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INTERIM CERTIFICATE OF AUTHORITY TO PROVIDE COMPETETIVE LOCAL EXCHANGE TELECOMMUNICATION SERVICES

IN RE: **DOCKET NO** 41837: Application of City of Sylvester for a Certificate of Authority to Provide Resold and Facilities-Based Competitive Local Exchange Services.

Certificate No. L-0580

Approved: December 20, 2022

Effective: December 20, 2022

BY THE COMMISSION:

I.
BACKGROUND

On February 23, 2018, City of Sylvester (hereinafter referred to as "the Applicant") filed with the Georgia Public Service Commission (hereinafter referred to as "the Commission") an application for a Certificate of Authority to Provide Competitive Local Exchange Services, pursuant to O.C.G.A. § 46-5-163(b). In Administrative Session on June 19, 2018, the Commission voted to waive the public hearing on this matter.

The statutory authority governing certificates of authority of the type the Applicant is seeking is found at O.C.G.A. § 46-5-163. This code section provides that a telecommunications company, including a telecommunications services reseller, shall not provide telecommunications services without a certificate of authority issued by the Commission. A certificate may not be issued without adequate proof that the applicant posses satisfactory financial and technical capability. A showing of public convenience and necessity is not a condition for issuing a competing certificate of authority.

In support of its application, the Applicant presented evidence through exhibits and additional materials routinely requested by the Commission staff. After carefully analyzing all evidence of the record in this case, the Commission makes the following findings of fact and conclusions of law:

II.
FINDINGS OF FACT

1. TECHNICAL CAPABILITY.

The Applicant intends to offer local exchange telecommunications services to business and residential customers in Georgia. Applicant has demonstrated adequate technical capabilities to implement its business plan through evidence regarding its management team, technical understanding and customer service plans.

2. FINANCIAL CAPABILITY.

The Applicant has demonstrated that it possesses sufficient and adequate financial capability to provide the local exchange telecommunications services for which it is seeking a Certificate of Authority.

3. OTHER ISSUES.

The Applicant requested that the hearing be waived in this docket, and the Applicant agreed to comply with all of the requirements that the Commission set for a municipal competitive local exchange carrier in Docket No. 6329-U, Application of Marietta FiberNet for a Certificate of Authority to Provide Competitive Local Exchange Service. In light of these facts, the Commission Staff recommended that the hearing be waived in this docket. The Staff also recommended that all of the conditions that the Commission applied to Marietta FiberNet and other municipal CLECs be included in the Applicant's certificate of authority.

III.
CONCLUSIONS OF LAW

The Commission Staff certifies the record in this docket to the Commission and issues this recommendation pursuant to O.C.G.A. §§ 46-2-58(d) and 50-13-17(a). Based upon the evidence the Commission Staff finds that the Applicant has shown that it posses satisfactory financial and technical capability pursuant to O.C.G.A. § 46-5-163(h) in order to be granted an interim certificate, consistent with the Commission's guidelines in Docket No. 5778-U for the issuance of interim certificates of authority for the provision of local exchange telecommunications service.

Having reviewed the record and considered this case, the Commission finds and concludes that it should adopt the Commission Staff's recommendation as its decision in this docket.

WHEREFORE, it is

ORDERED, that the above numbered certificate is granted to City of Sylvester, whose principal business address is 101 North Main Street, Sylvester, GA 31791, to resell and provide facilities-based competitive local exchange telecommunications services.

ORDERED FURTHER, that the Applicant is hereby granted authority to provide local exchange telecommunications services in the BellSouth Telecommunications, Inc. d/b/a AT&T Georgia ("AT&T Georgia) exchanges set forth below:

Acworth
Adairsville
Albany
Alpharetta
Americus
Appling
Arlington
Athens
Atlanta
Augusta
Austell
Baconton
Bainbridge
Barnesville
Baxley
Blackshear
Bogart-Statham
Bowdon
Bremen
Brunswick
Buchanan
Buford
Calhoun
Camilla
Carrollton
Cartersville
Cave Spring
Cedartown
Chamblee
Claxton
Clermont
Cochran
Colquitt
Columbus
Concord
Conyers
Cordele
Covington
Cumming
Cusseta
Dallas
Douglasville
Dublin
Duluth
Eastman
Eatonton
Elberton
Fairburn
Fayetteville
Flowery Branch
Forsyth
Fort Valley
Franklin
Gainesville
Gay
Gibson
Grantville
Greensboro
Greenville
Griffin
Hamilton
Hampton
Harlem
Hazelhurst
Hephzibah
Hogansville
Jackson
Jekyll Island
Jesup
Johnson Corner
Jonesboro
Kingston
LaGrange
Lake Park
Lawrenceville
Leary
Leesburg
Lithonia
Loganville
Louisville
Lula
Lumber City
Lumpkin
Luthersville
Lyons
Macon
Madison
Marietta
McCaysville
McDonough
Millen
Monticello
Newnan
Newton
Norcross
Palmetto
Panola
Pelham
Pine Mountain
Pooler
Powder Springs
Richland
Rockmart
Rome
Roopville
Rossville
Roswell
Royston
Rutledge
St. Simons Island
Sandersville-Tennille
Sardis
Savannah
Senoia
Smithville
Smyrna
Social Circle
Sparks

Sparta
Stockbridge
Stone Mountain
Swainsboro
Sylvester
Tallapoosa
Temple
Tennga
Thomasville
Thomson
Tifton
Tucker
Tybee Island
Valdosta
Vidalia
Villa Rica
Wadley
Warner Robins
Warrenton
Watkinsville
Waycross
Waynesboro
Woodbury
Woodstock
Wrens
Wrightsville
Zebulon

ORDERED FURTHER, that the Applicant is hereby granted authority to provide local exchange telecommunications services in the Windstream exchanges set forth below:

Abbeville
Adel
Alamo
Alapaha
Ashburn
Barwick
Batesville
Berlin
Big Canoe
Blairsville
Blakely
Bluffton
Boston
Braselton
Broxton
Buena Vista
Byromville
Byron
Cairo
Calvary-Reno
Carlton
Carnesville
Canton
Cedar Springs
Centerville
Chatsworth
Clarkesville
Clayton
Cleveland
Cohutta
Colbert
Collins
Comer
Commerce
Coolidge
Cornelia
Crawford-Lexington
Cuthbert
Dalton
Danville
Dahlonega
Danielsville
Dawson
Dawsonville
Demorest
Doerun
Donalsonville
Douglas
Eastanollee
Edison
Ellaville
Enigma
Fargo
Fitzgerald
Folkston
Ft. Gaines
Funston
Glenville
Gray
Haddock
Hahira
Helen
Hiawassee
Homer
Homerville
Ideal
Ila
Iron City
Irwinville
Jacksonville
Jakin
Jasper
Jefferson
Jeffersonville
Kensington
Layfayette
Lakeland
Lake Sinclair
Lavonia
Ludowici
Lyerly
McRae
Manchester
Marshallville
Maxeys
Maysville
Meigs
Menlo
Milan
Milledgeville
Monroe
Montezuma
Montrose
Morgan
Morven
Moultrie
Mt. City Dillard
Mt. Vernon
Nashville
Nicholson
Noble
Norman Park
Northside
Ochlocknee
Ocilla
Odum
Parrott
Pavo
Pendergrass
Perry
Pineview
Pitts
Preston
Quitman
Ray City
Rebecca
Reidsville
Reynoldsville
Rincon
Rochelle
Rhine
Sasser
Shellman
Springfield
Screven
Summerville
Suches
St. George
Sylvania
Toccoa
Thomaston
Trion
Tunnel Hill
Unadilla
Union Point
Uvalda
Villanow
Warm Springs
Whigham
White Plains
Winder
Winterville
Woodland
Yatesville
Young Harris

ORDERED FURTHER, that the Applicant is hereby granted authority to provide local exchange telecommunications services in the Tier II exchanges set forth below:

Accucom: (Windstream)
Gordon
Irwinton
Toomsboro

Alma:
Alma
Nicholls
Patterson

Blue Ridge (TDS):
Blue Ridge
Dial
Lakewood

Brantley:
Hoboken
Hortense
Nahunta
Waynesville

Bulloch:
Anderson
Brooklet
Clito
Nevils
Portal
Stilson

Camden (TDS):
St. Marys

Chickamauga:
Chickamauga
High Point

Citizens:
Lake Blackshear
Leslie
Plains
Vienna

Coastal:
Hinesville
Keller
Midway
Richmond Hill

ComSouth:
Hawkinsville

Darien:
Darien
Eulonia
Sapelo Island

Ellijay:
Ellijay

Frontier Communications of Fairmount:
Fairmount
Ranger

Frontier Communications of Georgia:
Register
Statesboro

Glenwood:
Glenwood

Hart:
Hartwell

Interstate:
West Point

Nelson-Ball Ground (TDS):
Big Canoe
Marble Hill
Nelson

Pembroke:
Ellabell
Pembroke

Pineland:
Adrian
Bartow
Cobbtown
Davisboro
Kite
Lexsy
Metter
Midville
Oak Park
Twin City

Plant:
Lenox
Omega
Pearson
Pinehurst
Soperton
Warwick
Willacoochee

Planters:
Dover
Guyton
Hiltonia
Newington
South Guyton

Progressive:
Cadwell
Cedar Grove
Chester
Dexter
Dudley
Rentz

Public Service:
Butler
Culloden
Geneva
Lizella
Reynolds
Roberta
Talbotton

Quincy (TDS):
Attapulgus

GT Com:
Chattahoochee

Trenton:
Rising Fawn
Trenton
West Brow

Ringgold:
Ringgold

Waverly Hall:
Waverly Hall

Wilkes:
Crawfordville
Lincolnton
Metasville
Rayle
Tignall
Washington

ORDERED FURTHER, the Applicant shall file total service long-run incremental cost studies to ensure that its prices for its services are recovering such incremental costs. In addition, the Applicant shall comply with the conditions enumerated below:

1. The Applicant shall be expressly prohibited from engaging in any cross-subsidization with any of its subsidiaries or affiliates in the provision of telecommunications services. The Applicant shall develop and implement an appropriate accounting system, which shall demonstrate strict compliance with this provision. Failure to comply with this condition will automatically initiate a proceeding to consider revocation of the interim certificate of authority granted. The Applicant shall submit this accounting system to the Commission for Commission Staff review. In addition, the Applicant shall file with the Commission quarterly reports containing data sufficient to demonstrate to the Commission Staff that it is in compliance with this paragraph.

2. Within ninety (90) days after the close of each year, the Applicant shall provide to the Commission a comprehensive report to include, but not necessarily limited to:

    a. A full accounting for all franchise fees it pays to each and every municipality in which its services are offered

    b. A full accounting for all franchise fees it receives;

    c. A full description of its organizational structure, including the full names, mailing addresses, employers and occupations of each person on its Board of Directors and compensation for each Board member;

    d. A full accounting showing the various assets utilized by the Applicant and their depreciated book value, including but not limited to: buildings; vehicles; equipment (including office and heavy industrial equipment); poles and conduits; billing systems; purchasing personnel or other purchasing department assets; contract services personnel or other marketing personnel assets; and where assets are shared, the pro rata allocation shall be fully explained;

    e. A full accounting of all property tax, state or federal income taxes, and municipal taxes paid relating to the provision of telecommunication services; and

    f. A full accounting of all payments, whether cash or paper transfers, made in lieu of payment of property, state, or federal income or other municipal taxes.

3. In no event shall the Applicant grant itself a franchise agreement according to terms and conditions more favorable than those governing the existing telecommunications carriers determined to be subject to the least favorable terms and conditions then in force.

4. In order to prevent cross-subsidization, the Applicant shall recover in its revenues for telecommunications services all of its costs actually incurred, included but not limited to, capital costs, depreciation, taxes, or in lieu of tax payments, if any franchise fees, labor and equipment costs, and any other costs. The Applicant is ordered to file, annually, a total service (or total element, as the Commission Staff determines appropriate) long-run incremental cost study to demonstrate that it is not pricing below cost and that cross-subsidization does not occur.

5. The Applicant shall ensure that its prices for telecommunication services cover or incorporate the same franchise fees that apply to private enterprises offering the same kind of service.

6. The Applicant shall provide prior notice to the Commission of each instance that it seeks to obtain any funding from any arm of the government, including a loan, bond issue or use of the Applicant's credit to obtain additional funding for any of its telecommunications operations.

7. The Applicant shall submit to the Commission an independent audit conducted no more than once a year to ensure compliance with all of their obligations under conditions of this certificate of authority and Commission rules.

The Commission may exercise its discovery rights to examine these matters, including but not limited to franchise fees, rights of way, and pole attachment agreements, in order to assist in determining that no unreasonable discrimination, unfair competition, cross-subsidy, anti-trust violation, or anti-competitive practice occurs.

ORDERED FURTHER, that the Applicant chose not to file a tariff pursuant to O.C.G.A. §46-5-251.

ORDERED FURTHER, that pursuant to O.C.G.A. § 46-5-168(b)(2) the certificate granted herein shall be subject to revocation if the Applicant fails to notify the Commission of any change in its contact address on file with the Commission, fails to comply with Commission requirements or Orders, or violates any applicable law or Commission rule.

ORDERED FURTHER, that the Applicant shall contribute to the Universal Access Fund as prescribed in Docket No. 5825-U.

ORDERED FURTHER, that the Applicant shall abide by the guidelines set forth in Docket No. 19553-U regarding the Family Violence Shelter Act of 2004, O.C.G.A. § 46-

5-7, and agrees to submit an affidavit to that fact in a manner prescribed by the Commission.

ORDERED FURTHER, the Applicant must comply with .C.G.A. § 25-9-1 et seq. regarding the practices and procedures that shall be employed when a telecommunications provider or its designee is excavating in the state of Georgia.

ORDERED FURTHER, that if the Applicant desires to do business in Georgia under any name which does not appear on this certificate, Applicant shall submit an application for amendment to its certification stating the name under which it plans to conduct business.

ORDERED FURTHER, that as a condition precedent to the Applicant offering local service that requires interconnection in any of the requested exchanges, the Applicant must enter into an interconnection agreement with each affected incumbent local exchange company and obtain the formal approval of the Georgia Public Service Commission after said agreement is filed with the agency.

ORDERED FURTHER, that all statements of fact, law and regulatory policy contained within the preceding sections of this Order be adopted as findings and conclusions of law and conclusions of regulatory policy of the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order of Orders as this Commission may deem just and proper.

ORDERED FURTHER, that any motion for reconsideration or rehearing in this case shall not have the effect of staying this Order of the Commission, except insofar as the Commission may otherwise provide.

BY ORDER OF THE GEORGIA PUBLIC SERVICE COMMISSION, this 20th day of December 2022.

Sallie Tanner
Executive Secretary

DATE: 12-30-22

Tricia Pridemore
Chairman

DATE: 12-30-22