

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

March 10, 2025

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**

DOCKET NO. 24-00060

MOTION TO DISMISS SHOW CAUSE ORDER

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 moves to dismiss the *Order Requiring Comtech 21, LLC to Appear and Show Cause* (“*Show Cause Order*”) entered by the Administrative Judge and close the docket in this matter concerning Comtech 21, LLC (“Comtech” or “Company”). As grounds for this request, Party Staff would state as follows:

Party Staff filed its *Complaint and Petition to Convene a Show Cause Proceeding* (“*Petition*”) on August 27, 2024 alleging that Comtech had failed to comply with the annual small and minority-owned business participation (“SMBP Plan”) plan filing requirement established in Tenn. Code Ann. § 65-5-112.¹ In support of its *Petition*, Party Staff filed the Pre-Filed Direct Testimony of Carlos Black, a Utility Rate Specialist for the Commission that is the repositor of the annual SMBP Plan filings. Mr. Black testified concerning his efforts to contact Comtech and that the Company had not submitted the SMBP Plan annual update due on April 30, 2024.² The Administrative Judge entered an order requiring Comtech to appear at the regularly scheduled Commission Conference on December 16, 2024 to show cause why the Commission should not

¹ *Petition* (August 27, 2024).

² Carlos Black, Pre-Filed Direct Testimony (November 14, 2024).

sanction the Company for failure to comply with the statutory annual SMBP Plan filing requirement.³

In TPUC Docket No. 00-00732 concerning Comtech, Party Staff requested the cancellation of the Company's Certificate of Public Convenience and Necessity ("CCN") to provide resold telecommunications services for failure to file its Form UD-16 and annual inspection fee.⁴ The *Request for Cancellation* was also scheduled to be heard by the Commission at its regularly scheduled Commission Conference on December 16, 2024.⁵ At the December 16, 2024 Commission Conference, no person appeared on behalf of Comtech and the voting panel found that Comtech was appropriately noticed as required by the Uniform Administrative Procedures Act about the Hearing. The panel also found that the Company was noncompliant with the statutory annual inspection fee requirement and unanimously voted to cancel Comtech's CCN.⁶ A copy of the *Revocation Order* is attached as Exhibit 1.

Party Staff asserts that as a result of the cancellation of the Comtech's CCN in the *Revocation Order*, Comtech is no longer a certificated to provide resold telecommunications services within the State of Tennessee. Therefore, Comtech is no longer required to submit an annual update to an SMBP Plan. Party Staff asserts that it no longer desires to proceed with this docket as the matter is now moot.

³ *Show Cause Order* (November 21, 2024).

⁴ *In re: Application of Comtech 21, LLC for Authority to Provide Resell Telecommunication Services in Tennessee*, Docket No. 00-00732, *Request for Cancellation for Noncompliance* (November 15, 2024) ("*Request for Cancellation*").

⁵ *In re: Application of Comtech 21, LLC for Authority to Provide Resell Telecommunication Services in Tennessee*, Docket No. 00-00732, *Notice of Hearing* (December 6, 2024).

⁶ *In re: Application of Comtech 21, LLC for Authority to Provide Resell Telecommunication Services in Tennessee*, Docket No. 00-00732, *Order Granting Request for Cancellation for Noncompliance and Revoking Comtech 21's Certificate of Public Convenience and Necessity* (January 7, 2025) ("*Revocation Order*").

For the foregoing reasons, Party Staff respectfully requests that the Administrative Judge issue an Order dismissing the *Order Requiring Comtech 21, LLC to Appear and Show Cause* 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 served via U.S. Mail upon Comtech 21, LLC, One Barnes Park South, Wallingford, CT 06492, this the 4th day of March, 2025.



Aaron J. Conklin, TPUC Senior Counsel

EXHIBIT 1

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 7, 2025

IN RE:

**APPLICATION OF COMTECH 21, LLC FOR
AUTHORITY TO PROVIDE RESELL
TELECOMMUNICATIONS SERVICES IN
TENNESSEE**

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**DOCKET NO.
00-00732
Company ID:
128631**

**ORDER GRANTING REQUEST FOR CANCELLATION FOR NONCOMPLIANCE
AND REVOKING COMTECH 21'S CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY**

This matter came before Chairman David F. Jones, Vice Chairman John Hie, Commissioner Herbert H. Hilliard, Commissioner Clay R. Good, and Commissioner Kenneth C. Hill of the Tennessee Public Utility Commission ("TPUC" or the "Commission"), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on December 16, 2024, for consideration of the *Request for Cancellation for Non-Compliance* ("Request") filed by Commission Staff as a Party ("Party Staff"). Comtech 21, LLC ("Comtech 21" or "Company") was issued a CCN to provide resold telecommunications services by a Commission order dated March 22, 2003.¹

BACKGROUND AND REQUEST

The Company has failed to file an annual Form UD-16 and inspection fee, which was due on April 1, 2024, as required by Tenn. Code Ann. § 65-4-301(a). On July 17, 2024, Commission Staff, in accordance with the Uniform Administrative Procedures Act ("UAPA"), sent Comtech

¹ *Application and Order* (March 22, 2003).

21 a Notice via Certified Letter requesting payment of the delinquent annual inspection fees and the applicable statutory penalty and warning that failure to send payment would result in the matter being set for public hearing to cancel the Company's CCN. Subsequently, Commission Staff received the unopened Certified Letter, marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward."²

On November 15, 2024, Party Staff filed its *Request* and sent copies of the *Request* to the Company's address on file with the Commission and the address provided for the Company on its website. The Commission did not receive a response to the *Request*.

HEARING

In accordance with the requirements of Tenn. Code Ann. § 4-5-307, a public notice of the Hearing in this matter was issued by the Administrative Judge on December 6, 2024, setting the case for hearing on December 16, 2024. No persons sought intervention prior to or during the Hearing. The panel inquired whether a representative of Comtech 21 was present for the Hearing, but no person appeared on behalf of the Company. Party Staff presented the panel with a summary of the evidentiary record, which included information about the Company's delinquent annual revenue report and annual inspection fee.

FINDINGS AND CONCLUSION

During the regularly scheduled Commission Conference held on December 16, 2024, upon consideration of Party Staff's *Request*, the panel found that Comtech 21 was appropriately noticed as required by the UAPA about the Hearing. Since no person appeared on behalf of the Company, the panel found Comtech 21 in default and conducted proceedings without the participation of the party, as permitted by Tenn. Code Ann. § 4-5-309. The panel further found that Comtech 21 has

² *Request*, pp. 1-2 (November 15, 2024).

not complied with the statutory annual inspection fee requirement and that Staff's attempts to contact Comtech 21 to obtain compliance were not successful. Therefore, based upon careful consideration of the entire record in this matter, the Commissioners voted unanimously to grant and approve Party Staff's *Request* to cancel Comtech 21's CCN.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes Comtech 21, LLC to operate as a reseller of telecommunications services in the State of Tennessee, is revoked.

2. Any person(s) aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.

3. Any person(s) aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixth (60) days from the date of this Order.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman David F. Jones,
Vice Chairman John Hie,
Commissioner Herbert H. Hilliard,
Commissioner Clay R. Good, and
Commissioner Kenneth C. Hill concurring.**

None dissenting.

ATTEST:

A handwritten signature in dark ink, appearing to read "Earl Taylor" with a stylized flourish or initials "abh" to the right.

Earl R. Taylor, Executive Director