

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

IN RE:

**APPLICATION OF BIF IV INTREPID
OPCO, LLC FOR A CERTIFICATE TO
PROVIDE COMPETING LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATION SERVICES IN
TENNESSEE**

)
)
)
)
)
)
)

**DOCKET NO.
23-00045**

**INITIAL ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Administrative Judge of the Tennessee Public Utility Commission (the “Commission” or “TPUC”) at a Hearing held on February 8, 2024 to consider the *Application of BIF IV Intrepid OpCo, LLC for Certificate to Provide Competing Local Exchange and Interexchange Telecommunication Services in Tennessee* (the “*Application*”) filed by BIF IV Intrepid OpCo, LLC (“Intrepid,” “Applicant,” or “Company”) on June 15, 2023. In its *Application*, Intrepid seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

Intrepid’s *Application* was made in accordance with and is 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

In accordance with the requirements of Tenn. Code Ann. § 65-4-204, a public notice of the Hearing in this matter was issued by the Administrative Judge on January 30, 2024 setting the case for Hearing on February 8, 2024. No persons sought intervention prior to or during the Hearing. Mr. Eric Voss, Director of Market Expansion for Intrepid, appeared at the Hearing and provided testimony.

Mr. Voss participated in the Hearing, adopting and summarizing his Pre-Filed Testimony offering amendments concerning changes to the Company's board membership. Mr. Voss 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 Administrative Judge.

The Administrative Judge 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 Intrepid's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. INTREPID'S QUALIFICATIONS

1. Intrepid is a Delaware corporation authorized to do business in the State of Tennessee.

2. The Company's principal office is located at 11001 West 120th Avenue, Suite 305, Broomfield, Colorado 80021. The Company's telephone number is (866) 371-1860.

3. Intrepid is a wholly owned subsidiary of BIF IV Intrepid Holdco, LLC, which is owned by Brookfield Infrastructure Fund IV, managed by Brookfield Infrastructure Partners, LP.¹

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

¹ *Application*, p. 2 (June 15, 2023).

5. Intrepid has the necessary capital and financial ability to provide the services it proposes to offer.

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

B. PROPOSED SERVICES

Intrepid proposes to offer facilities-based point-to-point telecommunications services, such as Ethernet and other similar high-bandwidth services for high-speed data transport, throughout the State of Tennessee. Intrepid plans to build a fiber-based network in Tennessee and does not currently own or lease facilities within the State. Applicant will provide services to enterprise customers and to other providers on a wholesale business and does not intend to directly serve residential customers. Applicant does not plan to furnish switched voice services or dial tone at this time.²

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Intrepid'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

Intrepid 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.

² *Id.* at 5.

IT IS THEREFORE ORDERED THAT:

1. The *Application of BIF IV Intrepid OpCo, LLC for Certificate to Provide Competing Local Exchange and Interexchange Telecommunication Services in Tennessee*, filed by BIF IV Intrepid OpCo, 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, Administrative Judge