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**INTERIM CERTIFICATE OF AUTHORITY TO
PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATION SERVICES**

IN RE: DOCKET NO 44678: Application of City of Bainbridge for a Certificate of Authority to Provide Facilities-Based Competitive Local Exchange Services.

Certificate No. L-7902

Approved: March 7, 2023

BY THE COMMISSION:

**I.
BACKGROUND**

On September 26, 2022, the City of Bainbridge (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 March 7, 2023, 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 possesses 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 possesses 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 Bainbridge, whose principal business address is 101 South Broad Street, Bainbridge, GA 39818, to 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	Covington	Lawrenceville	Sandersville-
Adairsville	Cumming	Leary	Tennille
Albany	Cusseta	Leesburg	Sardis
Alpharetta	Dallas	Lithonia	Savannah
Americus	Douglasville	Loganville	Senoia
Appling	Dublin	Louisville	Smithville
Arlington	Duluth	Lula	Smyrna
Athens	Eastman	Lumber City	Social Circle
Atlanta	Eatonton	Lumpkin	Sparks
Augusta	Elberton	Luthersville	Sparta
Austell	Fairburn	Lyons	Stockbridge
Baconton	Fayetteville	Macon	Stone Mountain
Bainbridge	Flowery Branch	Madison	Swainsboro
Barnesville	Forsyth	Marietta	Sylvester
Baxley	Fort Valley	McCaysville	Tallapoosa
Blackshear	Franklin	McDonough	Temple
Bogart-Statham	Gainesville	Millen	Tennga
Bowdon	Gay	Monticello	Thomasville
Bremen	Gibson	Newnan	Thomson
Brunswick	Grantville	Newton	Tifton
Buchanan	Greensboro	Norcross	Tucker
Buford	Greenville	Palmetto	Tybee Island
Calhoun	Griffin	Panola	Valdosta
Camilla	Hamilton	Pelham	Vidalia
Carrollton	Hampton	Pine Mountain	Villa Rica
Cartersville	Harlem	Pooler	Wadley
Cave Spring	Hazelhurst	Powder Springs	Warner Robins
Cedartown	Hephzibah	Richland	Warrenton
Chamblee	Hogansville	Rockmart	Watkinsville
Claxton	Jackson	Rome	Waycross
Clermont	Jekyll Island	Roopville	Waynesboro
Cochran	Jesup	Rossville	Woodbury
Colquitt	Johnson Corner	Roswell	Woodstock
Columbus	Jonesboro	Royston	Wrens
Concord	Kingston	Rutledge	Wrightsville
Conyers	LaGrange	St. Simons	Zebulon
Cordele	Lake Park	Island	

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

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

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
Toombsboro

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

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- 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

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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 O.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.

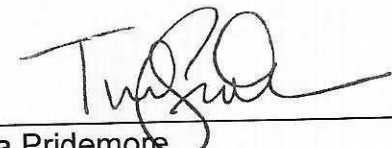
ORDERED FURTHER, that all statements of fact, law and regulatory policy contained within the preceding sections of this Order be adopted as findings and conclusions of law and conclusions of regulatory policy of the Commission.

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 7th day of March 2023.


Sallie Tanner
Executive Secretary


Tricia Pridemore
Chairman

DATE: 3-15-23

DATE: 3-15-23

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