

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 11, 2024

IN RE:)	DOCKET NO.
)	19-00026
APPLICATION OF CITY COMMUNICATIONS, INC. FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND)	Company ID:
NECESSITY TO PROVIDE COMPETING LOCAL)	129217
TELECOMMUNICATION SERVICE)	

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 Kenneth C. Hill, 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. City Communications, Inc. (“CCI” or “Company”) was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide competing local telecommunication services in Tennessee by Commission order dated May 5, 2019.¹

BACKGROUND AND REQUEST

The Company has failed to file its Form UD-16 and annual inspection fee that were due by April 1st of 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 CCI 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

¹ *Initial Order Granting Certificate of Public Convenience and Necessity* (May 5, 2019).

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.”

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, Not Deliverable as Addressed, Unable to Forward."

Additionally, as required Tenn. Code Ann. § 65-5-112, CCI 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 2023.³ Staff sent a letter to CCI on April 1, 2023 requesting the annual update to the SMTB Plan, a follow up voicemail on June 21, 2023, and a follow up email on August 9, 2023. The Company has provided no response to these communications.

On April 16, 2024, Staff filed a *Request for Cancellation for Noncompliance* ("Request").⁴ 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 CCI 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

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."

⁴ CCI filed a request to voluntarily cancel its CCN on November 17, 2023. However, Commission Staff declined to accept the voluntary cancellation due to the CCI's delinquent annual inspection fees. The Company provided documentation of a Bankruptcy Order for the Northern District of Georgia Bankruptcy Court. However, the Commission was not listed as a creditor nor provided any notice of the proceedings during their pendency.

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

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes City Communications, Inc., 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 Kenneth C. Hill, and
Commissioner John Hie concur.**

None dissent.

ATTEST:

A handwritten signature in dark ink, appearing to read "Earl Taylor" followed by a stylized monogram or initials.

Earl R. Taylor, Executive Director