

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

IN RE:)	
)	
COMPLAINT AND PETITION AGAINST)	
CROWN CASTLE FIBER, LLC FOR)	
ALLEGED VIOLATIONS OF THE)	DOCKET NO. 24- <u>00059</u>
STATUTES AND RULES REGULATING)	
SMALL AND MINORITY-OWNED)	
TELECOMMUNICATIONS BUSINESS)	
PARTICIPATION PLANS)	

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”) in accordance with Tenn. Code Ann. §§ 65-2-106 and 65-4-120 and requests that the Administrative Judge delegated authority by the Commission issue an Order requiring Crown Castle Fiber, LLC (“CCF” or “Company”) to appear before the Commission to show cause why the Commission should not impose civil penalties and sanctions against the Company for failing to submit the annual update to the small and minority-owned telecommunications business participation plan (“SMBP Plan”) as required by Tenn. Code Ann. § 65-5-112.

JURISDICTION

The Commission has a duty to ensure that “all laws of this state over which they have jurisdiction are enforced and obeyed, that violations thereof are promptly prosecuted, and all penalties due the state are collected.”¹ Further, the Commission is specifically authorized to issue an order requiring a respondent to appear and show cause why the Commission should not take action as may be indicated in the show cause order.² In addition, upon finding that a public utility

¹ Tenn. Code Ann. § 65-1-113 (2022).

² Tenn. Code Ann. § 65-2-106 (2022).

has violated or failed to comply with regulatory requirements, the Commission is authorized to impose a civil penalty of up to “fifty dollars (\$50.00) for each day of any such violation or failure”³

RELEVANT FACTS

1. CCF is a limited liability company established in the state of New York and duly authorized to conduct business in the state of Tennessee. The Company’s principal office and mailing address are located at 8020 Katy Freeway, Houston, TX 77024.

2. CCF, then known as Crown Castle NG Central, Inc., was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide competing local telecommunications services throughout the state of Tennessee in Docket No. 13-00117.⁴

3. CCF was required to file an SMBP Plan with the Commission with its application for a CCN. In addition, CCF is required to update the SMBP Plan filed with the Commission annually, on or before April 30th.

4. CCF did not submit the annual update of its SMBP Plan for 2024, which was due April 30, 2024.

5. Commission Staff sent a reminder letter to CCF on April 1, 2024. In addition, Commission Staff left voicemails for a Company representative on May 6, 2024 and June 6, 2024. Finally, Commission Staff mailed a follow up letter requesting the Company file its annual SMBP Plan update on July 11, 2024.

³ Tenn. Code Ann. § 65-4-120 (2022).

⁴ *In re: Application of Crown Castle NG Central, Inc. for a CCN to Provide Competing Local Telecommunications Services*, Docket No. 13-00117, *Initial Order Granting CCN* (November 12-2013). *See also, In re: Notice of Proposed Pro Forma Consolidation of Crown Castle NG Central LLC and Access Fiber Group, Inc. Into Crown Castle Fiber, LLC, Including the Associated Assumption of Crown Castle NG Central LLC’s Certificate of Public Convenience and Necessity by Crown Castle Fiber, LLC*, Docket No. 18-00118, *Letter Closing Docket* (December 20-2018).

6. On July 11, 2024, a CCF representative sent an email request for an extension of time to file its SMBP Plan update until August 15, 2024.

7. As of the date of this filing, CCF has not filed its 2024 SMBP Plan annual update.

ALLEGED VIOLATIONS OF STATE LAW

8. The facts alleged in paragraphs 1 through 7 constitute a violation of Tenn. Code Ann. § 65-5-112, which states, in relevant part:

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. Competing telecommunications service providers shall file such plan with the commission with their application for a certificate. Such plan shall contain such entity's plan for purchasing goods and services from small and minority telecommunications businesses and information on programs, if any, to provide technical assistance to such businesses. All providers shall update plans filed with the commission annually.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests the Commission open a docket to consider this *Complaint and Petition to Convene a Show Cause Proceeding* and issue an Order requiring CCF to appear before the Commission to show cause why it should not be found in violation of state law the Commission should not impose civil penalties and sanctions to the maximum extent allowed by law.

Respectfully submitted,



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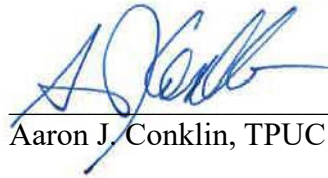
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was serve via U.S. Mail or electronic mail upon:

Crown Castle Fiber, LLC
8020 Katy Freeway
Houston, TX 77024

Crown Castle Fiber, LLC
c/o CT Corporation System, Registered Agent
300 Montvue Rd.
Knoxville, TN 37919

This the 27th day of August, 2024.



Aaron J. Conklin, TPUC Senior Counsel