

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

May 30, 2024

IN RE:)	DOCKET NO.
)	98-00666
PREMIERCOM, INC, D/B/A PREMIERCOM)	
MANAGEMENT COMPANY FOR AUTHORITY TO)	Company ID:
PROVIDE RESELL TELECOMMUNICATIONS IN)	128244
TENNESSEE)	

ORDER REVOKING RESELL AUTHORITY FOR NON-COMPLIANCE

This matter came before Chairman Herbert H. Hilliard, Vice Chairman David F. Jones, Commissioner Clay R. Good, Commissioner Kenneth C. Hill, and Commissioner David Crowell 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 May 20, 2024. OPEX Communications, Inc.¹ (“OPEX” or “Company”) was issued a Certificate of Public Convenience and Necessity (“CCN”) to provide competing local telecommunication services in Tennessee by Commission order dated March 27, 2012.²

BACKGROUND AND REQUEST

The Company has failed to file its Form UD-16 and annual inspection fee that were due by April 1st of 2020, 2021, 2022, and 2023 as required by Tenn. Code Ann. § 65-4-301(a).³ On September 29, 2023, Commission Staff (“Staff”), in accordance with the Uniform Administrative

¹ The Company was known as Premiercom, Inc. d/b/a Premiercom Management Company when it initially applied for a CCN and was granted approval by the Commission to change its name to OPEX Communications, Inc. in Docket No. 99-00680 (September 28, 1999). Further, the Commission approved a transaction whereby Total Call International, Inc. assumed ownership and control of OPEX in Docket No. 07-000023 (July 12, 2007).

² *Order and Application* (November 3, 1998).

³ “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 for the inspection, control and supervision of the business, service and rates of such public utility.”

Procedures Act (“UAPA”), sent OPEX a Notice via Certified Letter requesting payment of the delinquent annual inspection fees and the applicable statutory penalty and advising that failure to send payment would result in the matter being set for public hearing for cancellation of the Company’s CCN. The Certified Letter was returned marked “Forward Time Expired, Return to Sender.” On April 16, 2024, Staff filed a *Request for Cancellation for Noncompliance* (“*Request*”). Staff sent copies of the *Request* to the Company’s address on file with the Commission, the Company’s principal and mailing address on file with the Tennessee Secretary of State, and the Company’s Registered Agent. 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 May 10, 2024 setting the case for Hearing on May 20, 2024. No persons sought intervention prior to or during the Hearing. The panel inquired whether a representative of OPEX was present for the Hearing, but no person appeared on behalf of the Company. Commission Staff presented a summary of the evidentiary record, providing information about the Company’s delinquent annual revenue reports and annual inspection fees.

FINDINGS AND CONCLUSION

During the regularly scheduled Commission Conference held on May 20, 2024, upon consideration of Staff’s *Request*, the panel found that OPEX was appropriately noticed as required by UAPA about the Hearing. Since no person appeared on behalf of the Company, the panel found OPEX 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 OPEX has not complied with the statutory annual inspection fee requirement and that Staff’s attempts to contact OPEX 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 Staff's *Request* to cancel OPEX's CCN.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity, which authorizes OPEX Communications, Inc., to operate as a telecommunications services provider in the State of Tennessee, is revoked.

2. Any person who is 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 who is 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 sixty (60) days from the date of this Order.

**Chairman Herbert H. Hilliard,
Vice Chairman David F. Jones,
Commissioner Clay R. Good,
Commissioner Kenneth C. Hill, and
Commissioner David Crowell concur.**

None dissent.

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