

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**Nashville, Tennessee**  
**March 28, 2002**

<b>IN RE:</b>	)	
<b>HJN Telecom, Inc.</b>	)	<b>Docket No. 98-00459</b>
<b>For Revocation of Authority to Conduct Business</b>	)	
<b>as a Public Utility in the State of Tennessee</b>	)	<b>Company ID: 128187</b>

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**ORDER REVOKING AUTHORITY TO CONDUCT  
BUSINESS AS A PUBLIC UTILITY IN THE STATE OF TENNESSEE  
FOR FAILURE TO PROVIDE SURETY BOND OR IRREVOCABLE LETTER OF  
CREDIT**

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This matter came before the Tennessee Regulatory Authority (hereafter the "Authority" or "TRA") to consider the revocation of the authority of HJN Telecom, Inc. (hereafter the "Company") to conduct business in the state of Tennessee as a public utility for failure to comply with Tenn. Code Ann. § 65-4-125. This matter was considered by the Authority at a regularly scheduled Authority Conference held on March 26, 2002.

Tenn. Code Ann. § 65-4-125(j) provides:

(j) By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority.

The Company has failed to comply with Tenn. Code Ann. § 65-4-125(j) that requires all telecommunications service providers that own and operate equipment facilities in Tennessee with a value of less than five million dollars (\$5,000,000) to file with the Authority a \$20,000 corporate surety bond or irrevocable letter of credit to secure the payment of any monetary sanction imposed in any enforcement proceeding. Notices advising each company of this requirement were mailed on August 15, 2000 via first class mail. On July 17, 2001, via certified

mail, Notice of Non-compliance was mailed to all companies that were out of compliance. The Company did not respond to these notices.

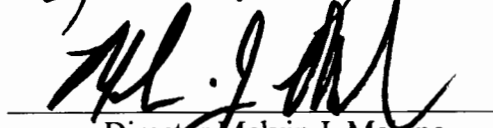
On February 11, 2002, a Notice of Cancellation (hereafter the "Notice") was sent, certified, return receipt requested, to the Company. The Notice advised the Company that if the Authority did not receive a response from the Company by March 13, 2002, regarding its failure to file with the Authority the required \$20,000 corporate surety bond or irrevocable letter of credit; its authority to transact business in the state of Tennessee as a public utility would be subject to cancellation at a regularly scheduled Authority Conference thereafter. The Company did not respond to this Notice.

**IT IS THEREFORE ORDERED THAT:**

- 1) The authority of HJN Telecom, Inc., granted in Docket No. 98-00459 to conduct business in the state of Tennessee as a public utility is hereby revoked,
- 2) Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order; and
- 3) Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

  
Chairman Sara Kyle

  
Director Lynn Greer

  
Director Melvin J. Marone

ATTEST:

  
K. David Waddell, Executive Secretary

Company ID: 00128426  
HJN Telecom, Inc.  
3235 Satellite Blvd.  
Bldg. 400, Suite 300  
Duluth, GA 30096

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, TN March 14, 2000

IN RE: CASE NUMBER: 99-00676

Application for Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee Pursuant to Rule 1220-4-2-.57.

---ORDER---

This matter is before the Tennessee Regulatory Authority upon the application of the above-mentioned company for certification as a reseller or telecommunication operator service provider in Tennessee. The TRA considered this application at a Conference held on March 14, 2000 and concluded that the applicant has met all the requirements for certification and should be authorized to provide operator services and/or resell telecommunications services on an intrastate basis.

IT IS THEREFORE ORDERED:

1. That the above-mentioned company is issued a Certificate of Convenience and Necessity as an operator service provider and/or reseller of telecommunications services for state-wide service in Tennessee as specified in its application on file with the Authority.
2. That said company shall comply with all applicable state laws and TRA rules and regulations.
3. That this order shall be retained as proof of certification with this Authority, and may be used to obtain appropriately tariffed service and billing arrangements from Authority authorized telecommunications service providers.

  
Chairman Melvin Malone

  
Director Sara Kyle

ATTEST:

  
Executive Secretary

  
Director Lynn Greer

APPLICATION FOR CERTIFICATE  
TO PROVIDE OPERATOR SERVICES  
AND/OR RESELL  
TELECOMMUNICATION SERVICES IN TENNESSEE  
[RULE 1220-4-2-57]

SECTION A

Part 1: General Information

- A. Name of Applicant HJN Telecom, Inc.  
Address 3235 Satellite Blvd., Building 400 Suite 300,  
Duluth  
State Georgia Zip Code 30096 Phone No. 770-291-2121
- B. Owner, Partners, or Corporate Officers

NAME	ADDRESS	CITY	STATE	ZIP CODE
Herb J. Newton	3235 Satellite Blvd., Building 400 Suite 300	Duluth	GA	30096
P. Bradley Clapp	3235 Satellite Blvd., Building 400 Suite 300	Duluth	GA	30096

- C. Name and telephone number of Tennessee contact person authorized to respond to Commission inquiries Monday through Friday.  
Herb J. Newton 770-291-2121 Fax: 770-614-1266
- D. List a toll-free telephone number that consumers can call to report service problems and/or request refunds or adjustments. 800-345-2214
- E. Check the type of telecommunication services you plan to provide in Tennessee.  
☐ Resell Interexchange long distance services  
☒ Operator Services  
☐ Other (describe below) \_\_\_\_\_

99-00676  
128426

(To be filled out by PSO)  
Company ID Number \_\_\_\_\_  
Date Approved \_\_\_\_\_  
Evaluator \_\_\_\_\_

Mail the completed application and a check for \$50.00 to: Tennessee Public Service Commission, PO Box 3412, Nashville, TN 37219-0412. Should you have any questions, call (615) 741-3939.

- F. If providing operator services, list company name, address and contact person for all reseller carriers you serve in Tennessee. Attached as Exhibit I.
- G. List the state(s) you are authorized to operate in at this time. Interexchange - authorized in the 48 contiguous states. Local exchange - Applicant is currently seeking authority to resell local exchange services in the 48 contiguous states.
- H. List any states that you have been denied authority to provide service. None.
- I. Areas in Tennessee to be served.  
The entire state of Tennessee.
- J. What type of customers will the company serve?  
a. Business X  
b. Residential X  
c. Aggregators  
(e.g. Hotels, Payphones)  
d. Other (specify) \_\_\_\_\_
- K. Do you allow a property imposed fee (PIF) to be added to the price of intrastate telephone calls over your network? If yes, specify amount. No
- L. Are your prices for intrastate services plus any PIF equal to or less than the dominant carriers price for similar services? Yes X No
- M. Describe the type of services and price that the applicant will be offering in Tennessee on the Informational Tariff Form found in Appendix II<sup>1</sup>. **Applicant will file a tariff with rates upon certification.**
- N. What is the applicant's 10XXX or 800 access code? Not applicable.
- O. Does the applicant now have or plan to have any telecommunication's facilities (e.g. switches, fiber lines) in Tennessee? No
- P. What facility-based network will the applicant be reselling?  
Incumbent Local Exchange Carriers
- Q. Will the applicant be utilizing the local telephone company's billing system or bill customers direct<sup>2</sup>? The Applicant intends to utilize the incumbent local telephone company's billing system.
- R. Describe briefly how the applicant plans to market their services in Tennessee? If an independent telemarketer is going to be used, state company name and address. Applicant intends to market primarily to small to mid-sized businesses.

<sup>1</sup>Applicant is required to fill out an Informational Tariff form. Failure to fill out this form will cause the applicant's request to be rejected.

<sup>2</sup>A copy of a bill is required if the applicant is going to bill the customers direct.

- S. Describe the procedures the applicant will use to switch a consumer's preferred interexchange service. Applicant will get a letter of agency for all customers.
- T. Applicant has the ability and agrees to honor the form of call blocking that the consumer has subscribed to with their local telephone company. Yes X No
- U. Applicant gives permission to the local telephone company to provide the Commission a periodic sample of the reseller's intrastate toll calls. The purpose of this analysis is to audit the reseller's rates to assure they are at or below the dominant carrier's tariffed rates. Yes X No

## Part II: Organization Structure

### A. Type of Organization

       Individual              X   Corporation  
       Partnership              Other (Explain on separate sheet)

### B. If partnership and/or Non-resident

- (1) Attach a copy of Articles of Incorporation and current by-laws.
- (2) Attach a copy of Certification of Authority issued by Tennessee Secretary of State showing corporation's authority to engage in business in Tennessee.

**Attached as Exhibit III and IV**

## Part III: Financial Information

- A. Attach a current financial statement showing in detail the applicant's financial condition, including balance sheet and income statement, or a copy of IRS form 1120 or 1065 filed by your business for the previous year. Attach, if available, a copy of your company's 10K and/or stockholder reports.
- Applicant's financials attached as Exhibit V**

## Part IV: Display Card

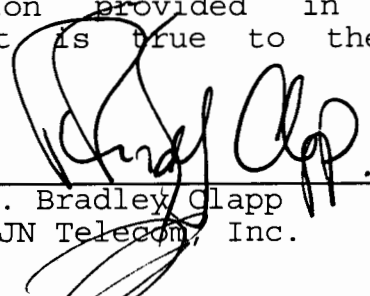
~~Attach a copy of the display card to be placed on the aggregators telephone which shows what operator services are to be provided. The card must contain all required information listed in the attached Rule (1220-4-2-.57,B)<sup>3</sup>, which includes a toll-free number consumers can call for service problems and refunds.~~

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<sup>3</sup>It is the responsibility of the reseller or operator service provider to assure that the appropriate display card is affixed to the aggregates telephones.

Part V: Rule Compliance Agreement

A. The Local Exchange Reseller or Operator Service Provider applicant, hereby, affirms the following:

- \* Has received, read, and understands the Tennessee Public Service Commission's (TPSC) Local Exchange Reseller Rules and Regulations, (Appendix III)
- \* Understands the penalties for non-compliance, and all associated fees to provide such service.
- \* Will comply with the TPSC Local Exchange Reseller Rules and all other applicable Commission Rules and state laws, including T.C.A. Section 65-5-206 (Appendix IV),
- \* That all information provided in the attached registration document is true to the best of my knowledge.

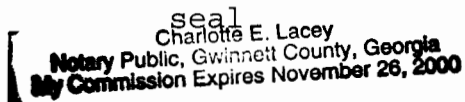
  
\_\_\_\_\_  
P. Bradley Clapp  
HJN Telecom, Inc.

8/20/99  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Lance Steinhart, Regulatory Counsel

Subscribed and sworn  
before me this 20<sup>th</sup> day  
of August, 1999.

  
\_\_\_\_\_  
Notary Public



**HJN TELECOM, INC.**  
**ARTICLES OF INCORPORATION**

**ARTICLE I**

The name of the Corporation is HJN Telecom, Inc.

**ARTICLE II**

The Corporation shall be authorized to issue One Thousand (1,000) shares of stock.

**ARTICLE III**

The initial registered office of the Corporation shall be at 6455 East Johns Crossing, Suite 285, Duluth, Georgia 30097 in Fulton County. The initial registered agent of the Corporation at such address shall be Lance J.M. Steinhart.

**ARTICLE IV**

The name and address of the Incorporator is:


Lance J.M. Steinhart  
6455 East Johns Crossing  
Suite 285  
Duluth, Georgia 30097

**ARTICLE V**

The mailing address of the initial principal office of the Corporation is:

3235 Satellite Boulevard, Building 400, Suite 300  
Duluth, Georgia 30096

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation.

  
\_\_\_\_\_  
Lance J.M. Steinhart  
Incorporator

SECRETARY OF STATE

JUN 15 1 59 PM '90



**Secretary of State**  
**Corporations Section**  
**James K. Polk Building, Suite 1800**  
**Nashville, Tennessee 37243-0306**

DATE: 06/23/98  
REQUEST NUMBER: 3526-3271  
TELEPHONE CONTACT: (615) 741-0537  
FILE DATE/TIME: 06/23/98 1028  
EFFECTIVE DATE/TIME: 06/23/98 1028  
CONTROL NUMBER: 0353060

TO:  
LANCE J.M. STEINHART  
6455 E. JOHNS XING  
SUITE 285  
DULUTH, GA 30155-1553

RE:  
HJN TELECOM, INC.  
APPLICATION FOR CERTIFICATE OF AUTHORITY -  
FOR PROFIT

WELCOME TO THE STATE OF TENNESSEE. THE ATTACHED CERTIFICATE OF  
AUTHORITY HAS BEEN FILED WITH AN EFFECTIVE DATE AS INDICATED ABOVE.

A CORPORATION ANNUAL REPORT MUST BE FILED WITH THE SECRETARY OF STATE  
ON OR BEFORE THE FIRST DATE OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE  
CORPORATION'S FISCAL YEAR. PLEASE PROVIDE THIS OFFICE WITH WRITTEN  
NOTIFICATION OF THE CORPORATION'S FISCAL YEAR. THIS OFFICE WILL MAIL THE  
REPORT DURING THE LAST MONTH OF SAID FISCAL YEAR TO THE CORPORATION AT THE  
ADDRESS OF ITS PRINCIPAL OFFICE OR TO A MAILING ADDRESS PROVIDED TO THIS  
OFFICE IN WRITING. FAILURE TO FILE THIS REPORT OR TO MAINTAIN A REGISTERED  
AGENT AND OFFICE WILL SUBJECT THE CORPORATION TO ADMINISTRATIVE REVOCATION  
OF ITS CERTIFICATE OF AUTHORITY.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR  
FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

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FOR: APPLICATION FOR CERTIFICATE OF AUTHORITY -  
FOR PROFIT

ON DATE: 06/23/98

FROM:  
LANCE J. M. STEINHART, ATTY AT LAW  
1100 ABERNATHY RD.  
SUITE 1112  
ATLANTA, GA 30328-0000

RECEIVED: FEES \$600.00 \$0.00  
TOTAL PAYMENT RECEIVED: \$600.00

RECEIPT NUMBER: 00002329481  
ACCOUNT NUMBER: 00240720



*Riley C. Darnell*

RILEY C. DARNELL  
SECRETARY OF STATE

# APPLICATION FOR CERTIFICATE OF AUTHORITY FOR

HJN Telecom, Inc.

To the Secretary of State of the State of Tennessee:

Pursuant to the provisions of Section 48-25-103 of the Tennessee Business Corporation Act, the undersigned corporation hereby applies for a certificate of authority to transact business in the State of Tennessee, and for that purpose sets forth:

1. The name of the corporation is HJN Telecom, Inc.

If different, the name under which the certificate of authority is to be obtained is \_\_\_\_\_

[NOTE: The Secretary of State of the State of Tennessee may not issue a certificate of authority to a foreign corporation for profit if its name does not comply with the requirements of Section 48-14-101 of the Tennessee Business Corporation Act. If obtaining a certificate of authority under an assumed corporate name, an application must be filed pursuant to Section 48-14-101(d).]

2. The state or country under whose law it is incorporated is Georgia

3. The date of its incorporation is 6/15/98 (must be month, day, and year), and the period of duration, if other than perpetual, is \_\_\_\_\_

4. The complete street address (including zip code) of its principal office is 3235 Satellite Boulevard, Building 400, Suite 300, Duluth, GA 30096

Street	City	State/Country	Zip Code
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5. The complete street address (including the county and the zip code) of its registered office in this state is			
1912 Hayss Street,	Nashville,	Davidson	37203
Street	City/State	County	Zip Code

The name of its registered agent at that office is

National Registered Agents, Inc.

6. The names and complete business addresses (including zip code) of its current officers are: (Attach separate sheet if necessary.)

Herb J. Newton, 3235 Satellite Blvd, Bdg 400, Ste 300, Duluth, GA 30096  
C. Bradley Clapp, 3235 Satellite Blvd, Bdg 400, Ste 300, Duluth, GA 30096

7. The names and complete business addresses (including zip code) of its current board of directors are: (Attach separate sheet if necessary.)

Herb J. Newton, 3235 Satellite Blvd, Bdg 400, Ste 300, Duluth, GA 30096

8. The corporation is a corporation for profit.

9. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is

\_\_\_\_\_, 19\_\_\_\_ (date), \_\_\_\_\_ (time).

[NOTE: A delayed effective date shall not be later than the 90th day after the date this document is filed by the Secretary of State.]

[NOTE: This application must be accompanied by a certificate of existence (or a document of similar import) duly authenticated by the Secretary of State or other official having custody of corporate records in the state or country under whose law it is incorporated. The certificate shall not bear a date of more than one (1) month prior to the date the application is filed in this state.]

June 18, 1998

Signature Date

President

Signer's Capacity

HJN Telecom, Inc.

Name of Corporation

Signature

Herb J. Newton