



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

D.T.C. 19-AR

November 4, 2020

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 2016 and/or 2017.

FINAL ORDER

<u>Docket #</u>	<u>Carrier</u>	<u>Year(s) of Delinquency</u>	<u>Massachusetts Secretary of the Commonwealth Status¹</u>
DTC-19-AR-1	Advanced Telecommunication Network, Inc.	2016, 2017	Involuntary Revocation 03/31/2008
DTC-19-AR-2	Airnex Communications, Inc.	2016, 2017	Involuntary Revocation 06/28/2018
DTC-19-AR-4	American Payphone Services, Inc.	2016, 2017	Voluntary Dissolution 03/05/2020
DTC-19-AR-5	Association Administrators, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-7	BetterWorld Telecom, LLC	2017	Registered/active
DTC-19-AR-8	Bigredwire.com, Inc.	2016, 2017	No Records Found
DTC-19-AR-10	BT Communications Sales LLC	2017	Dissolution 04/30/2009 Revived 08/28/2009
DTC-19-AR-11	Business Discount Plan, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-12	CapeNet, LLC	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-14	Churchill Investments, Inc.	2016, 2017	No Records Found
DTC-19-AR-15	Encompass Communications, LLC	2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-16	Flyp Communications, Inc.	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-17	Gardner Post No. 129 American Legion, Inc.	2017	Registered/active

¹ Massachusetts Secretary of the Commonwealth (“SOC”) records, Federal Communications Commission (“FCC”) records, Department of Telecommunications and Cable (“Department”) tariff and Statement of Business Operations records are contained in Appendix 1; and calculation of forfeitures are contained in Appendix 2. Carrier records in these Exhibits are in alphabetical order.

DTC-19-AR-18	Genesis Fiber Communications, LLC	2016	Cancellation 12/31/2018
DTC-19-AR-19	GPCS Fiber Communications, LLC	2016, 2017	Involuntary Dissolution 06/30/2016
DTC-19-AR-21	Impact Telecom, Inc.	2016, 2017	Withdrawn 09/27/2016
DTC-19-AR-22	IMR Telecom	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-23	iNetworks Group, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-25	Leon A. Cote aka Lighthouse ATM	2017	Involuntary Dissolution 06/30/2015
DTC-19-AR-26	Locus Telecommunications, Inc. aka Locus Corporation	2016, 2017	Registered/active
DTC-19-AR-27	LoTel, Inc.	2016, 2017	Involuntary Revocation 03/31/2008
DTC-19-AR-28	Miracle Communications, Inc.	2017	Involuntary Revocation 06/30/2017
DTC-19-AR-29	NECC Telecom, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-30	Net One International, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-31	NetTalk.com, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-32	Netwolves Network Services, LLC	2016, 2017	Registered/active
DTC-19-AR-34	Network Enhanced Technologies, Inc.	2016, 2017	Withdrawn 02/27/2017
DTC-19-AR-35	New England Municipal Telephone Associates, LLC	2016, 2017	Withdrawn 06/30/2015 Revived 06/06/2017
DTC-19-AR-36	NMG Telecom, LLC	2016, 2017	Involuntary Dissolution 06/30/2016
DTC-19-AR-37	Norfolk County Internet, Inc.	2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-38	NUTEL Communications, Inc.	2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-39	OneLink Communications, Inc.	2016, 2017	Registered/active
DTC-19-AR-41	Payphone, LLC	2016, 2017	Involuntary Dissolution 06/30/2017
DTC-19-AR-42	Primus Telecommunications, Inc.	2016	Involuntary Dissolution 06/30/2017
DTC-19-AR-43	Public Interest Network Services, Inc.	2016, 2017	Involuntary Dissolution 06/30/2014
DTC-19-AR-44	Public Wireless, Inc.	2016, 2017	Involuntary Revocation 06/30/2017

DTC-19-AR-45	Pulse Telecom, LLC	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-46	Regal Auto Parts, Inc.	2016, 2017	Registered/active
DTC-19-AR-47	Reliance Globalcom Services, Inc. aka Yipes Enterprise Services, Inc.	2017	Registered/active
DTC-19-AR-48	RRV Enterprises, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-49	STI Telecom, Inc.	2016, 2017	Involuntary Dissolution 06/30/2017
DTC-19-AR-51	Symbiont, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-52	Telecare, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-53	Tele Circuit Network Corp.	2016, 2017	No Records Found
DTC-19-AR-54	Teledias Communications, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-55	Teletrust, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-56	TeleUno, Inc.	2016	Registered/active
DTC-19-AR-58	Total Access Telecom, Inc.	2017	Withdrawn 03/14/2018
DTC-19-AR-59	Total Call International, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-60	TTUSA Acquisition, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-61	Vitcom LLC	2016, 2017	Registered/active
DTC-19-AR-64	Wing Kueng Corporation	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-65	Worldwide Marketing Solutions, Inc.	2016, 2017	Registered/active
DTC-19-AR-66	Yak Communications (America) Inc.	2016, 2017	Involuntary Revocation 06/30/2016

I. INTRODUCTION

Each carrier that is the subject of this Order was a registered carrier with the Department during the years in question and was therefore required to file an annual return with the Department. *Delinquent annual returns for calendar years 2016 and/or 2017*, D.T.C. 19-AR, *Order Opening Investigation* (Dec. 20, 2019) (“*Order Opening Investigation*”) at 2. According to the Department’s records, each of the above-captioned telecommunications common carriers

failed to timely file annual returns for calendar years 2016 and/or 2017.

In this Order, the Department determines that American Payphone Services, Inc. (“American Payphone”); BetterWorld Telecom, LLC (“BetterWorld”); BT Communications Sales LLC (“BT”); Encompass Communications, LLC (“Encompass”); Flyp Communications, Inc. (“Flyp”); Gardner Post No. 129 American Legion, Inc., Department of Massachusetts (“Gardner”); Genesis Fiber Communications, LLC (“Genesis Fiber”); NetWolves Network Services, LLC (“Netwolves”); Network Enhanced Technologies, Inc. (“Network Enhanced”); New England Municipal Telephone Associates, LLC (“New England Municipal”); Pulse Telecom, LLC (“Pulse”); Regal Auto Parts, Inc. (“Regal”); Vitcom LLC (“Vitcom”); and Worldwide Marketing Solutions, Inc. (“Worldwide”) (collectively, the “14 carriers”) have outstanding delinquent annual returns due to the Department and were doing business in the Commonwealth in the year(s) for which those annual returns were due. *See* G.L. c. 166, § 11. Accordingly, the Department cancels each of these carriers’ registrations and intrastate tariffs on file with the Department to the extent they were not already canceled, assesses forfeitures against each of these 14 carriers, and will refer its findings to the Attorney General for enforcement. *See* G.L. c. 159, § 39; G.L. c. 166, § 12. These 14 carriers will no longer have legal authority to provide telecommunications services in the Commonwealth.

In addition, the Department finds that Advanced Telecommunication Network, Inc. (“Advanced”); Airnex Communications Inc. (“Airnex”); Association Administrators Inc. (“Association”); Bigredwire.com, Inc. (“Bigredwire”); Business Discount Plan, Inc. (“Business Discount”); CapeNet, LLC (“CapeNet”); Churchill Investments Inc. (“Churchill”); GPCS Fiber Communications, Inc. (“GPCS”); Impact Telecom, Inc. (“Impact”); IMR Telecom (“IMR”); iNetworks Group, Inc. (“iNetworks”); Leon A. Cote aka Lighthouse ATM (“Leon Cote”); Locus

Telecommunications, Inc. (“Locus”); LoTel Inc. (“LoTel”); Miracle Communications, Inc. (“Miracle”); NECC Telecom, Inc. (“NECC”); Net One International, Inc. (“Net One”); NetTalk.com, Inc. (“NetTalk”); NMG Telecom, LLC (“NMG”); Norfolk County Internet, Inc. (“Norfolk”); NUTEL Communications, Inc. (“Nutel”); OneLink Communications, Inc. (“OneLink”); Payphone, LLC (“Payphone”); Public Interest Network Services, Inc. (“Public Interest”); Public Wireless, Inc. (“Public Wireless”); Primus Telecommunications, Inc. (“Primus”); RRV Enterprises Inc. (“RRV”); Reliance Globalcom Services, Inc. (“Reliance”); STI Telecom Inc. (“STI”); Symbiont, Inc. (“Symbiont”); Telecare, Inc. (“Telecare”); Tele Circuit Network Corp. (“Tele Circuit”); Teledias Communications, Inc. (“Teledias”); Teletrust, Inc. (“Teletrust”); TeleUno, Inc. (“TeleUno”); Total Access Telecom, Inc. (“Total Access”); Total Call International, Inc. (“Total Call”); TTUSA Acquisition, Inc. (“TTUSA”); Wing Kueng Corporation (“Wing Kueng”); and Yak Communications (America), Inc. (“Yak”) have outstanding delinquent annual returns due to the Department but were not doing business in the Commonwealth in the year(s) for which those annual returns were due. *See* G.L. c. 166, § 11. Accordingly, the Department cancels these carriers’ registrations and intrastate tariffs on file with the Department to the extent they have not already been canceled in previous orders.

Due to their delinquencies, the Department also directs the removal of public access line services from the payphones of American Payphone; Churchill; Gardner; IMR; iNetworks; Leon Cote; Nutel; Payphone; Regal; Symbiont; Teletrust; and Wing Kueng, to the extent such services have not already been removed.

II. PROCEDURAL HISTORY

On December 20, 2019, the Department opened investigations into the failure of certain named telecommunications carriers to file annual returns for calendar year 2016 and/or 2017.

Order Opening Investigation. The Department simultaneously issued a Notice of Investigation. *Delinquent annual returns for calendar years 2016 and/or 2017*, D.T.C. 19-AR, *Notice of Investigation & Opportunity for Hearing* (Dec. 20, 2019) (“*Notice*”). The Department published a copy of the *Notice* in the *Boston Globe* on December 30, 2019 and the *Republican* on January 10, 2020. In the *Order Opening Investigation* and *Notice*, the Department directed each of the named carriers to respond in writing:

1. Did the company file the annual return for the relevant calendar year(s)? If so, provide a copy of the annual return(s) and documentation of the filing(s). If not, explain why the company did not file the annual returns(s), and state whether the failure to file is reasonable. If the failure to file is stated as reasonable, explain why.
2. Did the company provide telecommunications services in Massachusetts during the relevant calendar year(s)?
3. If applicable, state whether the Secretary of the Commonwealth has reinstated the company’s authority to do business within the Commonwealth.
4. If applicable, provide the current company address, contact information, and an amended tariff and Statement of Business Operations reflecting that change.

Order Opening Investigation at 7; *Notice* at 3. The Department dismissed the investigations of 13 carriers that responded to the *Notice* and cured their delinquencies. Memo of Dismissal, D.T.C. 19-AR-3; D.T.C. 19-AR-9; D.T.C. 19-AR-24; D.T.C. 19-AR-40; D.T.C. 19-AR-50; D.T.C. 19-AR-63; D.T.C. 19-AR-67 (Feb. 18, 2020); Memo of Dismissal, D.T.C. 19-AR-13; D.T.C. 19-AR-20; D.T.C. 19-AR-62 (Mar. 10, 2020); Memo of Dismissal, D.T.C. 19-AR-57 (Apr. 30, 2020); Memo of Dismissal, D.T.C. 19-AR-33 (Aug. 28, 2020); Memo of Dismissal, D.T.C. 19-AR-6 (Oct. 9, 2020). The year(s) for which the remaining carriers subject to this investigation did not file an annual return are as follows:

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DTC-19-AR-2	Airnex Communications, Inc. dba Next Focus, Inc.	2016, 2017	Involuntary Revocation 06/28/2018
DTC-19-AR-4	American Payphone Services, Inc.	2016, 2017	Voluntary Dissolution 03/05/2020
DTC-19-AR-5	Association Administrators, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-7	BetterWorld Telecom, LLC	2017	Registered/active
DTC-19-AR-8	Bigredwire.com, Inc.	2016, 2017	No Records Found
DTC-19-AR-10	BT Communications Sales LLC	2017	Dissolution 04/30/2009 Revived 08/28/2009
DTC-19-AR-11	Business Discount Plan, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-12	CapeNet, LLC	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-14	Churchill Investments, Inc.	2016, 2017	No Records Found
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DTC-19-AR-16	Flyp Communications, Inc.	2016, 2017	Involuntary Dissolution 06/28/2019
DTC-19-AR-17	Gardner Post No. 129 American Legion, Inc.	2017	Registered/active
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DTC-19-AR-21	Impact Telecom, Inc.	2016, 2017	Withdrawn 09/27/2016
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DTC-19-AR-25	Leon A. Cote aka Lighthouse ATM	2017	Involuntary Dissolution 06/30/2015
DTC-19-AR-26	Locus Telecommunications, Inc. aka Locus Corporation	2016, 2017	Registered/active
DTC-19-AR-27	LoTel, Inc. dba Coordinated Billing Services	2016, 2017	Involuntary Revocation 03/31/2008
DTC-19-AR-28	Miracle Communications, Inc.	2017	Involuntary Revocation 06/30/2017
DTC-19-AR-29	NECC Telecom, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-30	Net One International, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-31	NetTalk.com, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-32	Netwolves Network Services, LLC	2016, 2017	Registered/active
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DTC-19-AR-46	Regal Auto Parts, Inc.	2016, 2017	Registered/active
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DTC-19-AR-51	Symbiont, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-52	Telecare, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-53	Tele Circuit Network Corp.	2016, 2017	No Records Found
DTC-19-AR-54	Teledias Communications, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-55	Teletrust, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-56	TeleUno, Inc.	2016	Registered/active
DTC-19-AR-58	Total Access Telecom, Inc.	2017	Withdrawn 03/14/2018
DTC-19-AR-59	Total Call International, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-60	TTUSA Acquisition, Inc.	2016, 2017	Involuntary Revocation 06/30/2017
DTC-19-AR-61	Vitcom LLC	2016, 2017	Registered/active
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DTC-19-AR-65	Worldwide Marketing Solutions, Inc.	2016, 2017	Registered/active
DTC-19-AR-66	Yak Communications (America) Inc.	2016, 2017	Involuntary Revocation 06/30/2016

III. ANALYSIS AND FINDINGS

Each of the 54 carriers subject to this Order failed to file an annual return for calendar year 2016 and/or 2017. *See Order Opening Investigation* at 2-3. The Department determines that the 14 carriers have outstanding delinquent returns due to the Department and assesses forfeitures against each of the 14 carriers. *See G.L. c. 166, § 12*. The Department will refer its findings against these carriers to the Attorney General for enforcement. *See G.L. c. 159, § 39*.

The Department cancels the registration of each of the 14 carriers, as well as all applicable intrastate tariffs they have on file with the Department to the extent the Department has not already taken these actions. The Department determines that the remaining 39 carriers were not doing business in the Commonwealth in the year(s) for which the delinquent annual returns were due. Accordingly, the Department does not assess forfeitures against these carriers but does cancel their registrations any intrastate tariffs they have on file to the extent the Department has not already taken these actions. The Department also directs removal of public access line service from American Payphone; Gardner; IMR; Leon Cote; and Nutel, to the extent the Department has not already taken such action. As of the date of this Order, the 54 carriers subject to this Order no longer have legal authority to provide telecommunications service in Massachusetts.

A carrier must register with the Department in order to provide telecommunications service in Massachusetts. *Regulatory treatment of telecomms. common carriers within the Commw. of Mass.*, D.P.U. 93-98, *Order* at 12 (May 11, 1994) (“*Common Carrier Regulatory Treatment Order*”).

Carriers providing telecommunications service in the Commonwealth are required to file annual returns with the Department for each calendar year by March 31 of the following year. G.L. c. 159, § 32; G.L. c. 166, § 11. Specifically, each telecommunications common carrier “doing business in the [C]ommonwealth” has a duty to file an annual return for the preceding calendar year by March 31, or at a later date fixed by the Department for “good cause shown.” G.L. c. 166, § 11; *see also Delinquent annual returns for calendar years 2012 and/or 2013*, D.T.C. 16-AR, *Final Order* at 5 n.5 (Aug. 1, 2017) (“*16-AR Final Order*”). Any carrier neglecting to file an annual return required by G.L. c. 166, § 11, shall forfeit to the

Commonwealth \$5.00 per day for the first 15 days of delinquency, \$10.00 per day for the subsequent 15 days, and a sum not exceeding \$15.00 per day for each day of delinquency thereafter until the annual return is filed. G.L. c. 166, § 12. If the Department determines that a carrier “unreasonably refuses or neglects” to file an annual return, the carrier shall also forfeit up to \$500 for each offense as an additional penalty.² *Id.* The Department refers failures to comply with G.L. c. 166, § 11, to the Attorney General for enforcement. G.L. c. 159, § 39. The Department thus must determine whether a carrier was doing business in the Commonwealth during the calendar year for which it failed to file an annual return with the Department. G.L. c. 166, § 11. If so, the carrier is subject to the above-mentioned forfeitures under G.L. c. 166, § 12.

Although chapter 166 is silent as to what constitutes “doing business,” the Department relies on a definition derived from the Massachusetts Department of Revenue’s (“DOR”) regulations. *See 16-AR Final Order* at 6-8; *Delinquent annual returns for calendar years 2010 and/or 2011*, D.T.C. 13-AR, *Final Order* at 7-9 (Apr. 1, 2015) (“*13-AR Final Order*”); 830 C.M.R. § 63.39.1(3)(b) (defining “doing business” in the Commonwealth for taxation purposes). For purposes of G.L. c. 166, §§ 11 and 12, the Department defines “doing business” to include: the buying, selling, or procuring of services or property; the execution of contracts; the exercise or enforcement of contractual rights; the maintenance of a place of business; the employment of labor; and each and every other act, power, right, privilege, or immunity exercised or enjoyed in the Commonwealth as an incident to or by virtue of the powers and privileges acquired through corporate form. *See 16-AR Final Order* at 6-8; *13-AR Final Order* at 7-9; 830 C.M.R. § 63.39.1(4)(b). This list is not exhaustive. *16-AR Final Order* at 7; *13-AR Final Order* at 8. A

² The filing fee for an annual return is \$5.00. Mass. Dep’t of Telecomms. & Cable, *General Information & Filing Instructions Annual Return and Revenue Statement IPP Revenue Statement*, <https://www.mass.gov/doc/instructions-for-filing-an-annual-return/download>.

carrier's registration status and filing history with the SOC³ and its own admissions to and determinations by the FCC⁴ may also inform the Department as to whether the carrier is doing business in the Commonwealth. *16-AR Final Order* at 7; *13-AR Final Order* at 8. Any one of the above criteria is generally sufficient for the Department to find that a carrier is doing business in the Commonwealth. *16-AR Final Order* at 7; *13-AR Final Order* at 8. If a registered carrier does not have any reportable intrastate revenues or does not provide telecommunications service in Massachusetts, the Department generally does not deem the carrier to be doing business in the Commonwealth. *See 16-AR Final Order* at 7; *13-AR Final Order* at 8-9; *Delinquent annual returns for calendar years 2005, 2006, 2007, 2008, and/or 2009*, D.T.C. 11-AR, *Order B* at 6 (June 3, 2013) ("*11-AR Order B*").

As to what constitutes "good cause" to extend a carrier's filing deadline under G.L. c. 159, § 32, and G.L. c. 166, § 11, the Department relies on its longstanding "good cause" standard. *16-AR Final Order* at 8; *13-AR Final Order* at 9-10; *11-AR Order B* at 7. Specifically:

Good cause is a relative term and it depends on the circumstances of an individual case. Good cause is determined in the context of any underlying statutory or regulatory requirement, and is based on a balancing of the public interest, the interest of the party seeking an exception, and the interests of any other affected party.

³ Foreign limited liability companies doing business in the Commonwealth must register with the SOC, file annual reports, and pay an annual filing fee. G.L. c. 156C, § 48. The SOC may revoke the authority of a foreign limited liability company to transact business in the Commonwealth if such company fails to file annual reports for two consecutive years. *Id.* § 72. Similarly, foreign corporations transacting business in the Commonwealth must file a registration certificate with the SOC. G.L. c. 156D, §§ 15.01, 15.03. A foreign corporation that has filed with the SOC may only withdraw from the Commonwealth after submitting an application to the SOC stating that is no longer transacting business in the Commonwealth. *Id.* § 15.20. The SOC may also revoke the authority of a foreign corporation to transact business in the Commonwealth if the corporation has failed to file annual reports, or failed to file or pay taxes for two consecutive years. *Id.* § 15.30. Annual reporting and registration requirements with the SOC are distinct from the Department's annual reporting and registration requirements.

⁴ The FCC requires each telecommunications carrier to file an FCC Form 499-A, which includes a carrier's revenue, annually by April 1, with limited exception. *See* FCC, 2017 Telecommunications Reporting Worksheet Instructions at 2-3 ("FCC Form 499-A Instructions"); 47 C.F.R. § 54.711. The FCC reports carrier registration information on its FCC Form 499 Filer database at <http://apps.fcc.gov/cgb/form499/499a.cfm> (last visited Oct. 22, 2020). The FCC Form 499 database only displays a filer's most recent filing date, so it has only limited utility in ascertaining whether the filer was registered during a given year. However, the Department considers FCC activity that is close in time to the year(s) in question as persuasive as to whether a company was doing business during that year.

N.E. Tel. & Tel. Co., D.P.U. 94-50, *Order* at 51 (May 12, 1995) (citing *Boston Edison Co.*, D.P.U. 90-335-A, *Order on Motion for Clarification and/or Reconsideration & on Request to Defer Filing of DSM Budgets* at 4 (July 14, 1992)). The Department has found good cause to extend an annual return filing deadline where, although delinquent, a carrier reports a negligible amount of revenue, or the statutory forfeitures, if applied, would far exceed the revenue reported on the carrier's delinquent annual return. *16-AR Final Order* at 8; *13-AR Final Order* at 9-10, 12-13; *11-AR Order B* at 8, 9-10; *see also Tel-Save, Inc. v. N.E. Tel & Tel. Co.*, D.T.E. 98-59, *Order on Motion by Bell Atl. for Partial Reconsideration, Motion for Stay, Motion for Extension of the Judicial Period, & Motion for Implementation of Extension of Time* at 10 (Oct. 19, 1999) (finding good cause for extending a deadline where the petitioner would be unduly prejudiced absent such extension). However, the Department will not extend a filing deadline absent good cause shown. *See Fall River Gas Co.*, D.P.U. 89-199-A, *Order on Att'y Gen.'s Motion for Reconsideration & Motion to Stay Appeal Period* at 7 (Dec. 27, 1989). In the absence of an extension of the filing deadline for a carrier doing business in Massachusetts during the relevant calendar year(s), the carrier is subject to the above-referenced statutory forfeitures if it does not timely file its annual return. *See G.L. c. 166, §§ 11, 12.*

Failure to file an annual return may also be grounds for cancellation of the carrier's registration and intrastate tariff(s), which would bar the carrier from providing telecommunications services in the Commonwealth.⁵ *See Order Opening Investigation* at 3-4;

⁵ The Department's SBO and registration forms require a registrant to sign an affidavit affirming that the registrant understands that its failure to comply with "all applicable Massachusetts laws and rules, Department Orders, regulations, letter rulings, directives, and other requirements, whether formal or informal . . . will be grounds for the Department to cancel the [r]egistrant's registration/SBO and tariff(s), thus preventing the [r]egistrant from operating or providing telecommunications services within Massachusetts." Dep't of Telecomms. & Cable, *Application for Registration for Telecommunications Service Providers Other than Payphone Service Providers – Statement of Business Operations (SBO)* 8, <https://www.mass.gov/files/documents/2018/05/04/Statement%20of%20Business%20Operations%20Blank%20For>

16-AR Final Order at 9; *13-AR Final Order* at 10; *Common Carrier Regulatory Treatment Order* at 12. Additionally, the Department may cancel the registration and “direct removal of public access line service from the payphones of any company” that fails to file its annual return. *Delinquent annual returns for calendar year 2000*, D.T.E. 02-13, *Order B* at 4 n.3 (Sept. 20, 2002) (“*D.T.E. 02-13-B*”).

The Department applies these rules to each of the 54 carriers in turn.

A. CARRIERS DELINQUENT FOR ONLY CALENDAR YEAR 2016

i. Genesis Fiber (D.T.C. 19-AR-18)

Genesis Fiber registered with the SOC in 2011 and canceled its registration with the SOC on December 31, 2018. Genesis Fiber filed annual reports with the SOC for 2016, 2017, and 2018. There is no record of Genesis Fiber being registered with the FCC. Genesis Fiber filed an annual return with the Department for 2017, which is strong evidence that it was doing business in 2016, particularly in light of its activity before the SOC. Based upon the foregoing, the Department determines that Genesis Fiber was doing business in Massachusetts in 2016 for purposes of G.L. c. 166, §§ 11 and 12. The company was therefore required to file an annual return for that year by March 31, 2017, but failed to do so.

No good cause exists to extend the filing deadline associated with Genesis Fiber’s delinquent annual return. Genesis Fiber did not provide a reason for its failure to file a return or demonstrate the existence of good cause to extend the filing deadline. In addition, Genesis Fiber failed to respond to the *Notice* and failed to otherwise communicate with the Department. Consequently, the Department determines that no good cause exists to extend Genesis Fiber’s filing deadline. Genesis Fiber is therefore delinquent and subject to per diem statutory forfeitures

m.pdf; see also Dep’t of Telecomms. & Cable, *Pay Telephone Registration Form 8*, https://www.mass.gov/files/2017-07/payphoneregistrationform_0.pdf.

beginning April 1, 2017. Given the lack of response and cooperation from Genesis Fiber, the Department imposes the maximum \$15.00-per-day forfeiture allowable after the initial 30 days of delinquency. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$15.00-per-day forfeiture). The forfeitures continue to accrue for this company. Further, as Genesis Fiber failed to provide a reason for its failure to file, respond to the *Notice*, or otherwise communicate with the Department, the Department finds that Genesis Fiber's failure to file was unreasonable. Accordingly, the Department imposes the maximum additional \$500 forfeiture for the delinquent return. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$500.00-per-offense forfeiture). The Department will refer these findings to the Attorney General for enforcement pursuant to G.L. c. 159, § 39.

In addition, the Department finds Genesis Fiber's failures to comply with the Department's requirements as grounds to cancel its SBO and any intrastate tariffs on file with the Department. *See Order Opening Investigation* at 8; *16-AR Final Order* at 23; *13-AR Final Order* at 19; *Common Carrier Regulatory Treatment Order* at 12. The Department, however, has already done so, in 2018. *Delinquent 2014 and/or 2015 Annual Returns*, D.T.C. 18-AR, *Final Order* (Sept. 17, 2018) ("*18-AR Final Order*").

ii. Primus (D.T.C. 19-AR-52) and TeleUno (D.T.C. 19-AR-56)

Primus registered with the SOC in 1994, and this registration was involuntarily revoked on June 30, 2017. According to FCC records, this carrier is no longer active as of April 1, 2016. Primus last filed an annual report with the SOC for 2014. In 2016, Primus canceled its registration with the Department upon the transfer of its customer base to Birch Communications of the Northeast, Inc. ("Birch"). Birch filed an annual return with the Department for 2016.

Based upon the foregoing, the Department determines that Primus was no longer doing business in Massachusetts in 2016 for purposes of G.L. c. 166, §§ 11 and 12.

TeleUno registered with the SOC in 2000. According to the FCC, the company went out of business as of September 25, 2016. TeleUno last filed an annual report with the SOC for 2015. In 2016, TeleUno withdrew its Department registration. The withdrawal filing stated that the company ceased all operations and went out of business, with no assets, funds, staff, or other resources, effective July 1, 2016. As the company went out of business in 2016, and did not have any reportable intrastate revenues, the Department determines that TeleUno was no longer doing business in Massachusetts in 2016 for purposes of G.L. c. 166, §§ 11 and 12.

The Department finds that Primus and TeleUno were not doing business in the Commonwealth during 2016 for purposes of G.L. c. 166, §§ 11 and 12. Both carriers canceled or withdrew their Department registration in 2016. Therefore, the Department does not assess statutory forfeitures against these companies for their failure to submit annual returns for calendar year 2016.

B. CARRIERS DELINQUENT FOR ONLY CALENDAR YEAR 2017

i. BetterWorld (D.T.C. 19-AR-7); BT (D.T.C. 19-AR-10); Encompass (D.T.C. 19-AR-15); Gardner (D.T.C. 19-AR-17)

The Department finds that for purposes of G.L. c. 166, §§ 11 and 12, BetterWorld; BT; Encompass; and Gardner were each doing business in the Commonwealth during 2017. The Department addresses each carrier in turn.

BetterWorld registered with the SOC in 2006 and its registration remains active. BetterWorld had a valid SBO and tariff on file with the Department during 2017 and filed an annual return with the Department for 2016. BetterWorld's FCC registration was active as of April 1, 2019. BetterWorld has also filed annual reports with the SOC through 2020, including

for the relevant year, 2017. BetterWorld changed its resident agent with the SOC in 2020, which indicates it was doing business years earlier in 2017. Based upon the foregoing, the Department finds that BetterWorld was doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

BT revived its registration with the SOC on August 28, 2009 and its registration remains active. BT had a valid SBO and tariff on file with the Department during 2017 and filed an annual return with the Department for 2016. There is no record of BT with the FCC, but BT has filed annual reports with the SOC through 2020, including for the relevant year of 2017. Based upon the foregoing, the Department determines that BT was doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Encompass registered with the SOC in 2001, and that registration was involuntarily revoked, but not until June 28, 2019. Encompass had a valid tariff and SBO on file with the Department during 2017 and filed an annual return with the Department for 2016. According to the FCC, Encompass's registration was current as of April 1, 2019. Encompass filed an annual report with the SOC in the relevant year of 2017. Based upon the foregoing, the Department finds that Encompass was doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Gardner registered with the SOC in 1949 and its registration remains active. Gardner has filed its annual reports with the SOC through 2019, including a 2017 annual report. Gardner had a valid tariff and SBO on file with the Department during 2017 and filed an annual return with the Department for 2016. The FCC has no record of Gardner. Based upon the foregoing, the Department finds that Gardner was doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

To summarize, the Department finds that BetterWorld; BT; Encompass; and Gardner were each doing business in the Commonwealth during 2017. These companies were required to file annual returns for that calendar year by March 31, 2018 but failed to do so.

No good cause exists to extend the filing deadlines associated with these delinquent annual returns. None of these carriers provided a reason for its failure to file the required annual return, or demonstrated the existence of good cause to extend the filing deadline. The Department notes that each of these carriers failed to respond to the *Notice* and failed to otherwise communicate with the Department. Consequently, the Department determines that no good cause exists to extend the carriers' filing deadlines. Each of the unfiled annual returns is therefore delinquent. BetterWorld; BT; Encompass; and Gardner are each subject to per diem statutory forfeitures beginning on April 1, 2018, for their delinquent 2017 annual returns. Given the companies' lack of response and cooperation, the Department imposes the maximum \$15.00-per-day forfeiture allowable after the initial 30 days of delinquency. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$15.00-per-day forfeiture). The forfeitures continue to accrue for each of these companies.

The Department must also determine whether each carrier's failure to file the required annual return was unreasonable. *See* G.L. c. 166, § 12. As each carrier failed to provide a reason for its failure to file and failed to respond to the *Notice*, the Department finds that each carrier's failure to file was unreasonable. Given this lack of response and cooperation, the Department imposes the maximum additional \$500 forfeiture for each delinquent return. *See id.*; *16-AR Final Order* at Appendix A (imposing the maximum \$500-per-offense forfeiture). The Department will refer these findings to the Attorney General for enforcement pursuant to G.L. c. 159, § 39.

In addition, the Department finds these carriers' failures to comply with the Department's requirements as reason to cancel their SBOs and intrastate tariffs on file with the Department. *See Order Opening Investigation* at 6; *16-AR Final Order* at 23; *13-AR Final Order* at 19; *Common Carrier Regulatory Treatment Order* at 12. The companies failed to file an annual return for 2017 or otherwise communicate with the Department regarding their delinquent annual returns. The Department thus cancels the registrations and intrastate tariffs on file with the Department of BetterWorld; BT; Encompass; and Gardner as of the date of this Order. The Department also directs the removal of public access line services from Gardner's payphones.

- ii. Leon Cote (D.T.C. 19-AR-25); Miracle (D.T.C. 19-AR-28); Norfolk (D.T.C. 19-AR-37); Nutel (D.T.C. 19-AR-38); Reliance (D.T.C. 19-AR-47); Total Access (D.T.C. 19-AR-58)

The Department finds that for purposes of G.L. c. 166, §§ 11 and 12, Leon Cote; Miracle; Norfolk; Nutel; Reliance; and Total Access were not doing business in the Commonwealth during 2017. The Department addresses each carrier in turn.

Leon Cote registered with the SOC in 2004. According to the SOC, the company was dissolved by court order or the SOC in 2015. Leon Cote last filed an annual report with the SOC for 2009. According to the FCC, Leon Cote stopped its telecommunications business at the end of 2014. Based upon the foregoing, the Department finds that Leon Cote was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Miracle registered with the SOC in 1999, and its registration was revoked involuntarily in 2017. According to the FCC, Miracle was no longer active as of 2004. Miracle last made an annual filing with the SOC for 2014. Miracle filed an annual return with the Department for 2016, but reported \$0 in revenue. Based upon the foregoing, the Department finds that Miracle

was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Norfolk registered with the SOC in 1998, and was involuntarily dissolved by court order or by the SOC in 2012. Norfolk last made an annual filing with the SOC for 2013. The company's FCC account is active as of April 1, 2019. Norfolk filed an annual return with the Department for 2016, but reported \$0 in revenue. The Department subsequently canceled Norfolk's registration and intrastate tariffs on file with the Department. *18-AR Final Order*. Based upon the foregoing, the Department finds that Norfolk was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Nutel registered with the SOC in 1999 and was involuntarily dissolved in 2019. Nutel last filed an annual report with the SOC for 2016. Nutel's FCC account was no longer active as of March 31, 2018 and was closed because of a long period of inactivity and the inability of the FCC to contact Nutel. Nutel filed an annual return with the Department for 2016, but reported \$0 in revenue. Based upon the foregoing, the Department determines that Nutel was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Reliance registered with the SOC in 2002, and currently holds an active SOC registration. Reliance filed annual reports with the SOC until 2018 including the relevant year 2017. Reliance, however, canceled its registration with the Department in 2018, and its withdrawal letter states the company ceased operations as of November 1, 2016. Reliance filed an annual return with the Department for 2016. According to the FCC, Reliance was no longer active as of November 1, 2016, and that the company's assets were sold to GTT Americas, LLC ("GTT"). GTT has not registered with the Department. Based upon the foregoing, the Department finds that Reliance

was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Total Access registered with the SOC in 2011 and withdrew its registration in 2018. Total Access last filed an annual report with the SOC for 2017. Total Access's FCC registration is inactive as of December 31, 2016. The FCC account states that the company "has gone out of business in it's [sic] entirety." Total Access filed an annual return with the Department for 2016, but withdrew its Department registration as of December 31, 2016. Based upon the foregoing, the Department finds that Total Access was no longer doing business in the Commonwealth during 2017 for purposes of G.L. c. 166, §§ 11 and 12.

To summarize, the Department finds that Leon Cote; Miracle; Norfolk; Nutel; Reliance; and Total Access were not doing business in the Commonwealth during 2017. Therefore, the Department does not assess statutory forfeitures against these companies for their failure to submit annual returns for calendar year 2017. The Department does, however, cancel the registrations and intrastate tariffs on file with the Department of these companies as of the date of this Order, to the extent such registrations and tariffs were not already canceled. In addition, the Department directs the removal of public access line services from the payphones of Leon Cote and Nutel.

C. CARRIERS DELINQUENT FOR CALENDAR YEARS 2016 AND 2017

- i. American Payphone (D.T.C. 19-AR-4); Netwolves (D.T.C. 19-AR-32); New England Municipal (D.T.C. 19-AR-35); Regal (D.T.C. 19-AR-46); Vitcom (D.T.C. 19-AR-61); and WorldWide (D.T.C. 19-AR-65)

The Department finds that, for purposes of G.L. c. 166, §§ 11 and 12, American Payphone; Netwolves; New England Municipal; Regal; Vitcom; and Worldwide were each

doing business in the Commonwealth during both 2016 and 2017. The Department addresses each carrier in turn.

American Payphone registered with the SOC in 1981 and voluntarily dissolved in March 2020. American Payphone has filed annual reports with SOC through 2019, including for the pertinent years of 2016 and 2017. American Payphone's FCC account is active as of April 1, 2019. Based upon the foregoing, the Department determines that American Payphone was doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Netwolves registered with the SOC in 2010 and still has an active SOC registration. Netwolves has filed annual reports with the SOC through 2019 including for the relevant years of 2016 and 2017. Netwolves changed the address of its registered agent with the SOC in 2015, which indicates that Netwolves was in business in the immediately subsequent years of 2016 and 2017. Netwolves' account with the FCC is active as of April 1, 2019. Netwolves had a valid tariff and SBO on file with the Department during the years in question. Based upon the foregoing, the Department determines that Netwolves was doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

New England Municipal registered with the SOC in 1998 and was revived in 2017 after being dissolved involuntarily in 2015. New England Municipal filed annual reports with the SOC for 2016 and 2017. The Department subsequently canceled New England Municipal's registration and intrastate tariffs on file with the Department for failure to file its 2015 annual return. *18-AR Final Order*. New England Municipal is not registered with the FCC, but that is not dispositive of not doing business in Massachusetts. Based upon the foregoing, the Department determines that New England Municipal was doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Regal has been registered with the SOC since 1982, and presently holds an active SOC registration. Regal also filed annual reports with the SOC for the years 2016 and 2017, as well as more recently. Regal's registered agent changed its office address in 2018, which is further evidence of Regal's doing business in 2016 and 2017. The Department subsequently canceled Regal's registration and intrastate tariffs on file with the Department for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. The Department also directed the removal of public access line services from Regal's payphone. *Id.* Based upon the foregoing, the Department determines that Regal was doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Vitcom registered with the SOC in 2014 and still has an active registration. Vitcom is not registered with the FCC. Vitcom filed annual reports with the SOC in 2016 and 2017. Vitcom's resident agent also changed its address with the SOC in 2015, which is further evidence of the company doing business in the immediately subsequent years of 2016 and 2017. Based upon the foregoing, the Department finds that Vitcom was doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

WorldWide registered with the SOC in 2008 and still has an active registration. Worldwide filed annual reports with the SOC in 2016, 2017, and thereafter. Worldwide's resident agent changed addresses in 2015, which is further evidence of the company doing business in the immediately subsequent years of 2016 and 2017. Worldwide's registration with the FCC is active as of April 1, 2019, and Worldwide had a valid tariff and SBO on file with the Department during the relevant years. Based upon the foregoing, the Department finds that Worldwide was doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

In sum, the Department finds that American Payphone; Netwolves; New England Municipal; Regal; Vitcom; and Worldwide were each doing business in the Commonwealth during both 2016 and 2017. The companies were therefore required to file annual returns for those calendar years by March 31, 2017, and March 31, 2018, respectively, but failed to do so.

No good cause exists to extend the filing deadlines associated with these unfiled annual returns. None of these carriers provided a reason for its failure to file, or demonstrated the existence of good cause to extend the filing deadlines. The Department notes that each above-named carrier failed to respond to the *Notice* or otherwise communicate with the Department. Consequently, the Department determines that no good cause exists to extend the carriers' filing deadlines. Therefore, each of the unfiled returns is delinquent. American Payphone; Netwolves; New England Municipal; Regal; Vitcom; and WorldWide are each subject to per diem statutory forfeitures from April 1, 2017, for their delinquent 2016 annual returns, and from April 1, 2018, for their delinquent 2017 annual returns. Given the companies' lack of response and cooperation, the Department imposes the maximum \$15.00-per-day forfeiture allowable after the initial 30 days of delinquency. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$15.00-per-day forfeiture). The forfeitures continue to accrue for each of these companies.

The Department must also determine whether each carrier's failure to file the required annual returns was unreasonable. *See* G.L. c. 166, § 12. As each carrier failed to provide a reason for its failure to file, respond to the *Notice*, or otherwise communicate with the Department, the Department finds that each carrier's failure to file was unreasonable. Given this lack of response and cooperation, the Department imposes the maximum additional \$500 forfeiture for each delinquent return. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the

maximum \$500-per-offense forfeiture). The Department will refer these findings to the Attorney General for enforcement pursuant to G.L. c. 159, § 39.

In addition, the Department finds the failure of American Payphone; Netwolves; New England Municipal (registration already revoked per D.T.C. 18-AR); Regal (registration already revoked and public access line services removed per D.T.C. 18-AR); Vitcom; and Worldwide to comply with the Department's requirements as reason to cancel their SBOs and intrastate tariffs on file with the Department. *See Order Opening Investigation* at 6; *16-AR Final Order* at 23; *13-AR Final Order* at 19; *Common Carrier Regulatory Treatment Order* at 12. The companies failed to file an annual return for 2016 and 2017, and to otherwise communicate with the Department. Thus, for American Payphone; Netwolves; Vitcom; and Worldwide, the Department cancels the registrations and intrastate tariffs on file with the Department as of the date of this Order. Finally, the Department also directs the removal of public access line services from the payphone(s) of American Payphone.

- ii. Flyp (D.T.C. 19-AR-16); Network Enhanced (D.T.C. 19-AR-34); and Pulse (D.T.C. 19-AR-45)

Flyp registered with the SOC and the Department in 2015. Flyp was involuntarily dissolved by court order or by the SOC in 2019. Flyp last filed an annual report with the SOC for 2016. The Department subsequently canceled Flyp's registration and intrastate tariffs on file with the Department for failure to file its 2015 annual return. *18-AR Final Order*. Flyp is not registered with the FCC. Based upon the foregoing, the Department determines that Flyp was doing business in the Commonwealth during 2016 but not 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Network Enhanced registered with the SOC in 1997 and withdrew its registration in 2017. Network Enhanced last filed an annual report with the SOC for 2016. Network Enhanced's

account with the FCC was no longer active as of January 1, 2017. According to the FCC, Network Enhanced is still in business, but no longer providing telecommunications services. Based upon the foregoing, the Department finds that Network Enhanced ceased providing telecommunications service in Massachusetts as of the end of the 2016. Accordingly, the Department determines that Network Enhanced was doing business in the Commonwealth during 2016 but not 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Pulse registered with the SOC in 2006 and was involuntarily dissolved by court order or by the SOC in 2019. Pulse last filed an annual report with the SOC for 2016. Pulse's registration with the FCC is active as of April 1, 2019. Pulse had a valid tariff and SBO on file with the Department during the relevant years. Based upon the foregoing, the Department determines that Pulse was doing business in the Commonwealth in 2016 but not 2017 for purposes of G.L. c. 166, §§ 11 and 12.

No good cause exists to extend the filing deadlines associated with these unfiled annual returns. None of these carriers provided a reason for its failure to file, or demonstrated the existence of good cause to extend the filing deadlines. The Department notes that each of these carriers failed to respond to the *Notice* or otherwise communicate with the Department. Consequently, the Department determines that no good cause exists to extend the carriers' filing deadlines. Therefore, each of the unfiled returns is delinquent. Flyp; Network Enhanced; and Pulse are each subject to per diem statutory forfeitures from April 1, 2017, for their delinquent 2016 annual returns.⁶ Given the companies' lack of response and cooperation, the Department imposes the maximum \$15.00-per-day forfeiture allowable after the initial 30 days of

⁶ Given the Department's findings herein that the companies were not doing business in the Commonwealth in 2017 for purposes of G.L. c. 166, §§ 11 and 12, the companies are not subject to forfeitures for the lack of a 2017 annual return.

delinquency. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$15.00-per-day forfeiture). The forfeitures continue to accrue for each of these companies.

The Department must also determine whether each carrier's failure to file the required annual returns was unreasonable. *See* G.L. c. 166, § 12. As each carrier failed to provide a reason for its failure to file, respond to the *Notice*, or otherwise communicate with the Department, the Department finds that each carrier's failure to file was unreasonable. Given this lack of response and cooperation, the Department imposes the maximum additional \$500 forfeiture for each delinquent return. *See* G.L. c. 166, § 12; *16-AR Final Order* at Appendix A (imposing the maximum \$500-per-offense forfeiture). The Department will refer these findings to the Attorney General for enforcement pursuant to G.L. c. 159, § 39.

In addition, the Department finds failures to comply with the Department's requirements as reason to cancel these companies' SBOs and intrastate tariffs on file with the Department. *See Order Opening Investigation* at 8; *16-AR Final Order* at 23; *13-AR Final Order* at 19; *Common Carrier Regulatory Treatment Order* at 12. The companies failed to file an annual return for 2016 or otherwise communicate with the Department. Thus, the Department cancels Network Enhanced's and Pulse's registrations and intrastate tariffs on file with the Department as of the date of this Order. The Department previously cancelled Flyp's registration and tariffs. *18-AR Final Order*.

- iii. Advanced (D.T.C. 19-AR-1); Airnex (D.T.C. 19-AR-2); Association (D.T.C. 19-AR-5); Bigredwire (D.T.C. 19-AR-8); Business Discount (D.T.C. 19-AR-11); CapeNet (D.T.C. 19-AR-12); Churchill (D.T.C. 19-AR-14); GPCS (D.T.C. 19-AR-19); Impact (D.T.C. 19-AR-21); IMR (D.T.C. 19-AR-22); iNetworks (D.T.C. 19-AR-23); Locus (D.T.C. 19-AR-26); LoTel (D.T.C. 19-AR-27); NECC (D.T.C. 19-AR-29); Net One (D.T.C. 19-AR-30); NetTalk (D.T.C. 19-AR-31); NMG (D.T.C. 19-AR-36); OneLink (D.T.C. 19-AR-39); Payphone (D.T.C. 19-AR-41); Public Interest (D.T.C. 19-AR-43); Public Wireless (D.T.C. 19-AR-44); RRV (D.T.C. 19-AR-48); STI (D.T.C. 19-AR-49); Symbiont (D.T.C. 19-AR-51); Telecare (D.T.C. 19-AR-52); Tele Circuit (D.T.C. 19-AR-53); Teledias (D.T.C.

19-AR-54); Teletrust (D.T.C. 19-AR-55); Total Call (D.T.C. 19-AR-59); TTUSA (D.T.C. 19-AR-60); Wing Kueng (D.T.C. 19-AR-64); Yak (D.T.C. 19-AR-66)

Advanced registered with the SOC in 1995, and that registration was involuntary revoked in 2008. The last year for which Advanced filed a report with the SOC was 1996. There is no record of Advanced having registered with the FCC. Advanced had a valid tariff and SBO on file with the Department during the relevant years, but the Department determines that Advanced was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Airnex registered with the SOC in 1998, and that registration was involuntarily revoked in 2019. Airnex last filed an annual report with the SOC for 2015. Airnex's FCC account was no longer active as of March 31, 2018. The account was inactive for a long period of time and was closed because the FCC could not contact Airnex. The Department subsequently canceled Airnex's registration and intrastate tariffs on file with the Department for failure to file a 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that Airnex was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Association registered with the SOC in 1997, and the registration was involuntarily revoked in 2016. The company last filed an annual report with the SOC for 2012. The Department subsequently canceled Association's registration and intrastate tariffs on file with the Department for failure to file 2014 and 2015 annual returns. *18-AR Final Order*. The company's FCC account is inactive as of December 31, 2016. The FCC states that the company no longer provides telecommunications services. Based upon the foregoing, the Department determines that Association was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

There are no records on file with the SOC for Bigredwire. The Department previously canceled Bigredwire's registration and intrastate tariffs on file with the Department for failure to file 2012 and 2013 annual returns. *16-AR Final Order*. The FCC states that Bigredwire went out of business in 2009. Based upon the foregoing, the Department determines that Bigredwire was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Business Discount registered with the SOC in 1995, and its registration was involuntarily revoked in 2019. Business Discount last filed an annual report with the SOC for 2015. The company's account is no longer active with the FCC as of June 30, 2014, and the FCC states that the company is still in business but no longer providing telecommunications services. Business Discount had a valid tariff and SBO on file with the Department during the relevant years, but based upon the foregoing, the Department determines that Business Discount was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

CapeNet registered with the SOC in 2010, and its registration was involuntarily revoked in 2019. The company last filed an annual report with the SOC for 2015. The company's FCC account was no longer active as of March 31, 2018, and the account had been inactive for an extended period. The FCC closed the account because it was unable to contact CapeNet. CapeNet had a valid tariff and SBO on file with the Department during the relevant years, but based upon the foregoing, the Department determines that CapeNet was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Churchill has never registered with the FCC or SOC. The Department previously canceled Churchill's registration and intrastate tariffs on file and directed removal of public

access line services from its payphones for failure to file its 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that Churchill was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

GPCS registered with the SOC in 2009 and was involuntarily dissolved by court order or by the SOC in 2016. GPCS last filed an annual report with the SOC for 2011. GPCS is not registered with the FCC. The Department previously canceled GPCS's registration and intrastate tariffs on file with the Department for failure to file its 2013 annual return. *16-AR Final Order*. Based upon the foregoing, the Department determines that GPCS was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Impact registered with the SOC in 2009 and withdrew its registration in 2016. Impact last filed an annual report with the SOC for 2016. Impact's FCC account was no longer active as of December 31, 2014, but Matrix Telecom, LLC ("Matrix") replaced Impact in the FCC's database. Matrix has filed SOC reports in 2017, 2018, and 2019. In 2018, Impact canceled its registration with the Department upon the transfer of its assets to Matrix. Matrix filed annual returns with the Department for 2016 and 2017. Based upon the foregoing, the Department determines that Impact was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

IMR registered with the SOC in 1986, and the registration was involuntarily revoked in 2017. IMR's FCC account was no longer active as of 2012. IMR last filed an annual report with the SOC for 2014. IMR had a valid tariff and SBO on file with the Department during the relevant years, but based upon the foregoing, the Department determines that IMR was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

iNetworks registered with the SOC in 2006, and the registration was involuntarily revoked in 2019. iNetworks last filed an annual report with the SOC for 2015. iNetworks's FCC account does not include Massachusetts as a state in which the company provides telecommunications services, and, in any event, the account was no longer active as of August 11, 2017. The Department previously canceled iNetworks's registration and intrastate tariffs on file for failure to file its 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that iNetworks was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Locus registered with the SOC in 1999 and still has an active SOC registration. Locus's FCC registration is also still active. Locus is current with its SOC annual reports, including the relevant years for 2016 and 2017. Locus, however, withdrew its registration with the Department as of December 21, 2015. Based upon the foregoing, the Department determines that Locus was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

LoTel registered with the SOC in 1998, and the registration was involuntarily revoked in 2008. LoTel has not filed an SOC annual report since 2005. LoTel's registration with the FCC is active as of April 1, 2019, but does not include Massachusetts as a state in which the company provides telecommunications services. The Department previously canceled LoTel's registration and intrastate tariffs on file for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. Based upon the foregoing, the Department determines that LoTel was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

NECC registered with the SOC in 2002, and the registration was involuntarily revoked in 2019. NECC last filed an annual report with the SOC for 2015. NECC's registration with the

FCC was active as of April 1, 2019, but Massachusetts is not listed as a state in which NECC provides telecommunications services. NECC had a valid tariff and SBO on file with the Department during the relevant years, but based upon the foregoing, the Department determines that NECC was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Net One registered with the SOC in 1997, and this registration was involuntarily revoked in 2017. Net One last filed an annual report with the SOC for 2014. Net One's FCC registration is only current as of April 1, 2016. The Department previously canceled Net One's registration and intrastate tariffs on file for failure to file its 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that Net One was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

NetTalk registered with the SOC in 2009, and that registration was involuntarily revoked in 2017. NetTalk last filed an annual report with the SOC for 2013. NetTalk is not registered with the FCC. The Department previously canceled NetTalk's registration and intrastate tariffs on file for failure to file its 2012 and 2013 annual returns. *16-AR Final Order*. Based upon the foregoing, the Department determines that NetTalk was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

NMG registered with the SOC in 2012 and was involuntarily dissolved by court order or by the SOC in 2016. NMG last filed an annual report with the SOC for 2013. NMG's FCC account was no longer active as of June 30, 2013 and had been inactive for an extended period of time. The FCC closed the account because it could not contact NMG. The Department previously canceled NMG's registration and intrastate tariffs on file for failure to file its 2013 annual return. *16-AR Final Order*. Based upon the foregoing, the Department determines that

NMG was no longer doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

OneLink registered with the SOC in 2001 and still has an active SOC registration. OneLink last filed an annual report with the SOC for 2015. OneLink's FCC account was no longer active as of December 5, 2016, and the FCC states the company has completely gone out of business. OneLink had a valid tariff and SBO on file with the Department during the relevant years, but based upon the foregoing, the Department determines that OneLink was no longer doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Payphone registered with the SOC in 1997 and was involuntarily dissolved by court order or by the SOC in 2017. Payphone last filed an annual report with the SOC for 2014. Payphone's FCC account was no longer active as of December 31, 2016, and the FCC states the company has gone out of business in its entirety. The Department previously canceled Payphone's registration and intrastate tariffs on file and directed removal of public access line services from its payphones for failure to file its 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that Payphone was no longer doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Public Interest registered with the SOC in 1997, and that registration was revoked in 2014. Public Interest last filed an annual report with the SOC for 2010. According to the FCC, Public Interest was no longer active as of February 1, 2016, because its assets were sold to Magna5 LLC ("Magna5"). Magna5 filed annual reports with the SOC from 2016 to 2019 and filed annual returns with the Department for 2016, 2017, and 2018. Based upon the foregoing,

the Department determines that Public Interest was not doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Public Wireless registered with the SOC in 2009, and the registration was involuntarily revoked in 2017. Public Wireless last filed an annual report with the SOC for 2014. Public Wireless's FCC account was no longer active as of June 30, 2014, and its account had been inactive for an extended period of time. The FCC closed the account because it was unable to contact Public Wireless. The Department previously canceled Public Wireless's registration and intrastate tariffs on file for failure to file its 2013 annual return. *16-AR Final Order*. Based upon the foregoing, the Department determines that Public Wireless was no longer doing business in the Commonwealth in 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

RRV registered with the SOC in 1996, and this registration was involuntarily revoked in 2016. RRV last filed an annual report with the SOC for 2011. RRV's FCC account was no longer active as of 2013, and had been inactive for an extended period of time. The FCC closed the account because it could not contact RRV. The Department previously canceled RRV's registration and intrastate tariffs on file for failure to file its 2013 annual return. *16-AR Final Order*. Based upon the foregoing, the Department determines that RRV was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

STI registered with the SOC in 2008. STI was involuntarily dissolved in 2017 by either a court order or the SOC. The company last filed an annual report with the SOC for 2014. The company's FCC account is no longer active as of February 7, 2013. According to the FCC, the company's assets were sold to another party. The company's FCC account was ultimately taken over by Angel Americas LLC, whose own account became inactive as of March 28, 2015. The FCC reports that this company still exists, but no longer provides telecommunications services.

The Department previously canceled STI's registration and intrastate tariffs on file for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. Based upon the foregoing, the Department determines that STI was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Symbiont registered with the SOC in 1992, and this registration was involuntarily revoked in 2016. Symbiont did not submit any filings to the SOC after October 2013, when it filed its annual report for 2012. Symbiont's FCC account was no longer active as of 2003, and had been inactive for an extended period of time. The FCC closed the account because it could not contact Symbiont. The Department previously canceled Symbiont's registration and intrastate tariffs on file and directed removal of public access lines from Symbiont's payphones for failure to file its 2015 annual return. *18-AR Final Order*. Based upon the foregoing, the Department determines that Symbiont was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Tele Circuit has no records with the SOC, and although the FCC states that Tele Circuit is active as of April 1, 2019, Massachusetts is not listed as a jurisdiction in which Tele Circuit provides telecommunications services. The Department previously canceled Tele Circuit's registration and intrastate tariffs on file for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. Based upon the foregoing, the Department determines that Tele Circuit was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Telecare registered with the SOC in 2003, and this registration was involuntarily revoked in 2016. Telecare last filed an annual report with the SOC for 2012. Telecare's FCC account was no longer active as of 2014 and had been inactive for an extended period of time. The FCC

closed the account because it could not contact Telecare. The Department previously canceled Telecare's registration and intrastate tariffs on file for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. Based upon the foregoing, the Department determines that Telecare was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Teledias registered with the SOC in 2002, and this registration was involuntarily revoked in 2019. Teledias last filed an annual report with the SOC for 2015. The FCC account of Teledias was no longer active as of September 30, 2016, and had been inactive for an extended period of time. The FCC closed the account because it was unable to contact Teledias. In 2017, Teledias withdrew its Department registration, stating that the company had no assets, staff, or resources, and has ceased operating. Based upon the foregoing, the Department determines that Teledias was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Teletrust registered with the SOC in 2005, and the registration was revoked involuntarily in 2017. Teletrust last filed an annual report with the SOC for 2013. Teletrust's FCC account was no longer active as of June 30, 2014, and had been inactive for an extended period of time. The FCC closed the account because it was unable to contact Teletrust. The Department previously canceled Teletrust's registration and intrastate tariffs on file and directed removal of public access lines from Teletrust's payphones for failure to file its 2013 annual return. *16-AR Final Order*. Based upon the foregoing, the Department determines that Teletrust was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Total Call registered with SOC in 2001, and this registration was involuntarily revoked in 2019. Total Call last filed an annual report with the SOC for 2015. Total Call's FCC account is

inactive as of November 29, 2016. According to the FCC, all assets of Total Call were sold to a wireless company. The Department previously canceled Total Call's registration and intrastate tariffs on file for failure to file its 2012 and 2013 annual returns. *16-AR Final Order*. Total Call also filed a registration withdrawal stating it ceased operations as of December 31, 2015. Based upon the foregoing, the Department determines that Total Call was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

TTUSA registered with the SOC in 2006, and this registration was involuntarily revoked in 2017. The last annual report TTUSA filed with the SOC was for calendar year 2014. The FCC lists TTUSA as inactive as of March 31, 2015. This account had been inactive for an extended period of time and was closed because the FCC was unable to contact TTUSA. The Department previously canceled TTUSA's registration and intrastate tariffs on file for failure to file its 2014 and 2015 annual returns. *18-AR Final Order*. Based upon the foregoing, the Department finds that TTUSA was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Wing Kueng registered with the SOC in 2000. The company was involuntarily dissolved in 2019 either by a court order or the SOC. Wing Keung last filed an annual report with the SOC for 2013. Wing Kueng is not registered with the FCC. The Department previously canceled Wing Kueng's registration and intrastate tariffs on file and directed removal of public access line services from its payphones for failure to file its 2012 and 2013 annual returns. *16-AR Final Order*. Based upon the foregoing, the Department finds that Wing Kueng was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

Yak registered with the SOC in 2002, and this registration was involuntarily revoked in 2016. Yak last filed an annual report with the SOC for 2011. Yak's account with the FCC was

inactive as of June 25, 2013, and had been inactive for an extended period of time. The FCC closed the account because it was unable to contact Yak. The Department previously canceled Yak's registration and intrastate tariffs on file for failure to file its 2012 and 2013 annual returns. *16-AR Final Order*. Based upon the foregoing, the Department finds that Yak was no longer doing business in the Commonwealth during 2016 and 2017 for purposes of G.L. c. 166, §§ 11 and 12.

The Department finds that Advanced, Airnex (registration already revoked per D.T.C. 18-AR), Association (registration already revoked per D.T.C. 18-AR), Bigredwire (registration already revoked per D.T.C. 16-AR), Business Discount, CapeNet, Churchill (registration already revoked and public access line services removed per D.T.C. 18-AR), GPCS (registration already revoked per D.T.C. 16-AR), Impact (registration already canceled), IMR, iNetworks (registration already revoked and public access line services removed per D.T.C. 18-AR), Locus (registration already canceled), LoTel (registration already revoked per D.T.C. 18-AR), NECC, Net One (registration already revoked per D.T.C. 18-AR), NetTalk (registration already revoked per D.T.C. 16-AR), NMG (registration already revoked per D.T.C. 16-AR), OneLink, Payphone (registration already revoked and public access line services removed per D.T.C. 18-AR), Public Interest; Public Wireless (registration already revoked per D.T.C. 16-AR), RRV (registration already revoked per D.T.C. 16-AR), STI (registration already revoked per D.T.C. 18-AR), Symbiont (registration already revoked and public access line services removed per D.T.C. 18-AR), Tele Circuit (registration already revoked and public access line services removed per D.T.C. 18-AR), Telecare (registration already revoked per D.T.C. 18-AR), Teledias (registration already canceled), Teletrust (registration already revoked and public access line services removed per D.T.C. 16-AR), Total Call (registration already revoked and public access line

services removed per D.T.C. 16-AR), TTUSA (registration already revoked per D.T.C. 18-AR), Wing Kueng (registration already revoked and public access line services removed per D.T.C. 16-AR), and Yak (registration already revoked per D.T.C. 16-AR) were not doing business in the Commonwealth during 2016 and 2017. Therefore, the Department does not assess statutory forfeitures against these companies for their failure to file annual returns for 2016 and 2017. However, these companies ceased providing telecommunications service or ceased operations, and failed to withdraw their registrations or otherwise communicate with the Department. Thus, the Department cancels the registrations and intrastate tariffs on file with the Department of Advanced; Business Discount; CapeNet; IMR; NECC; OneLink; and Public Interest. In addition, the Department directs the removal of public access line services from IMR's payphones. The other carriers' registrations have already been canceled and, if applicable, public access line services removed.

IV. ORDER

After notice, opportunity for comment, and due consideration, it is

ORDERED that Genesis Fiber; Flyp; Network Enhanced; and Pulse shall each immediately file an annual return for calendar year 2016, and pay to the Commonwealth of Massachusetts the applicable statutory forfeitures consistent with this Order; and it is

FURTHER ORDERED that BetterWorld; BT; Encompass; and Gardner shall each immediately file an annual return for calendar year 2017, and pay to the Commonwealth of Massachusetts the applicable statutory forfeitures consistent with this Order; and it is

FURTHER ORDERED that American Payphone; New England Municipal; Netwolves; Regal; Vitcom; and Worldwide shall each immediately file annual returns for calendar years

2016 and 2017, and pay to the Commonwealth of Massachusetts the applicable statutory forfeitures consistent with this Order; and it is

FURTHER ORDERED that the SBOs and intrastate tariffs on file with the Department of American Payphone BetterWorld; BT; Business Discount; CapeNet; Encompass; Gardner; IMR; Leon Cote; Miracle; NECC; Netwolves; Network Enhanced; Nutel; Public Interest; Pulse; Vitcom; and Worldwide be canceled effective immediately; and it is

FURTHER ORDERED that public access line services be removed from the payphones of American Payphone; Gardner; IMR; Leon Cote; and Nutel; and it is

FURTHER ORDERED that the findings of fact and directives herein involving the delinquent annual returns of American Payphone, D.T.C. 19-AR-4; BetterWorld, D.T.C. 19-AR-7; BT, D.T.C. 19-AR-10; Encompass, D.T.C. 19-AR-15; Flyp, D.T.C. 19-AR-16; Gardner, D.T.C. 19-AR-17; Genesis Fiber, D.T.C. 19-AR-18; Netwolves, D.T.C. 19-AR-32; Network Enhanced, D.T.C. 19-AR-34; New England Municipal, D.T.C. 19-AR-35; Pulse, D.T.C. 19-AR-45; Regal, D.T.C. 19-AR-46; Vitcom, D.T.C. 19-AR-61; and Worldwide, D.T.C. 19-AR-65, shall be presented to the Attorney General of the Commonwealth of Massachusetts for action pursuant to G.L. c. 159, § 39.

By Order of the Department,



Karen Charles Peterson,
Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5 and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court of the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may also be brought pursuant to 47 C.F.R. § 76.944.