

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:)	
)	
APPLICATION OF CITY COMMUNICATIONS, INC.)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	DOCKET NO.
AND NECESSITY TO PROVIDE COMPETING LOCAL)	19-00026
TELECOMMUNICATION SERVICES)	
)	

REQUEST FOR CANCELLATION FOR NONCOMPLIANCE

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff acting as a Party (“Party Staff”) by and through counsel and requests that the Commission enter an order canceling the Certificate of Public Convenience and Necessity (“CCN”) issued to CITY COMMUNICATIONS, INC. (“CCI” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to CCI, whose mailing address on file with the Commission is 4300 S. Lee St., Ste. 800B, Buford, GA 30518,¹ that a hearing is scheduled for May 20, 2024 to consider the cancellation of the CCN issued to CCI for noncompliance with statutory requirements. CCI shall appear and give evidence of reasons the Commission should not cancel the Company’s CCN.

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 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.

¹ According to information obtained from the Secretary of State, the Company’s principal office and mailing address is located at 300 Village Center Drive, Ste. 103, Woodstock, GA 30188. The Company’s Registered Agent is listed as InCorp Services, Inc., 1585 Mallory Ln., Ste. 104, Brentwood, TN 37027-3036. Copies of this filing have been mailed the Company address and Registered Agent in addition to the address on file with the Commission.

In accordance with Tenn. Code Ann. § 65-4-303, the annual inspection fee is based upon the intrastate revenues for the previous year. Further, the section establishes the minimum inspection fee for telecommunications service companies at \$100.² Tenn. Code Ann. § 65-4-308 provides for a penalty of 10% per month, or fraction thereof, for inspection fees not received by April 1.

CCI was issued a CCN by a Commission order dated May 5, 2019 in Commission Docket No. 19-00026.³ The Company's 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, 2021. In addition, Form UD-16 became due on April 1 of each of the subsequent years after 2021 through the current year, 2024.⁴ Commission Staff sent letters to the Company on May 11, 2021, July 27, 2021, May 25, 2022, and May 18, 2023 advising the Company that the Form UD-16s and annual inspection fees were not received by the Commission and that a penalty would be assessed from the due date through the date payment is received. In addition, Commission sent a Certified Letter with return receipt requested to the Company, dated September 29, 2023, concerning the unpaid annual inspection fee and the statutory penalty, as well as advising that if payment is not received by November 1, 2023, the matter would be set for public hearing during a regular Commission Conference for cancellation of the Company's CCN. Commission Staff received the unopened returned Certified Letter, marked "Return to Sender, Not Deliverable As Addressed, Unable To Forward" on October 26, 2023.

The Company submitted a request to cancel its CCN on November 7, 2023. Through email exchanges, the Company was advised that in order to cancel the CCN in good standing, CCI would need to submit the delinquent UD-16s and annual inspection fees. In response, the Company

² Tenn. Code Ann. § 65-4-303(c)(2)(d) (2022).

³ *Initial Order Granting Certificate of Public Convenience and Necessity* (May 9, 2019).

⁴ CCI has never filed a UD-16 and annual inspection fee.

provided evidence of an Order from Bankruptcy filing in the Northern District of Georgia.⁵ Upon investigation, the Commission was included as a potential creditor and received no notice of the bankruptcy proceeding. Therefore, the TPUC asserts that any claim it may have had prior to the Company's bankruptcy proceeding has not been discharged.

In addition, Tenn. Code Ann. § 65-5-112 requires telecommunications service providers to submit a small and minority-owned telecommunications business participation plan ("SMTB Plan") to the Commission and to update the SMTB Plan with the Commission annually. CCI has a SMTB Plan on file with the Commission, provided as part of its petition for a CCN.⁶ CCI last updated its SMTB Plan in March 2021. Commission Staff sent a letter on April 1, 2023 requesting that the annual update to the SMTB Plan be submitted. Commission Staff left a voicemail for a CCI contact on June 21, 2023 and sent an email to a CCI contact on August 9, 2023 following up on the April 1, 2023 letter. To date, CCI has not provided the required annual update to its SMTB Plan.

As evidenced above, Commission Staff has made several attempts to contact the Company, to obtain the required Form UD-16s, to collect payment of the annual inspection fees, and to obtain the annual update to the SMTB Plan as required by statute. The Company continues to be noncompliant in the filing of Form UD-16s, the payment of its annual inspection fees, and the filing of updated to its SMTB Plan. The Company should appear and state reasons why the Company's CCN should not be canceled at the May 20, 2024 Commission Conference.

Notice is hereby given to the Company that should it remain noncompliant and/or fail to appear at the Commission Conference, the Commission may find the Company in default and may issue an order canceling the Company's CCN.

⁵ *City Communications, Inc., Order and Final Decree Re: Bankruptcy Proceeding* (January 16, 2024).

⁶ *CCN Application*, Exh. I (February 20, 2019).

For the reasons stated above, Party Staff respectfully requests that the Commission issue an order canceling the CCN issued to CCI for noncompliance with statutory requirements.


Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Cancellation for Noncompliance has been served upon City Communications, Inc., 4300 S. Lee St., Ste. 800B, Buford, GA 30518; 300 Village Center Drive, Ste. 103, Woodstock, GA 30188; and to its Registered Agent, Incorp Services, Inc., 1585 Mallory Ln., Ste. 104, Brentwood, TN 37027-3036 on this the 16th day of April, 2024.



Aaron J. Conklin