



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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MEMORANDUM OF DISMISSAL

TO: Airnex Communications, Inc.

FROM: Kerri DeYoung Phillips, Counsel, Competition Division

RE: D.T.C. 11-AR

Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G. L. c. 159, §§ 12, 32, and 39, and G. L. c. 166, §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2005, 2006, 2007, 2008, and/or 2009

DATE: March 7, 2013

On December 2, 2011, the Department of Telecommunications and Cable (“Department”) issued its Notice of Investigation and Hearing (“Notice”) in docket D.T.C. 11-AR, regarding the failure of several named telecommunications carriers to file annual returns for calendar years 2005, 2006, 2007, 2008, and/or 2009. The Notice directed affected companies to respond by February 10, 2012, with information, in part, on whether the company could produce the annual returns, whether the failure to file was reasonable, and whether the company provided telecommunications services within the Commonwealth during the relevant calendar years.

The Department’s records in D.T.C. 11-AR-90 indicate that Airnex Communications, Inc. (“Airnex”) was delinquent on its 2007, 2008, and 2009 annual returns. Although late-filed, Airnex has subsequently submitted annual returns for 2007, 2008, and 2009.

As Airnex has now complied with the Notice in this matter, D.T.C. 11-AR-90 is hereby dismissed.

/s/ Kerri DeYoung Phillips
Kerri DeYoung Phillips, Esq.
Hearing Officer