



## TENNESSEE PUBLIC UTILITY COMMISSION

502 Deaderick Street  
Nashville, Tennessee 37243

To: Sharla Dillon, Docket Manager

From: Jerry Kettles, Director, Economic Analysis *JK*

Date: October 22, 2018

Re: Administrative Closure of Docket No. 17-00129

On November 15, 2017, the agency received the *Joint Petition of BCHI Holdings, LLC, Birch Communications, Inc., Fusion Telecommunications International, Inc., and Network Billing Systems, LLC for Consent to a Transaction That Will Results in a Material Change to the Ownership and Control of Network Billing Systems, LLC and for Approval to Participate in New Financing Arrangements* ("Joint Petition"). Birch Communications, Inc. ("Birch") and Network Billing Systems, LLC ("NBS") hold certificates issued by the agency.

The transaction described in the *Joint Petition* involves the transfer of control of NBS and participation in a financing transaction by NBS and Birch. The transfer of control described in the *Joint Petition* is governed by T.C.A. 65-4-113. The financing transaction is governed by T.C.A. 65-4-109. NBS elected market regulation in Docket No. 12-00066 on June 28, 2012. Birch elected market regulation in Docket No. 18-00014 on January 26, 2018. T.C.A. § 65-5-109(n) provides a description of the regulatory requirements that apply to companies that elect Market Regulation. The transaction described in the *Joint Petition* is governed by T.C.A. 65-4-109 and 65-4-113 which are not regulatory requirements that apply to companies that have elected Market Regulation.

On January 31, the Petitioners withdrew the *Joint Petition* noting that Birch and NBS have elected market Regulation. Given that the *Joint Petition* has been withdrawn, this docket should be closed.