

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

IN RE:)	
)	
APPLICATION OF TRANS NATIONAL)	
COMMUNICATIONS INTERNATIONAL, INC. FOR)	DOCKET NO.
AUTHORITY TO PROVIDE RESELL)	99-00730
TELECOMMUNICATION SERVICES IN TENNESSEE)	
)	
AND)	
)	
IN RE:)	
)	
PETITION OF TRANS NATIONAL)	
COMMUNICATIONS INTERNATIONAL, INC. FOR)	DOCKET NO.
AUTHORITY TO PROVIDE RESOLD FACILITIES-)	05-00147
BASED LOCAL EXCHANGE SERVICE WITHIN)	
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 TNCI OPERATING COMPANY, LLC (“TNCI” or “Company”) for noncompliance with statutory requirements. In support of its request, Party Staff would state as follows:

Notice is hereby given to TNCI, whose mailing address provided to the Commission is 2 Charlesgate West, Boston, MA 02215,¹ that a hearing is scheduled for May 20, 2024 to consider

¹ According to information obtained from the Secretary of State, the Company’s principal office is located at 114 E. Haley St., Ste. A, Santa Barbara, CA 93101-2347, and its mailing address is 433 Las Colinas Blvd., E., Ste. 500, Irving, TX 75039-5654. The Company has no Registered Agent. Copies of this filing have been mailed to each of these addresses in addition to the address on file with the Commission.

the cancellation of the CCN issued to TNCI for noncompliance with statutory requirements. TNCI 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 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.

Trans National Communications International, Inc. was issued a CCN to provide resold telecommunications service by a Commission order dated June 6, 2000 in Commission Docket No. 99-00730.³ In addition, Trans National Communications International, Inc. was issued a CCN to provide facilities-based telecommunications services by a Commission order dated October 5, 2005.⁴ Subsequent to a Company reorganization through a bankruptcy proceeding, both CCNs of Trans National Communications International, Inc. were transferred to TNCI by a Commission order dated September 4, 2013.⁵

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

³ *In re: Application of Trans National Communications International, Inc. for Authority to Provide Resell Telecommunication Services in Tennessee*, Docket No. 99-00730, *Application and Order* (June 6, 2000).

⁴ *In re: Petition of Trans National Communications International, Inc. for Authority to Provide Resold Facilities-Based Local Exchange Service within Tennessee*, Docket No. 05-00147, *Initial Order Granting CCN* (October 5, 2005).

⁵ *In re: Joint Application of TNCI Operating Company, LLC and Trans National Communications International, Inc. (Debtor-In-Possession), Assignor, for Approval of Assignee to Acquire the Customers and Certain Assets, Including the Certificates of Public Convenience and Necessity, of Assignor*, Docket No. 13-00065, *Order Approving Transfer of Authority* (September 4, 2013).

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, 2019. In addition, Form UD-16 became due on April 1 of each of the subsequent years after 2019 through the current year, 2024.⁶ Commission Staff sent letters to the Company on May 2, 2019, September 2, 2020, May 11, 2021, July 27, 2021, May 25, 2022, and May 18, 2023 advising the Company that the delinquent 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 fees and the statutory penalties, 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 Certified Letter, marked "Return to Sender, Vacant, Unable to Forward," on October 17, 2023.

In addition, Tenn. Code Ann. § 65-5-112 requires telecommunications service providers to submit a small and minority-owned telecommunications business participation plan ("SMTB Plan") to the Commission and to update the SMTB Plan with the Commission annually. TNCI has a SMTB Plan on file with the Commission, as submitted with its petition in Docket No. 05-00147.⁷ TNCI last filed an update to its SMTB Plan in April 2017. Commission Staff sent a letter on April 1, 2023 requesting that the annual update to the SMTB Plan be submitted. Commission Staff sent an email to a TNCI contact on June 29, 2023 following up on the April 1, 2023 letter. To date, TNCI has not provided the required annual update to its SMTB Plan.

⁶ TNCI last filed a UD-16 form and annual inspection fee in 2018, said documentation and fee received by TPUC on March 29, 2018.

⁷ *In re: Petition of Trans National Communications International, Inc. for Authority to Provide Resold Facilities-Based Local Exchange Service within Tennessee*, Docket No. 05-00147, *Petition*, Exh. G, (May 5, 2005).

As evidenced above, Commission Staff has made several attempts to contact the Company, to obtain the required Form UD-16, to collect payment of the annual inspection fee, and to obtain the annual update to the Company's SMTB Plan as required by statute. The Company continues to be noncompliant in the filing of Form UD-16, the payment of its annual inspection fee, and the submission of its annual update to its SMTB Plan. 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 TNCI for noncompliance with statutory requirements.


Respectfully Submitted,



Aaron J. Conklin, Senior Counsel
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
(615) 770-6896
Aaron.conklin@tn.gov

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 TNCI Operating Company, LLC, 2 Charlesgate West, Boston MA 02215; 114 E. Haley St., Ste. A, Santa Barbara, CA 93101-2347; and 433 Las Colinas Blvd., E., Ste. 500, Irving, TX 75039-5654 on this the 16th day of April, 2024.



Aaron J. Conklin