

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

April 13, 2026

IN RE:)	
)	
APPLICATION OF LUMOS FIBER OF)	DOCKET NO.
TENNESSEE, LLC FOR A CERTIFICATE)	26-00006
OF CONVENIENCE AND NECESSITY TO)	
PROVIDE COMPETING LOCAL)	
EXCHANGE SERVICES IN THE STATE OF)	
TENNESSEE)	

**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 March 24, 2026, to consider the *Application for a Certificate to Provide Competing Local Exchange Telecommunications Services* (“*Application*”) filed by Lumos Fiber of Tennessee, LLC (“Lumos,” “Applicant,” or “Company”) on January 22, 2026. In its *Application*, Lumos seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local exchange telecommunications services within the State of Tennessee.

I. LEGAL STANDARD

Lumos’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 March 13, 2026, setting the case for Hearing on March 24, 2026. No one sought intervention prior to or during the Hearing. Derek T. Kelly, Vice President of Market Development for Lumos, appeared at the Hearing.

Mr. Kelly participated in the Hearing and summarized his pre-filed testimony with no corrections, revisions, or amendments. Mr. Kelly testified that the Company would 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.

The Administrative Judge opened the floor for public comment, but no member of the public sought recognition to comment. Upon conclusion of the presentation of its proof, the Administrative Judge granted Lumos's *Application* based upon the findings of fact and conclusions of law stated herein.

III. FINDINGS AND CONCLUSIONS

A. LUMOS'S QUALIFICATIONS

1. Lumos is a Tennessee corporation and is authorized to do business in the State of Tennessee.

2. The Company's principal office is located at 4100 Mendenhall Oaks Parkway, Suite 300, High Point, North Carolina 27265. The Company's telephone number is 855-465-8667.

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

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

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

B. PROPOSED SERVICES

Lumos seeks authority to provide facilities-based telecommunications services throughout the state of Tennessee through the provision of point-to-point telecommunications services for high-speed data transport and other high-bandwidth circuits to enterprise customers.¹ Lumos intends to

¹ *Application*, pp. 3-4 (January 22, 2026).

provide its services using fiber optic cable along with other equipment and facilities to originate, terminate, and amplify signals.² Lumos does not plan to furnish switched voice services or dial tone at this time. Lumos also does not intend to provide switched local services or seek authority to offer basic local exchange service.³ Lumos proposes to build a fiber-based network in Tennessee, which it plans to construct to customer locations.⁴ Lumos does not currently own or lease facilities in Tennessee but plans to construct facilities to provide its services. Lumos will provide services to enterprise customers.⁵

C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Lumos's *Application* and its proposed services would inure to the benefit of the present and future public convenience by increasing the level of competition in the telecommunications services markets in the State and providing continuing incentives for carriers to reduce costs while promoting the availability of desirable telecommunications services. Lumos's proposed services promote the public interest by providing quality service at competitive prices and creating economic incentives for the advancement and improvement for all competing providers.

D. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN AND BUSINESS ASSISTANCE PROGRAM

Lumos 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 for a Certificate to Provide Competing Local Exchange Telecommunications Services* filed by Lumos Fiber of Tennessee, LLC, is approved.

² *Id.* at 4.


³ *Id.*

⁴ *Id.* at 3-4.

⁵ *Id.*

2. Any party aggrieved by the Administrative Judge's decision in this matter may file a petition for reconsideration within 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 15-day appeal period.



Monica Smith-Ashford, Administrative Judge