

TENNESSEE REGULATORY AUTHORITY



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

July 22, 2015

Catherine Wang
Brett P. Ferenchak
Morgan, Lewis & Bockius LLP
2020 K. Street, NW
Washington, District of Columbia 20006-1806

In Re: Docket No. 13-00117, *Notice of Name Change from Crown Castle NG Central, Inc. to Crown Castle NG Central, LLC*

Dear Ms. Wang and Mr. Ferenchak:

This letter is to acknowledge receipt of your notification that Crown Castle NG Central, Inc. intends to change its name to Crown Castle NG Central, LLC.

The notification meets the requirements contained in TRA Rule 1220-4-1-.08 and the TRA will update its records to reflect the new company name. No further action is required on your behalf and the TRA will close this docket.

Sincerely,

A handwritten signature in blue ink that reads "D. Foster".

David Foster, Chief
Utilities Division

C: Docket File

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 12, 2013

IN RE:

APPLICATION OF CROWN CASTLE NG CENTRAL,
INC. FOR AUTHORITY TO PROVIDE COMPETING
LOCAL TELECOMMUNICATIONS SERVICES

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DOCKET NO.
13-00117

INITIAL ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

This matter came before the Hearing Officer of the Tennessee Regulatory Authority (the “Authority” or “TRA”) at a Hearing held on November 12, 2013 to consider the *Application for Certificate to Provide Competing Local Telecommunications Services* (the “Application”) filed by Crown Castle NG Central, Inc. (“Crown Castle” or “Applicant”), on August 30, 2013. In its *Application*, Crown Castle seeks a Certificate of Public Convenience and Necessity (“CCN”) for authority to provide competing local telecommunications services in Tennessee.

LEGAL STANDARD

Crown Castle’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 (Supp. 2013), 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 authority, 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) 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.

* * *

Furthermore, pursuant to Tenn. Code Ann. § 65-5-112 (2004), a competing telecommunications provider is required to file with the Authority (1) a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses; and (2) information on programs that might provide technical assistance to such businesses.

HEARING ON THE MERITS

Pursuant to Tenn. Code Ann. § 65-4-201, *et seq.*, public notice of the Hearing in this matter was issued by the Hearing Officer on October 22, 2013. No persons sought intervention prior to or during the Hearing. Mr. Robert Millar, Associate General Counsel of Crown Castle, appeared personally during the Hearing, ratified his sworn pre-filed testimony that had been filed in the docket file with the *Application*, and was subject to examination by the Hearing Officer.

I. CROWN CASTLE'S QUALIFICATIONS

1. Originally formed as "NextG Networks of Illinois, Inc." under the laws of the state of Delaware on October 4, 2002, Crown Castle filed a Certificate of Amendment to change its

name to “Crown Castle NG Central, Inc.” on May 3, 2012. Crown Castle was licensed by the Secretary of State to transact business in Tennessee on December 13, 2012.

2. The registered agent for Crown Castle is CT Corporation System located at 800 S Gay Street, Suite 2021, Knoxville, Tennessee 37929. The corporate offices of Crown Castle are located at 2000 Corporate Drive, Canonsburg, Pennsylvania 15317. Crown Castle may be reached at telephone number (724) 416-2000.

3. The *Application* and information in the record demonstrate that Crown Castle has the requisite technical and managerial ability to provide the services for which it has applied within the State of Tennessee. Specifically, Crown Castle’s senior management team possesses extensive business, technical, operational and regulatory experience.

4. Crown Castle has also demonstrated that it has the necessary capital and financial ability to provide the services it proposes to offer.

5. Crown Castle has represented that it will adhere to all applicable statutes, policies, rules and orders of the Authority.

II. PROPOSED SERVICES

Crown Castle intends to provide facilities-based local transport services to customers throughout the state of Tennessee, and proposes to provide these services through a combination of its own facilities and facilities that it will lease from a variety of telecommunication carriers. Crown Castle’s services will be both jurisdictionally intrastate and interstate, and will typically rely on a technical platform known as “Distributed Antenna System” or “DAS.” Crown Castle’s “RF” transport services will use fiber optic technology, including multi-wavelength optical technology over dedicated transport facilities, to provide telecommunication companies with transport options. RF transport services connect wireless capacity equipment (i.e. antennas) to

bi-directional, RF-to-optical conversion equipment at a hub facility. The hub facility can be provided by the customer or by Crown Castle. The conversion equipment allows Crown Castle to accept RF traffic from the customer and then send bi-directional traffic transmissions across the appropriate optical networks. At the remote end, Crown Castle or the customer company will provide RF-to-optical conversion equipment to allow bi-directional conversion between optical signals and RF signals. RF signals can be received and radiated at this remote node by the customer company.

The services offered by Crown Castle are customized to the transport and backhaul needs of individual customers. Tariff rates will be available for all non-custom services. Crown Castle does not intend to furnish switchboard residential or business telephone service. Furthermore, because Crown Castle is a transport provider, it does not intend to provide access dial tone voice service for either residential or business customers.

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Crown Castle's *Application* and its proposed services have been found to foster the goals of the Tennessee General Assembly and determined to likely to benefit the present and future public convenience by increasing competition in the telecommunications services markets in the State and fostering the development of an efficient, technologically advanced statewide system of telecommunications services.

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

Crown Castle has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-112 (2004) and the Authority's Rules.

IT IS THEREFORE ORDERED THAT:

1. The *Application for Authority to Provide Competing Local Exchange Service* filed by Crown Castle NG Central, Inc., 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 Regulatory Authority, unless a petition requesting reconsideration or an appeal of this Order is filed prior to the expiration of the fifteen-day period noted above.



Kelly Cashman-Grams, Hearing Officer