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## CERTIFICATE OF AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATION SERVICES

**IN RE:** DOCKET NO. 55728: Application of American Dark Fiber, LLC for a Certificate of Authority to Resell and Provide Facilities-Based Competitive Local Exchange Services.

Certificate No. L- 7957 Approved: August 20, 2024

**BY THE COMMISSION:**

### I.
### BACKGROUND

On April 15, 2024, American Dark Fiber, LLC (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 August 20, 2024, 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(b) in order to be granted a certificate of authority to provide competitive local exchange telecommunications services.

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 American Dark Fiber, LLC, whose principal business address is 11110 Ohio Avenue Suite 111, Los Angeles, CA 90025, to resell and provide facilities-based competitive local exchange telecommunication services.

**ORDERED FURTHER**, that the Applicant is hereby granted authority to provide local

exchange telecommunications services statewide.

**ORDERED FURTHER,** that as a condition precedent to the Applicant offering local service that requires interconnection, 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's tariff is hereby approved.

**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 20th day of August 2024.

Sallie Tanner
Executive Secretary

DATE: 8-20-24

Jason Shaw
Chairman

DATE: 8-20-24