## TENNESSEE PUBLIC UTILITY COMMISSION

Andrew Jackson State Office Bldg 502 Deaderick Street, 4th Floor Nashville, TN 37243-0001

Electronically Filed in TPUC Docket Room on July 14, 2023 at 11:09 a.m.

July 14, 2023

Leon Nowalsky Nowalsky & Gothard 1420 Veterans Memorial Boulevard Metairie, Louisiana 70005

RE: Docket No. 23-00048, Application of Consolidated Telecom, Inc. for Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee

Dear Mr. Nowalsky,

The Tennessee Public Utility Commission is in receipt of the above application for authority to provide resold telecommunications services in Tennessee. To assist the Commission in processing the application, please provide the following information:

- 1. Certificate of Existence issued by the Tennessee Secretary of State's Office. This can be obtained online at <a href="https://www.tn.gov/sos">www.tn.gov/sos</a>.
- 2. An original \$20,000 bond or letter of credit pursuant to TCA §65-4-125(j). This instrument should reflect the new name of this agency, the Tennessee Public Utility Commission. Attached are samples of each form for your convenience.

It is requested that this information be provided no later than 2:00 pm on July 31, 2023 and that you reference Docket Number 23-00048 on the response. In accordance with TRA rules submit either (1) thirteen written copies of your response or (2) four written copies and an electronic version. Should you have questions regarding this request, please contact Lisa Foust at 615-770-6886.

Sincerely,

David Foster

Director, Utilities Division

C: Docket File

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#### IRREVOCABLE LETTER OF CREDIT

Tennessee Public Utility Commission 502 Deaderick Street, 4<sup>th</sup> Floor Nashville, Tennessee 37243

REFERENCE:

Name of Company authorized by TPUC:

Company ID # as assigned by the TPUC Irrevocable Letter of Credit Number: Effective Date:

Expiration Date:

#### Sir/Madam:

You have requested of [Name of Lending Institution] (the "Lender") that we establish an irrevocable letter of credit which will remain available on behalf of [Applicant] (the "Company") who has applied to the Tennessee Public Utility Commission (the "TPUC") for authority to provide telecommunications services in the state of Tennessee. The purpose of this letter of credit is to secure payment of any monetary sanction imposed against the Company, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TPUC.

We hereby establish and issue, in favor of the TPUC, an irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000.00) lawful money of the United States of America. The TPUC may draw upon this letter of credit, at any time and from time to time, by delivering a Letter of Credit Notice, substantially in the form set forth below (a "Notice"), which Notice shall specify the amount (the "Draw Amount") to be drawn and the bank account (the "Bank Account") to which the Draw Amount should be delivered and shall be signed by an official designated and duly authorized by the TPUC, to Lender at the address listed below, or to such other address as the Lender shall notify the TPUC in writing by certified mail. Promptly after the delivery of each Notice, the Lender hereby covenants and agrees to deliver, by wire transfer of immediately available funds, the Draw Amount to the Bank Account.

This letter of credit shall be deemed automatically renewed without amendment for successive one-year periods and may be canceled by the Lender by giving thirty (30) days advanced written notice by certified mail of such cancellation to the TPUC and the Company, it being understood that the Lender shall not be relieved of liability that may have accrued under this letter of credit prior to the date of cancellation.

The Lender hereby represents and warrants that it is qualified and authorized to issue this letter of credit and is a bank designated by the Treasurer of the State of Tennessee as an authorized depository bank for the deposit of state funds.

Except as otherwise expressly stated, this letter of credit is subject to the Uniform Customs and Practice for Documentary Credit (1993 Revision) International Chamber of Commerce Publication No. 500, or any revisions thereto.

Yours Very Truly,

[Name of Lending Institution]

Name:

Title:

Address of Lender:

#### APPROVAL AND INDORSEMENT

This is to certify that I have examined the foregoing letter of credit and found the same to be sufficient and in conformity to law and that the same has been filed with the Tennessee Public Utility Commission, State of Tennessee, this day of

, 20 .

Name:

Title:

### FORM OF LETTER OF CREDIT NOTICE

[Name of Lender] [Address]

Re: Irrevocable Letter of Credit No. [ ]

Dear Sir or Madam:

You are hereby notified, and the undersigned hereby certifies, that the undersigned is an official designated and duly authorized by the TPUC to deliver this notice and that a monetary sanction in the amount of \$\frac{(the}{Draw}\] "Draw Amount") has been imposed against **[Applicant]** its representatives, successors or assigns, in an enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TPUC.

Pursuant to that certain Irrevocable Letter of Credit referenced above, we hereby request that you deliver payment of the Draw Amount to the bank account listed below by wire transfer of immediately available funds:
Name of Bank Account: Account Number:
ABA Routing Number: Reference:  Name of Contact: Telephone
Number: Facsimile Number: Please confirm receipt of this Notice and the Federal Reserve wire confirmation number of the delivery of the Draw Amount by sending a facsimile to the person at the number listed above.
Sincerely,
TENNESSEE PUBLIC UTILITY COMMISSION Name: Title:

# TENNESSEE PUBLIC UTILITY COMMISSION

# TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond #:	
WHEREAS,	(the "Principal"), ha
applied to the Tennessee Public Utility Commission	for authority to provide telecommunications services in the State of Tennessee; and
required to file this bond in order to obtain such au	pter 4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is athority and to secure the payment of any monetary sanction imposed in any enforcement at Code Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the code and code in the Consumer Telemarketing Act of 1990 by or on behalf of the code in
WHEREAS,	
(the "Surety"), a corporation licensed to do busines Insurance to engage in the surety business in this s	ss in the State of Tennessee and duly authorized by the Tennessee Commissioner of state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to emply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code
accordance with the provisions of Tennessee Code Adollars (\$20,000.00) lawful money of the United Staimposed against the Principal, its representatives, Tennessee Code Annotated or the Consumer Telem	Principal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand ates of America to be used for the full and prompt payment of any monetary sanction successors or assigns, in any enforcement proceeding brought under Title 65 of narketing Act of 1990, by or on behalf of the TPUC, for which obligation we bind has, each jointly and severally, firmly and unequivocally by these presents.
annual renewal period or portion thereof shall constituenthe liability of the Surety shall not be cumulative, an bond shall not exceed Twenty Thousand Dollars (\$20	day of, 20, and shall be continuous; provided, however, that each ute a new bond term. Regardless of the number of years this bond may remain in force, and the aggregate liability of the Surety for any and all claims, suits or actions under this 0,000.00). The Surety may cancel this bond by giving thirty (30) days written notice of fied mail, it being understood that the Surety shall not be relieved of liability that may incellation.
PRINCIPAL	SURETY
Name of Company authorized by the TPUC	Name of Surety
Company ID # as assigned by TPUC	Address of Surety
SIGNATURE OF PRINCIPAL	SIGNATURE OF SURETY AGENT
Name: Fitle:	Name: Title:
	Address of Surety Agent:
	5
THIS BOND IS ISSUED IN ACCORDANCE WITH	THE DOWNSIONS OF SECTION 125 CHAPTED 4 TITLE 65 OF THE TENNESSEE

THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)

## ACKNOWLEDGMENT OF PRINCIPAL

STATE OF TENNESSEE COUNTY OF	
with whom I am personally acquainted and who, upon oath	ne State and County aforesaid, personally appeared, acknowledged himself to be the individual who executed the foregoing, and he acknowledged to me that he executed the same.
WITNESS my hand and seal thisday of	f, 20
My Commission Expires:	
	Notary Public
ACKNOWLEDGME	NT OF SURETY
STATE OF TENNESSEE COUNTY OF	
foregoing bond on behalf ofState of Tennessee and duly authorized by the Tennessee C	upon oath, acknowledged himself to be the individual who executed the, the within named Surety, a corporation licensed to do business in the Commissioner of Insurance to engage in the surety business in this state motated, and that he as such an individual being authorized to do so, orporation by himself and as such individual.
My Commission Expires:	
, 2000	Notary Public
	and found the same to be sufficient and in conformity to law, that the ereof, and that the same has been filed with the Tennessee Public
	Name: Title: