

TENNESSEE REGULATORY AUTHORITY

502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

MEMORANDUM

TO: Herbert H. Hilliard, Chairman
David F. Jones, Vice Chairman
Robin L. Morrison, Director

FROM: Ectory Lawless, Law Clerk, Compliance Division *EL*
Shiva K. Bozarth, Chief, Compliance Division *SKB*

DATE: October 7, 2015

REFERENCE: Cancellation of Authority-Yak Communications (America), Inc.
Inc. Docket Number#04-00043

The Compliance Division recommends the cancellation of authority of the following company for non-payment of regulatory fees: Yak Communications (America), Inc. Company ID#128887.

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, 2015. Pursuant to Tenn. Code Ann. § 65-4-303, the annual inspection fee is based on the intrastate revenues for the previous year. Tenn. Code Ann. § 65-4-308 provides for a penalty of 10% per month, or fraction thereof, for inspection fees not received by April 1st.

The Authority sent notice, via first class mail, on January 30, 2015, advising this company of its obligation to file the Form UD-16 and pay the appropriate inspection fee. Please see attached.

On June 2, 2015, the Tennessee Regulatory Compliance Division sent a Notice of Cancellation, via certified mail, return receipt requested, and first class regular mail to the company advising that if it failed to respond to the certified notice by June 30, 2015, the Compliance Division will request the cancellation of its authority to conduct business in the state of Tennessee.

On September 2, 2015, the Tennessee Regulatory Compliance Division sent a Notice of Cancellation, via certified mail, return receipt requested, and first class regular mail to the company advising that if it failed to respond to the certified notice by September 30, 2015, the Compliance Division will request the cancellation of its authority to conduct business in the state of Tennessee.

On September 11, 2015, the Compliance Division received a letter from INCORP, the registered agent in Tennessee for Yak Communications (America), Inc., informing the Compliance Division that the September 2, 2015, Notice of Cancellation Letter was received by them on September 8, 2015. INCORP further stated they have done their due diligence in trying to contact their client; however, none of the contact information provided to them by Yak has shown to be helpful. Emails are unavailable, phone numbers are disconnected and mailed letters have been returned.

As evidenced above, the appropriate recourse is to terminate the company's certificate of convenience and public necessity to conduct business in the state of Tennessee as a public utility.

Attachments: (Collective Exhibit 1)

cc: Jean Stone
Lisa Cooper
David Foster

erl

TENNESSEE REGULATORY AUTHORITY

502 DEADERICK STREET 4th FLOOR
NASHVILLE, TENNESSEE 37243



HERBERT HILLIARD, CHAIRMAN
DAVID JONES, VICE CHAIRMAN
KENNETH HILL, DIRECTOR
ROBIN BENNETT, DIRECTOR
JIM ALLISON, DIRECTOR

EARL R. TAYLOR, EXECUTIVE DIRECTOR

January 30, 2015

Company ID: 128887
Yak Communications (America) , Inc.
300 71st Street
Miami Beach, FL 33141-0000

Dear Regulatory Manager:

The enclosed Statement of Gross Earnings and Computation of Inspection Fee (Form UD-16) for the year ended December 31, 2014, is due to the Authority, together with payment of the appropriate inspection fee, **on or before April 1, 2015.**

The UD-16 form is available in Excel format on the TRA's website (www.tn.gov/tra) under "TRA Forms" located in the "TRA Documents" section at the bottom of the portal. Upon input of the company's information and revenues, the fee will be automatically calculated.

If the Company is required to file an annual report with the TRA and the intrastate gross earnings reported on this statement do not correspond to the intrastate gross revenues reported on the annual report filed, please attach a reconciliation of the two amounts and forward it to this office together with the Form UD-16. **As a reminder, Tenn. Code Ann. § 65-4-308 provides for a penalty of 10% per month, or fraction thereof, for fees not received by April 1st.**

Attached to this letter is a brief summary explaining the terms used on the UD-16 form. If you have any questions concerning the statement, please contact me at 615.770.6990, or at chris.eaton@tn.gov.

Sincerely,

Chris Eaton
Fiscal Officer

Enclosures

Telephone 615.741.2904, Toll-Free 1.800.342.8359, Facsimile 615.741.5015
www.tn.gov/tra

Non-Market Regulated Firms



HERB HILLIARD, CHAIRMAN
DAVID F. JONES, VICE CHAIRMAN
KENNETH C. HILL, DIRECTOR
ROBIN BENNETT, DIRECTOR
JAMES ALLISON, DIRECTOR

EARL R. TAYLOR
EXECUTIVE DIRECTOR

June 2, 2015

**SENT VIA CERTIFIED MAIL NUMBER: 7014 2870 0001 1265 8028
AND BY UNITED STATES FIRST CLASS POSTAGE MAIL
RETURN RECEIPT REQUESTED**

**Company ID#: 128887
Yak Communications (America), Inc.
80 State Street
Albany, New York, 12207-2543**

ATTENTION: COMPLIANCE REGULATORY AFFAIRS MANAGER

NONPAYMENT

According to the TRA's records, the **2014 Statement of Gross Earnings and Computation of Inspection Fee (UD-16)) together with the applicable fee due April 1, 2015**, has **not** been received as of the date of this letter. Therefore, a **penalty of 10% per month**, or a fraction thereof, pursuant to TCA §65-4-308, will be assessed from **April 1, 2015**, through the date the payment is received.

If the payment is received by June 30, 2015, the total penalty to be assessed is 30% of the fee that was due on April 1, 2015. It is imperative that we receive the balance due **June 30, 2015**.

If this company is no longer providing telecommunication services in Tennessee and desires to have its authority cancelled, please forward a written request to that effect to my attention.

Should you have any questions, I can be reached at (615) 770-6898, or my e-mail address: ectory.r.lawless@tn.gov.
Facsimile 615.741.9934

Sincerely,

Ectory Lawless
Paralegal

Shiva K. Bozarth
Chief of Compliance Division

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Tot:
Postmark Here
JUN 04 2015
Nashville TN 37203-5200

Sent
Street or P.O.
City,
Yak Communications (America), Inc.
80 State Street
Albany, New York, 12207-2543

PS Form 3800, July 2014

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Yak Communications (America), Inc.
80 State Street
Albany, New York, 12207-2543

2. 7014 2870 0001 1265 8028

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [Signature]
☐ Agent
☐ Addressee
B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUN 08 2015

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

Yak Communications
(America)
via Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees F
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Ectory Lawless, Paralegal
Tennessee Regulatory Authority
Andrew Jackson Building
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

TENNESSEE REGULATORY AUTHORITY



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

EARL R. TAYLOR
EXECUTIVE DIRECTOR

HERB HILLIARD, CHAIRMAN
DAVID F. JONES, VICE CHAIRMAN
KENNETH C. HILL, DIRECTOR
ROBIN BENNETT, DIRECTOR
JAMES ALLISON, DIRECTOR

September 2, 2015

SENT VIA CERTIFIED MAIL NUMBER: 7014 2870 0001 1265 8578
AND BY UNITED STATES FIRST CLASS POSTAGE MAIL
RETURN RECEIPT REQUESTED

Company ID#: 128887
Yak Communications (America), Inc.
80 State Street
Albany, New York, 12207-2543

ATTENTION: COMPLIANCE REGULATORY AFFAIRS MANAGER
CANCELLATION OF AUTHORITY

The above company is subject to being cancelled for failure to pay its annual inspection fee (UD16) pursuant to Tenn. Code Ann. § 65-4-301(a).

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 Authority to which the provisions of this chapter apply, shall pay to the state of Tennessee 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.
[Emphasis supplied]

According to the TRA's records, the **2014 Statement of Gross Earnings and Computation of Inspection Fee (UD-16) together with the applicable fee due April 1, 2015**, has **not** been received as of the date of this letter. Furthermore, TCA § 65-4-308 provides for a **penalty of 10% per month**, or a fraction thereof for inspection fees not received by **April 1**.

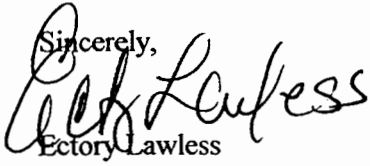
The Authority sent notice, via Certified Mail Number: **7014 2870 0001 1265 8028**, on **June 2, 2015** advising this company of its obligation to file the UD-16 Form and pay the appropriate inspection fee. Even if a company does not have any Tennessee intrastate gross receipts, the minimum fee of \$100 is due.

It is imperative that we receive the balance due no later than **September 30, 2015**. If the balance due is not received by September 30, 2015, the Tennessee Regulatory Authority's Compliance Division will request the cancellation of your authority to conduct business in Tennessee.

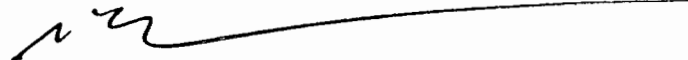
If this company is no longer providing telecommunication services in Tennessee and desires to have its authority cancelled, please forward a written request to that effect to my attention.

Should you have any questions, I can be reached at (615) 770-6898, or my e-mail address: ectory.r.lawless@tn.gov. Facsimile 615.741.9934

Sincerely,



Ectory Lawless
Paralegal



Shiva K. Bozarth
Chief of Compliance Division

Enclosure: **Statement of Gross Earnings and Computation of Inspection Fee (UD-16)**



NON MARKET
REGULATED
FORM UD-16
(Excel Format)

TENNESSEE REGULATORY AUTHORITY
STATEMENT OF GROSS EARNINGS AND COMPUTATION OF INSPECTION FEE
DUE DATE: April 1, 2015

COMPANY ID #: 128887
COMPANY NAME: Yak Communications (America), Inc.

State the gross receipts from all sources of the utility for the **calendar year 2014** as provided by T.C.A. § 65-4-303:

Gross Receipts:	System	TENNESSEE	
		Combined	IntraState
Local Service	\$ -	\$ -	\$ -
Access	\$ -	\$ -	\$ -
Long Distance	\$ -	\$ -	\$ -
Miscellaneous	\$ -	\$ -	\$ -
TOTAL	\$ -	\$ -	\$ -

COMPUTATION OF FEE

1. Tennessee Intrastate Gross Receipts	\$ -
2. Less Exemption	\$ (5,000)
3. Net Intrastate Gross Receipts	\$ (5,000)
4. Computed Fee on Tennessee Intrastate Gross Receipts (Line 3 x 0.425%) (Minimum Due =\$100)	
5. MAXIMUM FEE DUE: 100% of the Fee computed on the April 1, 2012 Return	\$ 100
6. INSPECTION FEE DUE - the lesser of Line 4 or Line 5	

I, the undersigned owner, president, or secretary of the above named public utility, doing business in the State of Tennessee and subject to the control and jurisdiction of the Tennessee Regulatory Authority, for the purpose of paying the State of Tennessee, as provided by T.C.A. § 65-4-301 et. seq., a fee for the inspection, control, and supervision of the business, service and rates of said public utility, being first duly sworn, on oath, state that the above figures accurately state the gross receipts from all sources of the utility for the **calendar year 2014**, and the inspection fee computed therefrom.

NAME: _____
(Please Print)

SIGNATURE: _____

TITLE: _____

TELEPHONE: _____

Sworn to and subscribed to before me this _____ day of _____, 2015

Notary Public: _____ My Commission Expires: _____

NOTE: A PENALTY OF 10% PER MONTH OR FRACTION THEREOF, PURSUANT TO T.C.A. § 65-4-308, WILL BE ASSESSED FOR LATE PAYMENT IF NOT PAID ON OR BEFORE APRIL 1st.

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OFFICIAL USE

7014 2870 0001 1265 8578

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)

SEP 07 2015

Postmark Here

To
Yak Communications (America), Inc.
ATTN: INCORP SERVICES, INC
216 Centerview Drive
Suite 317
Brentwood, Tennessee 37027

PS Form 3800, July 2014 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Yak Communications (America), Inc.
ATTN: INCORP SERVICES, INC
216 Centerview Drive
Suite 317
Brentwood, Tennessee 37027

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee

B. Received by (Printed Name) *Alawson* C. Date of Delivery *9/18/15*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

7014 2870 0001 1265 8578

PS Form 3811, July 2013

Domestic Return Receipt

Delinquency Letter before Cancellation
Fee Yak Communications

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OFFICIAL USE

7014 2870 0001 1265 8578

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Postmark Here
Inspection Fee
Delinquency Fee

SEP 04 2015
NASHVILLE, TN 312

To: Yak Communications (America), Inc.
ATTN: INCORP SERVICES, INC
216 Centerview Drive
Suite 317
Brentwood, Tennessee 37027

Sent
Street or P.O.
City

PS Form 3800, July 2013 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Yak Communications (America), Inc.
ATTN: INCORP SERVICES, INC
216 Centerview Drive
Suite 317
Brentwood, Tennessee 37027

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee
X
B. Received by (Printed Name) *Alawson* C. Date of Delivery *9/18/15*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee) ☐ Yes

2 7014 2870 0001 1265 8578

PS Form 3811, July 2013

Domestic Return Receipt

Delinquency Letter before cancellation
Fee Yak Communications

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Ectory Lawless, Paralegal
Tennessee Regulatory Authority
Andrew Jackson Building
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243



September 11, 2015

Tennessee Regulatory Authority
ATTN: Ectory Lawless
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

RE: **YAK AMERICA INC. – a Tennessee entity | Company ID#: 128887**
Cancellation of Authority

To whom it may concern:

Please be advised that as the Registered Agent for the above referenced entity, we have been unable to contact this client in regards to the Service of Process document that was forwarded to us to serve our client **September 8, 2015**.

We do our best due diligence in trying to contact clients. In this case, none of the contact information provided to us when their account was established has shown to be helpful. Emails are unavailable, phone numbers are disconnected, and mailed letters have been returned. *Also, this client's account is past due with InCorp.*

If we are able to reach this business entity at some point in the future, we will forward the document to them that were sent to us as their Registered Agent. Thank you.

Regards,

Melanie Galero
InCorp Services, Inc.– Service of Process Dept.
Toll Free: 800-246-2677
Melanie.Galero@incorp.com

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7014 2870 0001 1265 A417

Postage \$	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	
Postmark Here	YAK Cummings Delinquent Ltr Dec 1 to gent
INCORP SERVICES, INC 216 Centerview Drive STE Suite 317 Brentwood, Tennessee 37027	

PS Form 3800, July 2014

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

INCORP SERVICES, INC
216 Centerview Drive
STE Suite 317
Brentwood, Tennessee 37027

COMPLETE THIS SECTION ON DELIVERY

- A. Signature: X Ashley Lawson ☐ Agent ☐ Addressee
- B. Received by (Printed Name): Ashley Lawson C. Date of Delivery: _____
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: _____

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article (Tracking Number) 7014 2870 0001 1265 8417

YAK Communications
Delinquent Ltr

PS Form 3811, July 2013

UNITED STATES POSTAL SERVICE



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Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Ectory Lawless, Paralegal
Tennessee Regulatory Authority
Andrew Jackson Building
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243