

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

IN RE:)	
)	
COMPLAINT AND PETITION AGAINST)	
COMTECH 21, LLC FOR ALLEGED)	
VIOLATIONS OF THE STATUTES AND)	DOCKET NO. 24-<u>00060</u>
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 Comtech 21, LLC (“Comtech 21” 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. Comtech 21 is a corporation established in the state of Delaware. Its registration in Tennessee was revoked by the state of Tennessee in November 2002. The Company’s registered agent resigned in January 2012, leaving no registered agent for the Company. The Company’s mailing address is 1 Barnes Park South, Wallingford, CT 06492. A copy of the Business Entity Detail from the Tennessee Secretary of State is attached as Exhibit 1.

2. Comtech 21 was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide resold telecommunications services throughout the state of Tennessee in Docket No. 00-00732.⁴

3. Comtech 21 was required to file an SMBP Plan with the Commission with its application for a CCN. In addition, Comtech 21 is required to update the SMBP Plan filed with the Commission annually, on or before April 30th.

4. Comtech 21 did not file the 2024 annual update of its SMBP Plan on or before April 30, 2024.

5. Commission Staff sent a reminder letter to Comtech 21 on April 1, 2024. In addition, Commission Staff left voicemails for a Company representative on May 21, 2024 and June 26, 2024. Finally, Commission Staff mailed a follow up letter requesting the Company file its annual SMBP Plan update on July 3, 2024.

³ Tenn. Code Ann. § 65-4-120 (2022).

⁴ *In re: Comtech 21, LLC for Authority to Resell Telecommunications Services in Tennessee*, Docket No. 00-00732, *Order and Application* (March 22, 2003).

6. As of the date of this filing, Comtech 21 has not responded to the Commission Staff letters and phone calls and has not filed its 2024 SMBP Plan annual update.

ALLEGED VIOLATIONS OF STATE LAW

7. The facts alleged in paragraphs 1 through 6 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 Comtech 21 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,



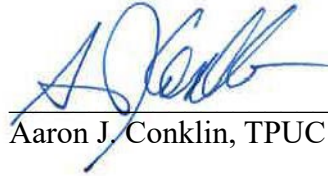
Aaron J. Conklin, #018597
Counsel for Commission Staff
502 Deaderick Street, 4th Floor
Nashville, TN 37243
(615) 770-6896
Aaron.conklin@tn.gov

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:

Comtech 21, LLC
1 Barnes Park South
Wallingford, CT 06492

This the 27th day of August, 2024.



Aaron J. Conklin, TPUC Senior Counsel

EXHIBIT 1



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: **COMTECH 21, LLC**

General Information

SOS Control #	000388462	Formation Locale:	DELAWARE
Filing Type:	Limited Liability Company - Foreign	Date Formed:	02/22/2000
	04/26/2000 10:21 AM	Fiscal Year Close	12
Status:	Inactive - Revoked (Revenue)	Member Count:	2
Duration Term:	Perpetual		
Managed By:	Member Managed		

Registered Agent Address

NO AGENT
AGENT RESIGNED OR INVALID
NASHVILLE, TN 37219

Principal Address

1 BARNES PARK SOUTH
WALLINGFORD, CT 06492

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
01/30/2012	Registered Agent Resignation	6988-1546
	Registered Agent Organization Name Changed From: THOMSON REUTERS (TAX & ACCOUNTING) INC. To: No Agent	
	Registered Agent Physical Address 1 Changed From: 992 DAVIDSON DR STE B To: AGENT RESIGNED OR INVALID	
	Registered Agent Physical County Changed From: DAVIDSON COUNTY To: DAVIDSON	
	Registered Agent Physical Postal Code Changed From: 37205-1051 To: 37219	
09/22/2010	Registered Agent Change (by Agent)	6770-3181
	Registered Agent Physical Address 1 Changed From: 7176 Forrest Oaks Drive To: 992 Davidson Drive, Suite B	
	Registered Agent Physical Postal Code Changed From: 37221 To: 37205	
03/31/2010	Registered Agent Change (by Entity)	6705-1506
	Registered Agent Organization Name Changed From: TCS CORPORATE SERVICES INC. To: THOMSON REUTERS (TAX & ACCOUNTING), INC.	
	Registered Agent Physical Address 1 Changed From: 7176 FORREST OAKS DR To: 7176 Forrest Oaks Drive	
11/21/2008	Registered Agent Change (by Agent)	6402-0829
	Registered Agent Physical Address Changed	
02/05/2004	Registered Agent Change (by Entity)	5027-0701
	Registered Agent Physical Address Changed	

Filing Information

Name: **COMTECH 21, LLC**

Registered Agent Changed

11/08/2002	Dissolution/Revocation - Revenue	4649-0049Q
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02/21/2002	2001 Annual Report	4425-1557
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11/14/2001	2001 Annual Report	4344-0672
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Member Count Changed

Fiscal Year Close Changed

10/19/2001	Notice of Determination	ROLL 4326
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09/22/2000	Registered Agent Change (by Agent)	4012-0888
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Registered Agent Physical Address Changed

04/26/2000	Initial Filing	3896-0844
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Active Assumed Names (if any)

Date

Expires
