

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 21, 2024

IN RE:

**COMPLAINT AND PETITION AGAINST COMTECH
21, LLC FOR ALLEGED VIOLATIONS OF THE
STATUTES AND RULES REGULATING SMALL AND
MINORITY-OWNED TELECOMMUNICATIONS
BUSINESS PARTICIPATION PLANS**

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**DOCKET NO.
24-00060**

ORDER REQUIRING COMTECH 21, LLC TO APPEAR AND SHOW CAUSE

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“TPUC” or the “Commission”) to consider the *Complaint and Petition to Convene a Show Cause Proceeding* (“*Petition*”) filed by Commission Staff acting as a Party in this matter (“Party Staff” or “Petitioner”) to determine whether a show cause order should be issued requiring Comtech 21, LLC (“Comtech 21” or “Company”) to appear and show cause why the Commission should not impose civil penalties and sanctions against the Company for failing to submit documentation concerning its small and minority-owned telecommunications business participation plan (“SMBP Plan”) as required by Tenn. Code Ann. § 65-5-112. For this reason, Party Staff has presented facts in its *Petition* setting forth the allegations against Comtech 21. Based thereon, Party Staff requests the issuance of a show cause order requiring Comtech 21 to appear before the Commission and show cause why it should not be liable for violations of 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 a show cause order.² In addition, 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...,” upon finding that a public utility has violated or failed to comply with regulatory requirements.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 Its registration in Tennessee was revoked by the state of Tennessee in November 2002.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 06492.⁴

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.

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.

¹ Tenn. Code Ann. § 65-1-113 (2022).

² Tenn. Code Ann. § 65-4-127(e) (2022).

³ Tenn. Code Ann. § 65-4-120 (2022).

⁴ *Complaint and Petition to Convene a Show Cause Proceeding* (August 27, 2024).

Finally, Commission Staff mailed a follow up letter requesting the Company file its annual SMBP Plan update on July 3, 2024.

6. As of the date of the filing of Party Staff's *Petition*, Comtech 21 had not responded to Commission Staff's correspondence nor had Comtech 21 filed its 2024 SMBP Plan annual update.

ALLEGED VIOLATIONS OF STATE LAW

The facts alleged above constitute a violation of Tenn. Code Ann. § 65-5-112, which states:

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.

BASED UPON THE FOREGOING INFORMATION, as presented by the Party Staff and filed in the docket, the Administrative Judge, acting pursuant to and within the scope of the authority delegated to it by the Commission, hereby determines that Comtech 21, LLC should be required to appear and show cause why it should not be found in violation of state law and the Commission should not immediately impose civil penalties and sanctions to the maximum extent allowed by law.

IT IS THEREFORE ORDERED THAT:

Comtech 21, LLC is hereby ordered and shall appear before the Tennessee Public Utility Commission during the regularly scheduled Commission Conference to be held on **December 16, 2024, at 10:00 a.m. (CST)** to show cause why the Commission should not proceed to take action against Comtech 21, LLC for the unlawful actions and omissions alleged in the *Complaint and Petition to Convene a Show Cause Proceeding*.

The Commission Conference will commence promptly, as noted above, in **Hearing Room G.201**, located on the ground floor of the **Andrew Jackson State Office Building, 502**

Deaderick Street, Nashville, Tennessee. Participants with disabilities who require special accommodations or alternate communications formats should contact the Tennessee Public Utility Commission ADA-EEO/AA Coordinator/Officer at 502 Deaderick Street, 4th Floor, Nashville, Tennessee 37243-0505, 1-800-342-8359 or TDD (615) 741-3930, so that reasonable accommodations can be made.


Monica Smith-Ashford, Administrative Judge