

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE TENNESSEE**

**November 20, 2012**

<b>IN RE:</b>	)	<b>DOCKET NO.</b>
	)	<b>08-00078</b>
<b>PETITION OF MIDWESTERN TELECOMMUNICATIONS,</b>	)	
<b>INC. FOR A CCN TO PROVIDE LOCAL EXCHANGE,</b>	)	<b>Company ID:</b>
<b>ACCESS AND INTEREXCHANGE SERVICES</b>	)	<b>128808</b>

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**ORDER REVOKING AUTHORITY GRANTED TO  
MIDWESTERN TELECOMMUNICATIONS, INC. FOR FAILURE  
TO PROVIDE SURETY BOND OR IRREVOCABLE LETTER OF CREDIT**

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This matter came before Vice Chairman Herbert H. Hilliard, Director Kenneth C. Hill and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 8, 2012. The Directors considered whether to revoke the authority of Midwestern Telecommunications, Inc. (“Midwestern” or the “Company”) to conduct business in the State of Tennessee as a public utility for failure to comply with Tenn. Code Ann. § 65-4-125(j) (2004).<sup>1</sup>

Midwestern originally filed an Application for authority to provide facilities-based and resold local exchange and interexchange telecommunications services in Tennessee on May 13, 2008. During a Hearing held on October 9, 2008, the Hearing Officer found that the Company had met all the requirements for certification and the requirements of Tenn. Comp. R. & Regs.

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<sup>1</sup> Tenn. Code Ann. § 65-4-125(j) (2004) provides:

By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority.

1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 and Tenn. Code Ann. § 65-4-201, and approved the Application.

On May 9, 2012, the Authority received notification from Travelers Casualty and Surety Company that the Company's surety bond would be cancelled effective June 12, 2012. Messages were left via telephone advising the Company of its failure to comply with the requirements of Tenn. Code Ann. § 65-4-125(j) (2004) on May 9, May 18 and May 29, 2012. Notices were sent via certified mail on May 9 and May 29, 2012.

As of the November 8, 2012 Authority Conference, the Company had failed to file with the Authority a \$20,000 corporate surety bond or an irrevocable letter of credit to secure the payment of any monetary sanction imposed in any enforcement proceeding.<sup>2</sup> Accordingly, the Directors voted unanimously to revoke the Company's authority to conduct business in the State of Tennessee as a public utility.

**IT IS THEREFORE ORDERED THAT:**

The authority of Midwestern Telecommunications, Inc. to conduct business in the State of Tennessee as a public utility is revoked, and this docket is closed.

**Vice Chairman Herbert H. Hilliard, Director Kenneth C. Hill and Director Sara Kyle concur.**

**ATTEST:**



**Earl R. Taylor, Executive Director**

<sup>2</sup> Midwestern had also failed to update its Small and Minority-Owned Business Participation Plan and to submit its Statement of Gross Earnings and Computation of Inspection Fee which was due on or before April 1, 2012.