

- (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 August 7, 2024 setting the case for Hearing on August 19, 2024. No persons sought intervention prior to or during the Hearing. Mr. Brian James, President of Fiber Connect, appeared at the Hearing and provided testimony.

Mr. James participated in the Hearing, adopting and summarizing his Pre-Filed Testimony with no corrections, revisions, or amendments. Mr. James 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 Administrative Judge granted Fiber Connect's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. FIBER CONNECT'S QUALIFICATIONS

1. Fiber Connect is a Virginia limited liability company authorized to do business in the State of Tennessee.
2. The Company's principal office is located at 4445 Corporation Lane, Suite 264, Virginia Beach, Virginia. The Company's telephone number is (703) 517-5849.
3. The *Application* and information in the record indicate that Fiber Connect has the requisite technical and managerial ability to provide competitive local and intrastate telecommunications services within the State of Tennessee. Specifically, Fiber Connect's management team possesses extensive business, technical, operational, and regulatory experience in the telecommunications industry.
4. Fiber Connect has the necessary capital and financial ability to provide the services it proposes to offer.

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

B. PROPOSED SERVICES

Fiber Connect proposes to access telecommunications services on a statewide basis through limited facilities-based access services, utilizing fiber optic cable depending on the customer's location and needs. Applicant has no intention of providing TDM telephone service.¹

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Fiber Connect'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. Fiber Connect'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

Fiber Connect 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 Fiber Connect LLC d/b/a Fiber Connect Tennessee LLC for a Certificate to Provide Access Telecommunications Services Throughout the State of Tennessee*, filed by Fiber Connect, LLC dba Fiber Connect Tennessee, LLC, is approved.

¹ *Application*, p. 3 (July 9, 2024).

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