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INTERIM CERTIFICATE OF AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATION SERVICES

IN RE: DOCKET NO. 55341: - Application of Open Fiber USA, Inc. for a Certificate of Authority to Provide Facilities-Based Competitive Local Exchange Services.

Certificate No. L-7924 Approved: November 21, 2023

BY THE COMMISSION:

I.
BACKGROUND

On August 18, 2023, Open Fiber USA, Inc. (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 November 21, 2023, the Commission voted to waive a 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 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.

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 telecommunication 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 Open Fiber USA, Inc., whose principal business address is 100 West John Street, Matthews, NC 28105, to provide facilities-based competitive local exchange telecommunication 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 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, 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 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 the Applicant shall be responsible for ensuring its employees, agents or designees comply fully with all applicable laws, rules and orders of the Commission relating to safe excavation procedures, including, but not limited to O.C.G.A § 25-9-1 et seq., the Georgia Utility Facility Protection Act. Violations of such laws, rules, or orders of the Commission by the Applicant's employees, agents or designees may result in revocation, suspension or other limitation on the Applicant's certificate of authority and may result in fines assessed on Applicant pursuant to O.C.G.A § 46-2-91.

ORDERED FURTHER, that the Applicant must comply with the Commission's Order or Orders issued in Docket No. 11400-U, Prevention of Damage To Underground Facilities, and applicable law pertaining to Common Ground best practices for excavation damage prevention when excavating in an area in which underground facilities may be located

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

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

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 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 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 or 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 Commission, except insofar as the Commission may otherwise provide.

BY ORDER OF THE GEORGIA PUBLIC SERVICE COMMISSION, this 21st day of November 2023.

Sallie Tanner
Executive Secretary

DATE: 11-28-23

Jason Shaw
Chairman

DATE: 11-28-23