

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

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF MASTEC NETWORK SOLUTIONS,</b>	)	
<b>LLC FOR A CERTIFICATE TO PROVIDE ACCESS</b>	)	<b>DOCKET NO.</b>
<b>TELECOMMUNICATIONS SERVICES</b>	)	<b>20-00103</b>
<b>THROUGHOUT THE STATE OF TENNESSEE</b>	)	

**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 MASTEC NETWORK SOLUTIONS, LLC (“MNS” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to MNS, whose mailing address on file with the Commission is 806 S. Douglas Rd. 11th Floor, Coral Gables, FL 33134,<sup>1</sup> that a hearing is scheduled for May 20, 2024 to consider the cancellation of the CCN issued to MNS for noncompliance with statutory requirements. MNS 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

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<sup>1</sup> According to information obtained from the Secretary of State, the Company’s principal office and mailing address is 800 S Douglas Rd., Ste. 1200, Coral Gables FL 33134-3165. The Company’s Registered Agent is listed as Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312. Copies of this filing have been mailed the Company principal office address and to the Registered Agent in addition to the address on file with the Commission.

for the inspection, control and supervision of the business, service and rates of such public utility.

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.<sup>2</sup> 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.

MNS was issued a CCN by a Commission order dated December 21, 2020 in Commission Docket No. 20-00103.<sup>3</sup> 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, 2023. In addition, Form UD-16 became due on April 1, 2024.<sup>4</sup> Commission Staff sent a letter to the Company on May 18, 2023 advising the Company that the Form UD-16 and annual inspection fee was 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 return receipt of Certified Letter, acknowledged by signature of a Company representative, on October 7, 2023.

In addition, Tenn. Code Ann. § 65-5-112 requires telecommunications service providers to submit a small and minority-owned telecommunications business participation plan ("SMTB

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<sup>2</sup> Tenn. Code Ann. § 65-4-303(c)(2)(d) (2022).

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

<sup>4</sup> MNS last submitted a UD-16 and annual inspection fee in March 2022.

Plan”) to the Commission and to update the SMTB Plan with the Commission annually. MNS has a SMTB Plan on file with the Commission, provided as part of its petition for a CCN.<sup>5</sup> MNS last updated its SMTB Plan in November 2021. Commission Staff sent a letter on April 1, 2023 requesting that the annual update to the SMTB Plan be submitted. Commission Staff sent emails to a MNS contact on May 25, 2023 and June 27, 2023 following up on the April 1, 2023 letter. To date, MNS 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.

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

Respectfully Submitted,



Aaron J. Conklin, Senior Counsel  
Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 770-6896


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<sup>5</sup> *Application of Mastec Network Solutions, LLC for a Certificate to Provide Access Telecommunications Services Throughout the State of Tennessee*, Exh. G (August 25, 2020).

Aaron.conklin@tn.gov

**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 Mastec Network Solutions, LLC, 806 S. Douglas Rd., 11th Floor, Coral Gables, FL 33134; 800 S Douglas Rd., Ste. 1200, Coral Gables FL 33134-3165; and to its Registered Agent, Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312 on this the 16<sup>th</sup> day of April, 2024.



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Aaron J. Conklin