

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

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| IN RE: |) | |
| |) | |
| APPLICATION OF COMTECH 21, LLC FOR |) | |
| AUTHORITY TO PROVIDE RESELL |) | DOCKET NO. |
| TELECOMMUNICATION SERVICES IN TENNESSEE |) | 00-00732 |
| |) | |

REQUEST FOR CANCELLATION FOR NONCOMPLIANCE

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff acting as a Party (“Party Staff”) by and through counsel and requests that the Commission enter an order canceling the Certificate of Public Convenience and Necessity (“CCN”) issued to COMTECH 21, LLC (“Comtech” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to Comtech, whose mailing address provided to the Commission is 1 Barnes Park South, Wallingford, CT 06492,¹ that a hearing is scheduled for December 16, 2024 to consider the cancellation of the CCN issued to Comtech for noncompliance with statutory requirements. Comtech shall appear and give evidence of reasons the Commission should not cancel the Company’s CCN.

Tenn. Code Ann. § 65-4-301(a) provides:

Every public utility doing business in this state and subject to the control and jurisdiction of the commission to which this chapter applies, shall pay to the state on or before April 1 of each year, a fee for the inspection, control and supervision of the business, service and rates of such public utility.

¹ According to information obtained from the Secretary of State, the Company’s principal office is located at 114 E. Haley St., Ste. A, Santa Barbara, CA 93101-2347, and its mailing address is 433 Las Colinas Blvd., E., Ste. 500, Irving, TX 75039-5654. The Company has no Registered Agent. Copies of this filing have been mailed to each of these addresses in addition to the address on file with the Commission.

In accordance with Tenn. Code Ann. § 65-4-303, the annual inspection fee is based upon the intrastate revenues for the previous year. Further, the section establishes the minimum inspection fee for telecommunications service companies at \$100.² Tenn. Code Ann. § 65-4-308 provides for a penalty of 10% per month, or fraction thereof, for inspection fees not received by April 1.

Comtech 21, LLC was issued a CCN to provide resold telecommunications service by a Commission order dated March 22, 2003 in Commission Docket No. 00-00732.³

The Company's Form UD-16 ("Computation of Gross Receipts and Calculation of Inspection Fee") together with payment of the applicable inspection fee was due on or before April 1, 2024.⁴ Commission Staff sent letters to the Company on May 9, 2024 advising the Company that the delinquent Form UD-16s and annual inspection fees were not received by the Commission and that a penalty would be assessed from the due date through the date payment is received. The Commission sent a second notice letter on June 11, 2024. Finally, the Commission sent a Certified Letter with return receipt requested to the Company, dated July 17, 2024, concerning the unpaid annual inspection fees and the statutory penalties, as well as advising that if payment is not received by August 30, 2024, the matter would be set for public hearing during a regular Commission Conference for cancellation of the Company's CCN. Commission Staff received the unopened Certified Letter, marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward," on August 8, 2024. The Commission also attempted to contact Comtech 21 concerning the delinquent annual inspection fee on August 12, 2024, calling two telephone numbers and

² Tenn. Code Ann. § 65-4-303(c)(2)(d) (2022).

³ *In re: Application of Comtech 21, LLC for Authority to Provide Resell Telecommunications Services in Tennessee*, Docket No. 00-00732, *Application and Order* (March 22, 2003).

⁴ Comtech last filed a UD-16 form and annual inspection fee in 2023, said documentation and fee received by TPUC on April 6, 2023.

sending an email to an email address previously provided to the Commission. The Commission has received no response to all attempts at communication.

As evidenced above, Commission Staff has made several attempts to contact the Company, to obtain the required Form UD-16 and to collect payment of the annual inspection fee as required by statute. The Company continues to be noncompliant in the filing of Form UD-16 and the payment of its annual inspection fee. The Company should appear and state reasons why the Company's CCN should not be canceled at the December 16, 2024 Commission Conference.

Notice is hereby given to the Company that should it remain noncompliant and/or fail to appear at the Commission Conference, the Commission may find the Company in default and may issue an order canceling the Company's CCN.

For the reasons stated above, Party Staff respectfully requests that the Commission issue an order canceling the CCN issued to Comtech for noncompliance with statutory requirements.


Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Cancellation for Noncompliance has been served upon Comtech 21, LLC, One Barnes Park South, Wallingford, CT 06492 and 10 Research Pkwy, Wallingford, CT 06492 on this the 15th day of November, 2024.



Aaron J. Conklin