

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

IN RE:

**APPLICATION OF BETTERWORLD TELECOM, LLC
FOR AUTHORITY TO PROVIDE RESELL
TELECOMMUNICATIONS IN TENNESSEE**

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**DOCKET NO.
03-00542**

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 BETTERWORLD TELECOM, LLC (“BetterWorld” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to BetterWorld, whose mailing address on file with the Commission is 1431 Opus Place, Ste. 110, Downers Grove, IL 60515-0000,¹ that a hearing is scheduled for May 20, 2024 to consider the cancellation of the CCN issued to BetterWorld for noncompliance with statutory requirements. BetterWorld 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

¹ According to information obtained from the Secretary of State, the Company’s principal office and mailing address is located at 11951 Freedom Dr., Fl. 13, Reston, VA 20190-5686. BetterWorld’s corporate registration was administratively dissolved in 2022. However, the Registered Agent is listed as Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312. Copies of this filing have been mailed the Company address and Registered Agent in addition to the address on file with the Commission.

for the inspection, control and supervision of the business, service and rates of such public utility.

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.

BetterWorld was issued a CCN by a Commission two separate orders dated March 4, 2004 and March 14, 2013 in Commission Docket No. 03-00542.³ 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, 2022. In addition, Form UD-16 became due on April 1 of each of the subsequent years after 2022 through the current year, 2024.⁴ Commission Staff sent letters to the Company on May 25, 2022 and May 18, 2023 advising the Company that the 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. In addition, Commission sent a Certified Letter with return receipt requested to the Company, dated September 29, 2023, concerning the unpaid annual inspection fee and the statutory penalty, as well as advising that if payment is not received by November 1, 2023, 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 returned Certified Letter, marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward" on October 12, 2023.

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

³ *Order Granting Authority* (March 4, 2004); *Order Granting Authority* (March 14, 2013).

⁴ BetterWorld last filed a UD-16 form and annual inspection fee in 2021, said documentation and fee received by TPUC on April 7, 2021.

In addition, Tenn. Code Ann. § 65-5-112 requires telecommunications service providers to submit a small and minority-owned telecommunications business participation plan (“SMTB Plan”) to the Commission and to update the SMTB Plan with the Commission annually. GTC has a SMTB Plan on file with the Commission which was last updated in April 2021. Commission Staff sent a letter on April 1, 2023 requesting that the annual update to the SMTB Plan be submitted. Commission Staff sent an email to a BetterWorld contact on June 22, 2023 following up on the April 1, 2023 letter. To date, BetterWorld has not provided the required annual update to its SMTB Plan.

As evidenced above, Commission Staff has made several attempts to contact the Company, to obtain the required Form UD-16s, to collect payment of the annual inspection fees, and to obtain the annual update to the SMTB Plan as required by statute. The Company continues to be noncompliant in the filing of Form UD-16s, the payment of its annual inspection fees, and the filing of updated to its SMTB Plan. The Company should appear and state reasons why the Company’s CCN should not be canceled at the May 20, 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 BetterWorld 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 BetterWorld Telecom, LLC, 1431 Opus Place, Ste. 110, Downers Grove, IL 60515; 11951 Freedom Dr., Fl. 13, Reston, VA 20190-5686; and to its Registered Agent, Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312 on this the 16th day of April, 2024.



Aaron J. Conklin