

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

October 29, 2024

Electronically Filed in TPUC Docket  
Room on October 30, 2024 at 1:36 p.m.

David Foster  
Director, Utilities Division  
Andrew Jackson State Office Bldg.  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243-0001

RE: Docket No. 24-00054, *Application of Ripple Fiber Tennessee, LLC for a Certificate of Convenience and Necessity to Provide Competing Local Telecommunications Services in Tennessee*

Dear Mr. Foster,

We write today in response to your letter, dated October 7, 2024. Ripple Fiber Tennessee submit the following answers to your requests therein.

1. A \$20,000 bond or letter of credit pursuant to TCA §65-4-125(j).
  - a. Attachment A to this document are the bond forms received by Ripple Fiber from the surety company.
2. A Certificate of Existence from the Tennessee Secretary of State's Office. The petition only included the Secretary of State application. The Certificate of Existence can be obtained online at [www.tn.gov/sos](http://www.tn.gov/sos).
  - a. Attachment B to this document is Ripple Fiber Tennessee LLC's Certificate of Existence from the Secretary of States office.
3. A signed and dated Notice of Filing and Certificate of Service indicating the ILECs in Tennessee have been notified of the filing of this application. The petition listed BellSouth as the only ILEC in Tennessee. A list of all ILECs in Tennessee can be found in the CLEC application sample on our website at [www.tn.gov/tpuc](http://www.tn.gov/tpuc).
  - a. Attachment C to this document is a signed and dated Notice of Filing and Certificate of Service indicating all ILEC's in Tennessee have been notified of the filing.
4. The petition states that "the company does not intend to provide switched services." Explain in detail how local and long distance services will be provided by Ripple Fiber Tennessee, LLC. Also, please detail the "unregulated services" to be offered.
  - a. Ripple Fiber Tennessee intends to build fiber optic networks in the State of Tennessee, which will initially be used to provide residential subscribers IP based communications services including Internet Access and VoIP services. As Ripple Fiber's network matures and in response to customer demand, Ripple will eventually offer switched communications services including local and long distance services mostly to enterprise business customers.

Ripple Fiber Tennessee LLC appreciates the commissions availability for questions and support throughout this process. This response will be submitted electronically, along with four copies submitted in written form.

Sincerely,

Craig A. Gilley, Esq  
Counsel to Ripple Fiber Tennessee LLC

# **Attachment A**

## Corporate Surety Bond

# TENNESSEE PUBLIC UTILITY COMMISSION

## TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond #: RLP7475022

**WHEREAS,** Ripple Fiber LLC

(the "Principal"), has applied to the Tennessee Public Utility Commission for authority to provide telecommunications services in the State of Tennessee; and

**WHEREAS,** under the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is required to file this bond in order to obtain such authority and to secure the payment of any monetary sanction imposed in any enforcement proceeding brought under Title 65 of the Tennessee Code Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the Tennessee Public Utility Commission (the "TPUC"); and

**WHEREAS,** Old Republic Surety

(the "Surety"), a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to issue this bond in order to permit the Principal to comply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated;

**NOW THEREFORE, BE IT KNOWN,** that we the Principal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in accordance with the provisions of Tennessee Code Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand dollars (\$20,000.00) lawful money of the United States of America to be used for the full and prompt payment of any monetary sanction imposed against the Principal, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TPUC, for which obligation we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

This bond shall become effective on the 11th day of October, 2024, and shall be continuous; provided, however, that each annual renewal period or portion thereof shall constitute a new bond term. Regardless of the number of years this bond may remain in force, the liability of the Surety shall not be cumulative, and the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed Twenty Thousand Dollars (\$20,000.00). The Surety may cancel this bond by giving thirty (30) days written notice of such cancellation to the TPUC and Principal by certified mail, it being understood that the Surety shall not be relieved of liability that may have accrued under this bond prior to the date of cancellation.

### PRINCIPAL

Ripple Fiber LLC  
Name of Company authorized by the TPUC

Company ID # as assigned by TPUC

### SIGNATURE OF PRINCIPAL

Name: Lance van der Spuy  
Title: President

### SURETY

Old Republic Surety Company

Name of Surety

1415 28th Street Suite 420; West Des Moines, IA 50266

Address of Surety

### SIGNATURE OF SURETY AGENT

Thomas Champoux  
Name: Thomas Champoux  
Title: Attorney-in-fact

Address of Surety Agent:

1128 Lincoln Mall Suite 200  
Lincoln, NE 68508



**THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)**

ACKNOWLEDGMENT OF PRINCIPAL


North Carolina  
STATE OF ~~TENNESSEE~~  
COUNTY OF Mecklenburg

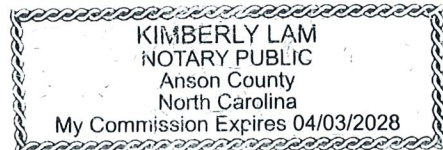
Before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_ with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of Ripple Fiber, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 15 day of October, 2024.

My Commission Expires:

4-3-28, 20\_\_\_\_

  
\_\_\_\_\_  
Notary Public



ACKNOWLEDGMENT OF SURETY

STATE OF TENNESSEE  
COUNTY OF Lancaster

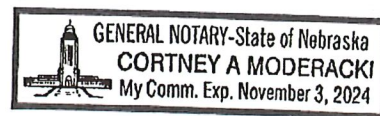
Before me, a Notary Public of the State and County aforesaid, personally appeared Thomas Champoux with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of Old Republic Surety, the within named Surety, a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, and that he as such an individual being authorized to do so, executed the foregoing bond, by signing the name of the corporation by himself and as such individual.

WITNESS my hand and seal this 14th day of October, 2024

My Commission Expires:

November 3rd, 2000  
, 2024

  
\_\_\_\_\_  
Notary Public



APPROVAL AND INDORSEMENT

This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the sureties on the same are good and worth the penalty thereof, and that the same has been filed with the Tennessee Public Utility Commission, State of Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name:  
Title:





# OLD REPUBLIC SURETY COMPANY

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint: Robert Reynoldson, Mary E. Kent, Robert A. Wick, Tracy J. Alexander, Patricia A. Hellriegel, Rebekah L. Ray, Tony L. Rasmussen, Paul Hughes, Justin Lewandowski, Kyle Hilger, Megan A. Robison, Thomas W. Champous, Michael D. Reed of Lincoln, NE

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, *(other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds)*, as follows:

### ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 17th day of March, 2023.

Karen J. Haffner  
Assistant Secretary



OLD REPUBLIC SURETY COMPANY

Alan Pavlic  
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 17th day of March, 2023, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Kathryn R. Pearson  
Notary Public

My Commission Expires: September 28, 2026

(Expiration of notary's commission does not invalidate this instrument)

### CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



40 1361

Signed and sealed at the City of Brookfield, WI this 14th day of October, 2024.

Karen J. Haffner  
Assistant Secretary

## **Attachment B**

### Certificate of Existence



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

CRAIG GILLEY  
600 MASSACHUSETTS AVE  
WASHINGTON, DC 20001

October 11, 2024

Request Type: Certificate of Existence/Authorization  
Request #: 0606365

Issuance Date: 10/11/2024  
Copies Requested: 1

Document Receipt

Receipt #: 009286081

Filing Fee: \$20.00

Payment-Credit Card - State Payment Center - CC #: 3883409216

\$20.00

Regarding: Ripple Fiber Tennessee LLC  
Filing Type: Limited Liability Company - Foreign  
Formation/Qualification Date: 07/08/2024  
Status: Active  
Duration Term: Perpetual

Control #: 1557059  
Date Formed: 05/20/2024  
Formation Locale: DELAWARE  
Inactive Date:

**CERTIFICATE OF AUTHORIZATION**

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that effective as of the issuance date noted above

**Ripple Fiber Tennessee LLC**

\* is a Limited Liability Company formed in the jurisdiction set forth above and is authorized to transact business in this State;

\* has paid all fees, interest, taxes and penalties owed to this State (as reflected in the records of the Secretary of State and the Department of Revenue) which affect the existence/authorization of the business;

\* has appointed a registered agent and registered office in this State;

\* has not filed an Application for Certificate of Withdrawal.

Tre Hargett  
Secretary of State

Processed By: Cert Web User

Verification #: 070423526



## **Attachment C**

Notice of Filing and Certificate of Service

## LIST OF INCUMBENT LOCAL EXCHANGE CARRIERS SERVED NOTICE

- Ardmore Telephone Company, 100 WK&T Technology Drive, Mayfield, KY 42066
- BellSouth Telecommunications, LLC, 333 Commerce Street, Suite 2106, Nashville, TN 37201
- Brightspeed of Appalachia, LLC, P.O. Box 1330, Fayetteville, NC 28302
- Brightspeed of East Tennessee, LLC, P.O. Box 1330, Fayetteville, NC 28302
- Brightspeed of Southern Tennessee, LLC, P.O. Box 1330, Fayetteville, NC 28302
- Brightspeed of Western Tennessee, LLC, P.O. Box 1330, Fayetteville, NC 28302
- Crockett Telephone Company, P.O. Box 24207, Jackson, MS 39225
- Frontier Communications of Tennessee, 300 Bland Street, Bluefield, WV 24701
- Humphreys County Telephone Company, 10200 Upper Ridge Way, Knoxville, TN 37932
- Loretto Telephone Company, P.O. Box 130, Loretto, TN 38469
- Millington Telephone Company, LLC, P.O. Box 17040, Jonesboro, AR 72403
- Peoples Telephone Company, P.O. Box 24207, Jackson, MS 39225
- Tellico Telephone Company, 10200 Upper Ridge Way, Knoxville, TN 37932
- United Telephone Company, Inc, P.O. Box 38, Chapel Hill, TN 37034
- West Tennessee Telephone Co., P.O. Box 24207, Jackson, MS 39225

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

Application of Ripple Fiber Tennessee, LLC  
for a Certificate of Convenience and Necessity  
to Provide Competing Local  
Telecommunications Services in Tennessee

Docket No. 24-0054

**CERTIFICATE OF SERVICE**

I, Ellis McKennie, certify that I have on this 28<sup>th</sup> day of October, 2024 caused a copy of  
the foregoing

Notice of Filing of Application of Ripple Fiber Tennessee, LLC  
for a Certificate of Convenience and Necessity to Provide Competing Local Telecommunications  
Services in Tennessee

To be served on All ILEC's in Tennessee. (List preceeding)

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28<sup>th</sup> day of October, 2024 at 4:14 pm.

By: /s/ Ellis McKennie

Ellis McKennie

**Copy for Tennessee Public Utility Commission**

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

IN THE MATTER OF THE APPLICATION     )  
OF RIPPLE FIBER TENNESSEE LLC         )  
FOR A CERTIFICATE TO PROVIDE         )  
COMPETING LOCAL                         )  
TELECOMMUNICATIONS SERVICES         )


**NOTICE OF FILING**

TO: ALL INCUMBENT LOCAL EXCHANGE CARRIERS (ILECS)

PLEASE TAKE NOTICE, that in accordance with the Tennessee Regulatory Authority Rules for the Provision of Competitive Intrastate Telecommunications Services, you are hereby given notice that on August 22, 2024, Ripple Fiber Tennessee LLC filed an Application for a Certificate of Public Convenience and Necessity to Provide Competing Local Telecommunications Services.

This 28 day of October, 2024.

Ripple Fiber Tennessee LLC

BY:   
Compliance Officer