

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE TENNESSEE**

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|---------------------------------------|---|----------------------------|
| IN RE: |) | |
| |) | |
| COMPLAINT AND PETITION AGAINST |) | |
| LMK COMMUNICATIONS, LLC FOR |) | |
| ALLEGED VIOLATIONS OF THE |) | DOCKET NO. 24-00056 |
| STATUTES AND RULES REGULATING |) | |
| SMALL AND MINORITY-OWNED |) | |
| TELECOMMUNICATIONS BUSINESS |) | |
| PARTICIPATION PLANS |) | |

**REQUEST TO WITHDRAW COMPLAINT AND
PETITION TO CONVENE A SHOW CAUSE PROCEEDING**

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff as a party (“Party Staff” or “Petitioner”), by and through the undersigned counsel, and requests that the Administrative Judge permit Party Staff to withdraw its *Complaint and Petition to Convene a Show Cause Proceeding* (“*Petition*”) and close the docket in this matter concerning LMK Communications, LLC (“LMK” or “Company”). As grounds for this request, Party Staff would state as follows:

Subsequent to the filing of the *Petition*, LMK contacted Party Staff concerning the Company’s small and minority-owned telecommunications business plan (“SMBP Plan”). The Company provided additional contact information for future inquiries regarding the SMBP Plan. On November 7, 2024, LMK submitted its updated SMBP Plan. A copy of the SMBP Plan is attached as Exhibit 1. Party Staff asserts that this document complies with the annual filing requirement concerning the SMBP Plan as required by Tenn. Code Ann. § 65-5-112 and that LMK is in compliance with statutory requirements concerning SMBP Plan filings.

For the foregoing reasons, Party Staff respectfully requests that the Administrative Judge issue an Order granting the withdrawal of its *Petition* and closing this docket.

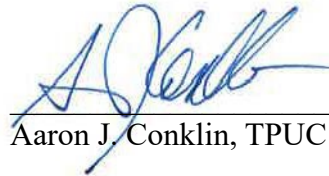
Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was serve via electronic mail upon LMK via Jennifer Anthony (Jennifer.Anthony@segra.com), Director of Regulatory Affairs for LMK, this the 8th day of November, 2024.



Aaron J. Conklin, TPUC Senior Counsel

EXHIBIT 1

LMK Communications, LLC. dba Segra
Small and Minority-Owned Telecommunications
Business Participation Plan

Pursuant to T.C.A §65-5-112, as amended, LMK Communications, LLC. dba Segra submits this small and minority-owned Telecommunications business participation plan (the "Plan").

1. PURPOSE

The purpose of §65-5-112 is to provide opportunities for small and minority-owned businesses to provide goods and services to Telecommunications service providers. LMK Communications, LLC. dba Segra is committed to the goals of §65-5-112 and to taking steps to support the participation of small and minority-owned Telecommunications businesses in the Telecommunications industry. LMK Communications, LLC. dba Segra will endeavor to provide opportunities for small and minority-owned Telecommunications businesses to compete for contracts and subcontracts for goods and services. As part of its procurement process, LMK Communications, LLC. dba will make efforts to identify and inform minority-owned and small businesses that are qualified and capable of providing goods and services to LMK Communications, LLC. dba Segra of such opportunities. LMK Communications, LLC. dba Segra's representatives have already contacted the Department of Economic and Community Development, the administrator of the small and minority-owned Telecommunications assistance program, to obtain a list of qualified vendors. Moreover, LMK Communications, LLC. dba Segra will seek to increase awareness of such opportunities so that companies not otherwise identified will have sufficient information to participate in the procurement process.

2. DEFINITIONS

As defined in §65-5-112.

Minority-Owned Business. Minority-owned business shall mean a business which is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000).

Small Business. Small Business shall mean a business with annual gross receipts of less than four million dollars (\$4,000,000).

**LMK Communications, LLC. dba Segra
Small and Minority-Owned Telecommunications
Business Participation Plan**

3. LMK Communications, LLC. dba Segra's Plan will be overseen and administered by the individual named below, hereinafter referred to as the Administrator, who will be responsible for carrying out and promoting LMK Communications, LLC. dba Segra's full efforts to provide equal opportunities for small and minority-owned businesses. The Administrator of the Plan will be:

Supply Chain Sourcing Manager &/or

Regulatory Manager

LMK Communications, LLC. dba Segra

11215 N. Community House Rd. Suite 1000

Charlotte, NC. 28277

Telephone: (800) 467-3472

The Administrator's responsibilities will include:

- (1) Maintaining an updated Plan in full compliance with §65-5-112 and the rules and orders of the Tennessee Regulatory Authority.
- (2) Establishing and developing policies and procedures necessary for the successful implementation of the Plan.
- (3) Preparing and submitting such forms as may be required by the Tennessee Regulatory Authority, including the filing of annual updates.
- (4) Serving as the primary liaison to and cooperate with the Tennessee Regulatory Authority, other agencies of the State of Tennessee, and small and minority-owned businesses to locate and use qualified small and minority-owned businesses as defined in §65-5-112.
- (5) Searching for and developing opportunities to use small and minority-owned businesses and encouraging such businesses to participate in and bid on contracts and subcontracts.
- (6) Providing records and reports and cooperate in any authorized surveys as required by the Tennessee Regulatory Authority.
- (7) Establishing a record-keeping system to track qualified small and minority-owned businesses and efforts to use such businesses.

**LMK Communications, LLC. dba Segra
Small and Minority-Owned Telecommunications
Business Participation Plan**

- (8) Providing information and educational activities to persons within LMK Communications, LLC. dba Segra and training such persons to seek out, encourage, and promote the use of small and minority-owned businesses.

In performance of these duties, the Administrator will utilize several resources, including:

Chamber of Commerce

The Tennessee Department of Economic and Community Development

The United States Department of Commerce

Small Business Administration

Office of Minority Business

The National Minority Supplier Development Counsel

The National Association of Women Business Owners

The National Association of Minority Contractors

Historically Black Colleges, Universities, and Minority Institutions

The efforts to promote and ensure equal opportunities for small and minority-owned businesses are primarily spelled out in the Administrator's duties above. Additional efforts to provide opportunities to small and minority-owned businesses will include offering, where appropriate and feasible, small and minority-owned businesses assistance with technical, insurance, bonding, licensing, production, and deadline requirements.

**LMK Communications, LLC. dba Segra
Small and Minority-Owned Telecommunications
Business Participation Plan**

4. RECORDS AND COMPLIANCE REPORTS

LMK Communications, LLC. dba Segra will maintain records of qualified small and minority-owned business and efforts to use the goods and services of such businesses. In addition, LMK Communications, LLC. dba Segra will maintain records of education and training activities conducted or attended and of the internal procurement procedures adopted to support this plan.

LMK Communications, LLC. dba Segra will submit records and reports required by the Tennessee Regulatory Authority concerning the Plan. Moreover, LMK Communications, LLC. dba Segra will cooperate fully with any surveys and studies required by the Tennessee Regulatory Authority.

LMK Communications, LLC. dba Segra

E-SIGNED by Cynthia Allen
on 2024-11-07 19:03:17 GMT

By: Cyndi Scallion

Vice President of Supply Chain

Dated: November 07, 2024