

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 5, 2024

IN RE:	)	DOCKET NO.
	)	05-00147
APPLICATION OF TRANS NATIONAL	)	Company ID:
COMMUNICATIONS INTERNATIONAL, INC. FOR	)	128441
AUTHORITY TO PROVIDE RESOLD FACILITIES-BASED	)	
LOCAL EXCHANGE SERVICE WITHIN TENNESSEE	)	

ORDER REVOKING RESELL AUTHORITY FOR NON-COMPLIANCE

This matter came before Chairman Herbert H. Hilliard, Vice Chairman David F. Jones, Commissioner Robin L. Morrison, Commissioner Clay R. Good, and Commissioner David Crowell 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 May 20, 2024. Trans National Communications International, Inc. was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide resold telecommunication services in Tennessee by two separate Commission orders dated June 6, 2000 and October 5, 2005.¹ Subsequent to a Company reorganization through bankruptcy proceedings, both CCNs of Trans National Communications International, Inc. were transferred to TNCI Operating Company, LLC (“TNCI” or “Company”) by a Commission order dated September 4, 2013.²

BACKGROUND AND REQUEST

The Company has failed to file its Form UD-16 and annual inspection fee that were due by April 1st of 2019, 2020, 2021, 2022, and 2023 as required by Tenn. Code Ann. § 65-4-301(a).³ On September 29, 2023, Commission Staff (“Staff”), in accordance with the Uniform Administrative

¹ *Application and Order* in Docket No. 99-00730 (June 6, 2000); *Initial Order Granting CCN* in Docket No. 05-00147 (October 5, 2005).

² *Order Approving Transfer of Authority* in Docket No. 13-00065 (September 4, 2013).

³ “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.”

Procedures Act (“UAPA”), sent TNCI a Notice via Certified Letter requesting payment of the delinquent annual inspection fees and the applicable statutory penalty and advising that failure to send payment would result in the matter being set for public hearing for cancellation of the Company’s CCN. The Certified Letter was returned marked “Return to Sender, Vacant, Unable to Forward.”

Additionally, as required Tenn. Code Ann. § 65-5-112⁴, TNCI has failed to file annual updates to the Company’s Small and Minority-Owned Telecommunications Business Participation Plan (“SMTB Plan”) that were due in 2021, 2022, and 2023. Staff sent a letter to TNCI on April 1, 2023 requesting the annual update to the SMTB Plan and a follow up email on June 29, 2023. The Company has provided no response to these communications.

On April 16, 2024, Staff filed a *Request for Cancellation for Noncompliance* (“*Request*”). Staff sent copies of the *Request* to the Company’s address on file with the Commission, the Company’s principal and mailing address on file with the Tennessee Secretary of State. The Company lacks a Registered Agent. 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 May 10, 2024 setting the case for Hearing on May 20, 2024. No persons sought intervention prior to or during the Hearing. The panel inquired whether a representative of TNCI was present for the Hearing, but no person appeared on behalf of the Company. Commission Staff presented a summary of the evidentiary record, providing information about the Company’s delinquent annual revenue reports, SMTB Plan, and annual inspection fees.

FINDINGS AND CONCLUSION

During the regularly scheduled Commission Conference held on May 20, 2024, upon

⁴ “Each telecommunications service provider shall file with the commission a small and minority-owned telecommunications business participation plan within sixty (60) days of June 6, 1995. ...All providers shall update plans filed with the commission annually.”

consideration of Staff's *Request*, the panel found that TNCI was appropriately noticed as required by UAPA about the Hearing. Since no person appeared on behalf of the Company, the panel found TNCI 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 TNCI has not complied with the statutory annual inspection fee requirement or the statutory annual SMTB update requirement and that Staff's attempts to contact TNCI 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 Staff's *Request* to cancel TNCI's CCN.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes TNCI Operating Company, LLC, to operate as a telecommunications services provider in the State of Tennessee, is revoked.
2. Any person who is 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 who is 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 sixty (60) days from the date of this Order.

**Chairman Herbert H. Hilliard,
Vice Chairman David F. Jones,
Commissioner Robin L. Morrison,
Commissioner Clay R. Good, and
Commissioner David Crowell concur.**

None dissent.

ATTEST:

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

Earl R. Taylor, Executive Director