

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 7, 2025

IN RE:

APPLICATION OF COMTECH 21, LLC FOR
AUTHORITY TO PROVIDE RESELL
TELECOMMUNICATIONS SERVICES IN
TENNESSEE

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DOCKET NO.
00-00732
Company ID:
128631

**ORDER GRANTING REQUEST FOR CANCELLATION FOR NONCOMPLIANCE
AND REVOKING COMTECH 21'S CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY**

This matter came before Chairman David F. Jones, Vice Chairman John Hie, Commissioner Herbert H. Hilliard, Commissioner Clay R. Good, and Commissioner Kenneth C. Hill of the Tennessee Public Utility Commission ("TPUC" or the "Commission"), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on December 16, 2024, for consideration of the *Request for Cancellation for Non-Compliance* ("Request") filed by Commission Staff as a Party ("Party Staff"). Comtech 21, LLC ("Comtech 21" or "Company") was issued a CCN to provide resold telecommunications services by a Commission order dated March 22, 2003.¹

BACKGROUND AND REQUEST

The Company has failed to file an annual Form UD-16 and inspection fee, which was due on April 1, 2024, as required by Tenn. Code Ann. § 65-4-301(a). On July 17, 2024, Commission Staff, in accordance with the Uniform Administrative Procedures Act ("UAPA"), sent Comtech

¹ *Application and Order* (March 22, 2003).

21 a Notice via Certified Letter requesting payment of the delinquent annual inspection fees and the applicable statutory penalty and warning that failure to send payment would result in the matter being set for public hearing to cancel the Company's CCN. Subsequently, Commission Staff received the unopened Certified Letter, marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward."²

On November 15, 2024, Party Staff filed its *Request* and sent copies of the *Request* to the Company's address on file with the Commission and the address provided for the Company on its website. The Commission did not receive a response to the *Request*.

HEARING

In accordance with the requirements of Tenn. Code Ann. § 4-5-307, a public notice of the Hearing in this matter was issued by the Administrative Judge on December 6, 2024, setting the case for hearing on December 16, 2024. No persons sought intervention prior to or during the Hearing. The panel inquired whether a representative of Comtech 21 was present for the Hearing, but no person appeared on behalf of the Company. Party Staff presented the panel with a summary of the evidentiary record, which included information about the Company's delinquent annual revenue report and annual inspection fee.

FINDINGS AND CONCLUSION

During the regularly scheduled Commission Conference held on December 16, 2024, upon consideration of Party Staff's *Request*, the panel found that Comtech 21 was appropriately noticed as required by the UAPA about the Hearing. Since no person appeared on behalf of the Company, the panel found Comtech 21 in default and conducted proceedings without the participation of the party, as permitted by Tenn. Code Ann. § 4-5-309. The panel further found that Comtech 21 has

² *Request*, pp. 1-2 (November 15, 2024).

not complied with the statutory annual inspection fee requirement and that Staff's attempts to contact Comtech 21 to obtain compliance were not successful. Therefore, based upon careful consideration of the entire record in this matter, the Commissioners voted unanimously to grant and approve Party Staff's *Request* to cancel Comtech 21's CCN.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes Comtech 21, LLC to operate as a reseller of telecommunications services in the State of Tennessee, is revoked.

2. Any person(s) aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.

3. Any person(s) aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixth (60) days from the date of this Order.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman David F. Jones,
Vice Chairman John Hie,
Commissioner Herbert H. Hilliard,
Commissioner Clay R. Good, and
Commissioner Kenneth C. Hill concurring.**

None dissenting.

ATTEST:

A handwritten signature in dark ink, appearing to read "Earl Taylor" with a stylized flourish or initials "abh" to the right.

Earl R. Taylor, Executive Director