

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

**December 16, 2021**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF UNITED</b>	)	
<b>COMMERCIAL TELECOM, LLC FOR A</b>	)	<b>DOCKET NO.</b>
<b>CERTIFICATE TO PROVIDE ACCESS</b>	)	<b>21-00108</b>
<b>TELECOMMUNICATIONS SERVICES</b>	)	
<b>THROUGHOUT THE STATE OF</b>	)	
<b>TENNESSEE</b>	)	

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

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This matter came before the Hearing Officer of the Tennessee Public Utility Commission (the “Commission” or “TPUC”) at a Hearing held on December 2, 2021 to consider the *Application of United Commercial Telecom, LLC to Provide Access Telecommunications Services* (the “*Application*”) filed by United Commercial Telecom, LLC (“UCT,” “Applicant,” or “Company”) on September 13, 2021. In its *Application*, UCT seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide intrastate telecommunications services within the State of Tennessee.

**I. LEGAL STANDARD**

UCT’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 ....

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(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(2) The applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for services.

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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 a plan containing 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, public notice of the Hearing in this matter was issued by the Hearing Officer on November 19, 2021, setting the case for Hearing on December 2, 2021. No persons sought intervention prior to or during the Hearing. Mr. Mark Schuh, President of UCT, appeared at the Hearing and provided testimony.

Mr. Schuh participated in the Hearing, adopting and summarizing his Pre-Filed Testimony with no corrections, additions, or amendments. Mr. Schuh 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 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 UCT's *Application* based upon the findings of fact and conclusions of law stated herein.

### **III. FINDINGS AND CONCLUSIONS**

#### **A. UCT'S QUALIFICATIONS**

1. UCT is a limited liability company, incorporated in the State of Florida on November 29, 2016. It became authorized to transact business in the State of Tennessee on October 15, 2021.

2. The Company's principal office is located at 725 Primera Blvd., Suite 120, Lake Mary, FL 32746. The Company's telephone number is (407) 221-1027.

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

4. UCT, through its parent company ARMS Holdings, Inc., has the necessary capital and financial ability to provide the services it proposes to offer.

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

**B. PROPOSED SERVICES**

UCT seeks authority to enter the telecommunications market in Tennessee as a provider of limited facilities-based access services. The company will deliver an aggregation of technologies utilizing fiber optic cable depending on the customer's location and needs. UTC has no intention of providing TDM telephone service. UCT will offer leasing of dedicated fiber optic strands to allow schools and libraries to create their own privately-operated fiber optic network. This type of dedicated, purpose built dark fiber networks are physically separate from other customers and controlled by the end-user. UCT will provide private lit fiber network other carriers wanting assistance with running their networks and associated equipment. UCT desires to provide access service using fiber optic cabling that is either leased from other providers, placed within existing right of way and/or conduits that are leased from other providers, or constructed within existing rights-of-way or via pole attachment arrangements. UCT may deploy its own facilities in or on existing structures.

**C. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY**

UCT'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**

UCT 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 United Commercial Telecom, LLC to Provide Access Telecommunications Services* filed by United Commercial Telecom, LLC is approved.

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

  
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Aaron J. Conklin, Hearing Officer