

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:)	
)	
APPLICATION OF PREMIERCOM, INC. D/B/A)	
PREMIERCOM MANAGEMENT COMPANY FOR)	DOCKET NO.
AUTHORITY TO PROVIDE RESELL)	98-00666
TELECOMMUNICATIONS IN TENNESSEE)	

REQUEST FOR CANCELLATION FOR NONCOMPLIANCE

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff acting as a Party (“Party Staff”) by and through counsel and requests that the Commission enter an order canceling the Certificate of Public Convenience and Necessity (“CCN”) issued to OPEX COMMUNICATIONS, INC. (“OPEX” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to OPEX, whose mailing address on file with the Commission is 3777 Long Beach Blvd., Ste. 400, Long Beach, CA 90807,¹ that a hearing is scheduled for May 20, 2024 to consider the cancellation of the CCN issued to OPEX for noncompliance with statutory requirements. OPEX shall appear and give evidence of reasons the Commission should not cancel the Company’s CCN.

Tenn. Code Ann. § 65-4-301(a) provides:

Every public utility doing business in this state and subject to the control and jurisdiction of the commission to which this chapter applies, shall pay to the state on or before April 1 of each year, a fee

¹ According to information obtained from the Secretary of State, the Company’s mailing address is P.O. Box 720128, Oklahoma City, OK 7312-0128. The Registered Agent for OPEX is C T Corporation System, 300 Montvue Road, Knoxville, TN 37919-5546. Copies of this filing have been mailed the Company mailing address and to the Registered Agent in addition to the address on file with the Commission.

for the inspection, control and supervision of the business, service and rates of such public utility.

In accordance with Tenn. Code Ann. § 65-4-303, the annual inspection fee is based upon the intrastate revenues for the previous year. Further, the section establishes the minimum inspection fee for telecommunications service companies at \$100.² Tenn. Code Ann. § 65-4-308 provides for a penalty of 10% per month, or fraction thereof, for inspection fees not received by April 1.

OPEX³ was issued a CCN by a Commission order dated March 27, 2012 in Commission Docket No. 98-00666.⁴ The Company's Form UD-16 ("Computation of Gross Receipts and Calculation of Inspection Fee") together with payment of the applicable inspection fee was due on or before April 1, 2020. In addition, Form UD-16 became due on April 1 of each subsequent year from 2021 to 2024.⁵ Commission Staff sent a letter to the company on May 11, 2021, July 27, 2021, May 25, 2022, and May 18, 2023 advising the Company that the Form UD-16s and annual inspection fees were not received by the Commission and that a penalty would be assessed from the due date through the date payment is received. In addition, Commission sent a Certified Letter with return receipt requested to the Company, dated September 29, 2023, concerning the unpaid annual inspection fee and the statutory penalty, as well as advising that if payment is not received by November 1, 2023, the matter would be set for public hearing during a regular Commission Conference for cancellation of the Company's CCN. Commission Staff received the unopened,

² Tenn. Code Ann. § 65-4-303(c)(2)(d) (2022).

³ The Company was known as Premiercom, Inc. d/b/a Premiercom Management Company when it applied for a CCN. The Company submitted a petition requesting to change its name to OPEX Communications, Inc. which was approved in Docket No. 99-00680. *See In re: Petition for Approval of the Name Change of Premiercom Management Company to OPEX Communications, Inc.*, Docket No. 99-00680, *Petition and Order* (September 28, 1999). Additionally, the Commission approved a transaction whereby Total Call International, Inc. assumed ownership and control of OPEX. *See In re: Petition of OPEX Communications, Inc. Premiercom Management Company and Total Call International, Inc. for Approval of a Change in Ownership of an Authorized Telecommunications Provider*, Docket No. 07-00023, *Order Approving Transfer of Authority* (July 12, 2007).

⁴ *Order and Application* (November 3, 1998).

⁵ OPEX last submitted a UD-16 and annual inspection fee in March 2019, which was received by the TPUC on March 29, 2019.

returned Certified Letter, marked “Forward Time Expired, Return to Sender” on October 17, 2023.⁶

As evidenced above, Commission Staff has made several attempts to contact the Company in order to obtain the required Form UD-16s and to collect payment of the annual inspection fees required by statute. The Company continues to be noncompliant in the filing of Form UD-16s and the payment of its annual inspection fees. The Company should appear and state reasons why the Company’s CCN should not be canceled at the May 20, 2024 Commission Conference.

Notice is hereby given to the Company that should it remain noncompliant and/or fail to appear at the Commission Conference, the Commission may find the Company in default and may issue an order canceling the Company’s CCN.

For the reasons stated above, Party Staff respectfully requests that the Commission issue an order canceling the CCN issued to OPEX for noncompliance with statutory requirements.

Respectfully Submitted,




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⁶ The Return to Sender label also included an address, presumed to be the forwarding address, of 1677 E 28th St., Signal Hill, CA 90755-1922.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Cancellation for Noncompliance has been served upon OPEX Communications, Inc., 3777 Long Beach Blvd., Ste. 400, Long Beach, CA 90807; 1677 E 28th St., Signal Hill, CA 90755-1922; and P.O. Box 720128, Oklahoma City, OK 73172-0128 and to its Registered Agent, C T Corporation System, 300 Montvue Road, Knoxville, TN 37919-5546 on this the 16th day of April, 2024.



Aaron J. Conklin