

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 5, 2024

IN RE:)	DOCKET NO.
)	08-00226
APPLICATION TOTAL HOLDINGS, INC. D/B/A GTC)	Company ID:
COMMUNICATIONS FOR AUTHORITY TO PROVIDE)	129058
RESELL TELECOMMUNICATIONS IN TENNESSEE)	

ORDER REVOKING RESELL AUTHORITY FOR NON-COMPLIANCE

This matter came before Commissioner Robin L. Morrison, Commissioner Clay R. Good, Commissioner Kenneth C. Hill, Commissioner David Crowell, and Commissioner John Hie 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. Total Holdings, LLC d/b/a GTC Communications (“GTC” or “Company”) was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide resold telecommunication services in Tennessee by Commission order dated February 2, 2009.¹

BACKGROUND AND REQUEST

The Company has failed to file its Form UD-16 and annual inspection fee that were due by April 1st of 2020, 2021, 2022, and 2023 as required by Tenn. Code Ann. § 65-4-301(a).² On September 29, 2023, Commission Staff (“Staff”), in accordance with the Uniform Administrative Procedures Act (“UAPA”), sent GTC 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

¹ *Order Granting Authority to Resell Interexchange Long Distance Services in Tennessee* (February 2, 2009).

² “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.”

Company's CCN. Commission Staff received the return receipt of the Certified Letter, acknowledged by signature of a Company Representative.

Additionally, as required Tenn. Code Ann. § 65-5-112³, GTC has failed to file annual updates to the Company's Small and Minority-Owned Telecommunications Business Participation Plan ("SMTB Plan") that were due in 2019, 2020, 2021, 2022, and 2023. Staff sent a letter to GTC 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, and the Company's 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 GTC 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 consideration of Staff's *Request*, the panel found that GTC was appropriately noticed as required

³ "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."

by UAPA about the Hearing. Since no person appeared on behalf of the Company, the panel found GTC 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 GTC has not complied with the statutory annual inspection fee requirement or the statutory annual SMTB update requirement and that Staff's attempts to contact GTC 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 GTC's CCN.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes Total Holdings, LLC d/b/a GTC Communications, 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.

**Commissioner Robin L. Morrison,
Commissioner Clay R. Good,
Commissioner Kenneth C. Hill,
Commissioner David Crowell, and
Commissioner John Hie concur.**

None dissent.

ATTEST:

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

Earl R. Taylor, Executive Director

