Office of the Tennessee Attorney General ("Consumer Advocate") attended the hearing of this matter for observation purposes. However, the Consumer Advocate did not intervene in this docket.

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 Bradley Fiber's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. BRADLEY FIBER'S QUALIFICATIONS

1. Bradley Fiber is a limited liability company, incorporated in the State of Tennessee on June 30, 2022.

2. The Company's principal office is located at 246 Savannah Avenue, NE, Cleveland, TN 37312. The Company's telephone number is (423) 457-0125.

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

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

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

B. PROPOSED SERVICES

Bradley Fiber proposes to offer the deployment of fiber for internet services in rural areas within the state of Tennessee beginning in southeast Bradley County. The Company does not intend to provide voice services, but rather, intends to provide access services for the provision of data transmission over voice-grade facilities.

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Bradley Fiber'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

Bradley Fiber 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 Bradley Fiber, LLC for Certificate to Provide Broadband and Internet Access Service*, as amended, filed by Bradley Fiber, 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