



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

D.T.C. 19-AR

December 20, 2019

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.

**ORDER OPENING INVESTIGATION**

<b><u>Docket #</u></b>	<b><u>Carrier</u></b>	<b><u>Year(s) of Delinquency</u></b>	<b><u>Massachusetts Secretary of the Commonwealth Status</u></b>
DTC-19-AR-1	Advanced Telecommunication Network	2016, 2017	Involuntary Revocation 03/31/2008
DTC-19-AR-2	Airnex Communications, Inc. dba Next Focus, Inc.	2016, 2017	Involuntary Revocation 06/28/2018
DTC-19-AR-3	Alliance Group Services, Inc.	2016	Withdrawn 10/27/2016
DTC-19-AR-4	American Payphone Services, Inc.	2016, 2017	Registered/active
DTC-19-AR-5	Association Administrators	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-6	Axia NG Networks USA, Inc.	2017	Registered/active
DTC-19-AR-7	BetterWorld Telecom, LLC	2017	Registered/active
DTC-19-AR-8	Bigredwire	2016, 2017	No Records Found
DTC-19-AR-9	Brazilian Help, Inc.	2016, 2017	Registered/active
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-13	Cbeyond Communications, LLC dba Birch	2017	Registered/active
DTC-19-AR-14	Churchill Investments, Inc.	2016, 2017	No Records Found
DTC-19-AR-15	Encompass Communications, Inc.	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 American Legion, Post 129	2017	Registered/active
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-20	IDT America Corp.	2017	Registered/active
DTC-19-AR-21	Impact Telecom, Inc.	2016, 2017	Withdrawn 09/27/2016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	iNetowrks Group, Inc.	2016, 2017	Involuntary Revocation 06/28/2019
DTC-19-AR-24	Interstate Telecommunications, Inc.	2016	Withdrawn 01/25/2012

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
DTC-19-AR-33	Network Billing Systems, LLC	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	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-40	Pay Tel Communications, Inc.	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-50	Streamline Networks, Inc	2017	Registered/active
DTC-19-AR-51	Symbiont, Inc.	2016, 2017	Involuntary Revocation 06/30/2016
DTC-19-AR-52	Telecare	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,	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-57	Televergence Solutions, Inc.	2016, 2017	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-62	Vodafone US, Inc.	2016	Registered/active
DTC-19-AR-63	Intrado Communications, Inc.	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
DTC-19-AR-67	YMax Communications Corp.	2016, 2017	Registered/active

## I. INTRODUCTION

The Department of Telecommunications and Cable (“Department”) requires each telecommunications common carrier “doing business” in the Commonwealth during the corresponding calendar year to file an annual return with the Department. The Department’s records indicate that the 67 common carriers named in this Order did not file annual returns for calendar years 2016 and/or 2017. Accordingly, the Department opens this investigation on its own motion to address these common carriers’ failures to file annual returns for the relevant year(s). The Department has docketed these proceedings under the generic docket number, D.T.C. 19-AR, with a sequential number for each individual case, *e.g.*, D.T.C. 19-AR-1, D.T.C. 19-AR-2, etc.

## II. ORDER OPENING INVESTIGATION

Pursuant to G.L. c. 166, § 11, the Department requires all telecommunications common carriers “doing business” in the Commonwealth 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. 159, § 32; G.L. c. 166, § 11. Furthermore, the Department requires all common carriers engaged in the “transmission of intelligence within the [C]ommonwealth” to register and have an approved tariff and Statement of Business Operations (“SBO”) on file with the Department.<sup>1</sup>

*Investigation by the Dep’t of Pub. Utils. on its own motion into the 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”).*

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<sup>1</sup> Payphone providers are not required to have approved tariffs on file if their operator services are provided by a carrier registered with the Department.

The Department may commence enforcement proceedings against common carriers that fail to file their annual returns. *See* D.T.C. 16-AR, *Order Opening Investigation* (Feb. 3, 2016); D.T.C. 13-AR, *Order Opening Investigation* (Dec. 3, 2013); D.T.C. 11-AR, *Order Opening Investigation*, (Dec. 2, 2011). The Department may deem a common carrier's failure to file an annual return as cause for cancellation of the carrier's registration and intrastate tariff(s). This cancellation prevents the common carrier from operating or providing telecommunications services within the Commonwealth. *See* D.T.C. 16-AR, *Final Order* at 9 (Aug. 1, 2017) ("*D.T.C. 16-AR Final Order*"); D.T.C. 13-AR, *Final Order* at 10-11 (Apr. 1, 2015) ("*D.T.C. 13-AR Final Order*"); D.T.C. 11-AR-C, *Final Order* at 9-11 (June 3, 2013) ("*D.T.C. 11-AR-C*"). Similarly, the Department may cancel the registration and "direct removal of public access line services from the payphones of any company" that fails to file its annual return and update its registration information. *See, e.g., D.T.C. 16-AR Final Order* at 24; *D.T.C. 13-AR Final Order* at 19; *D.T.C. 11-AR-C* at 11. Finally, the Department assesses statutory forfeitures against common carriers that fail to file an annual return in accordance with G.L. c. 166, § 11. *See* G.L. c. 166, § 12; *D.T.C. 16-AR Final Order* at 6-9; *D.T.C. 13-AR Final Order* at 6-9.

Any common carrier "doing business" in the Commonwealth that fails to file an annual return for the preceding calendar year by the requisite deadline shall forfeit \$5.00 per day for the first fifteen days of delinquency, \$10.00 per day for the subsequent fifteen days, and a sum not exceeding \$15.00 per day for each day of delinquency thereafter. G.L. c. 166, § 12. If the Department determines that a common carrier "unreasonably refuses or neglects" to file an annual return, the company shall forfeit up to \$500 for each offense as an additional penalty. *Id.*

The 67 common carriers listed below (individually, "Delinquent Carrier," and collectively, "Delinquent Carriers") failed to file an annual return for calendar years 2016 and/or

2017. The Department notes the year(s) of delinquency for each Delinquent Carrier as well as their registration status with the Secretary of the Commonwealth.

<b><u>Docket #</u></b>	<b><u>Carrier</u></b>	<b><u>Year(s) of Delinquency</u></b>	<b><u>Massachusetts Secretary of the Commonwealth Status</u></b>
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DTC-19-AR-58	Total Access Telecom, Inc.	2017	Withdrawn 03/14/2018
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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-62	Vodafone US, Inc.	2016	Registered/active
DTC-19-AR-63	Intrado Communications, Inc.	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
DTC-19-AR-67	YMax Communications Corp.	2016, 2017	Registered/active

The Delinquent Carriers were registered to provide telecommunications services at the onset of the relevant calendar year by having on file with the Department an approved tariff and SBO. *See* G.L. c. 159, §§ 12, 19; *Common Carrier Regulatory Treatment Order* at 12. Being registered with the Department to provide telecommunications services is indicative of “doing business” in the Commonwealth for the relevant year. *See D.T.C. 16-AR Final Order* at 6-7, 14;

*D.T.C. 13-AR Final Order* at 7-8. Delinquent Carriers were provided with at least one written reminder of the filing requirement. None of the Delinquent Carriers have filed their annual return(s) for the year(s) listed.

Therefore, the Department hereby open an investigation on its own motion into each Delinquent Carrier's failure to file annual returns. The Department will make a determination as to whether the Delinquent Carriers have neglected or refused to file annual returns and, if so, may cancel their registrations and intrastate tariffs. *See* G.L. c. 159, § 39; G.L. c. 166, §§ 11, 12; *D.T.C. 16-AR Final Order* at 9; *D.T.C. 13-AR Final Order* at 10-11. Furthermore, the Department shall also assess appropriate statutory forfeitures. *See* G.L. c. 166, § 12; *D.T.C. 16-AR Final Order* at 6-9; *D.T.C. 13-AR Final Order* at 6-9. In evaluating a Delinquent Carrier's annual return obligations the Department considers several factors, including: (1) the extent and nature of the company's operations within the Commonwealth and its revenues for each of the applicable years; (2) the Delinquent Carrier's registration status with the Secretary of the Commonwealth;<sup>2</sup> (3) whether the company reported that it operates within Massachusetts on its Federal Communications Commission ("FCC") Form 499-A;<sup>3</sup> and (4) whether the Delinquent Carrier failed to file updated address and contact information for their file or applicable intrastate tariff with the Department. *See, e.g.,* G.L. c. 166, § 11; *D.T.C. 16-AR Final Order* at 6-8; *D.T.C. 13-AR Final Order* at 7-9.

The Department directs each Delinquent Carrier to provide the Department with the following information in writing by January 29, 2020:

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<sup>2</sup> The Department acquires this information from the Secretary of the Commonwealth's website at <http://corp.sec.state.ma.us/corpweb/corpsearch/CorpSearch.aspx> (last viewed Dec. 9, 2019).

<sup>3</sup> The FCC requires all telecommunications providers to file FCC Form 499-A annually by April 1, with limited exception. *See* FCC, 2015 Telecommunications Reporting Worksheet Instructions (FCC Form 499-A) at 2. The FCC reports submitted information on its FCC Form 499 Filer Database, *available at* <http://apps.fcc.gov/cgb/form499/499a.cfm> (last viewed Dec. 9, 2019).

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 return(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.

If any Delinquent Carrier fails to provide the Department with the requested information, the Department may make adverse findings of fact, and may order corrective action, including: cancelling the company's registration and intrastate tariff(s) on file with Department; assessing statutory forfeitures; and referring the matter to the Attorney General for enforcement. *See G.L. c. 159, § 39; G.L. c. 166, § 12; D.T.C. 16-AR Final Order at 4-24; D.T.C. 13-AR Final Order at 5-20.*

The Department will conduct these investigations as adjudicatory proceedings under G.L. c. 30A and 207 C.M.R. § 1.00. The Department has initiated an independent proceeding for each Delinquent Carrier, and each proceeding will have a separate evidentiary record. Any person who wishes to file written comments, to intervene in the proceeding, or to request a hearing on these matters in accordance with G.L. c. 30A, § 1 and § 10 may file such requests with Shonda D. Green, Secretary of the Department, at the physical address below or electronically at [dtc.efiling@mass.gov](mailto:dtc.efiling@mass.gov).

Shonda D. Green  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 600  
Boston, MA 02118-6500



Comments, requests to intervene, and requests for hearing must be filed by January 29, 2020. At that time, if the Department has not received a request for a hearing, any person having a right to request such a hearing shall be deemed to have waived such right pursuant to G.L. c. 30A, § 10.

Petitions for leave to intervene must satisfy the substantive requirements of 207 C.M.R. § 1.03. The text of each submission must specify: (1) the complete docket number; (2) the name of the person submitting the filing; (3) that person's title, if any; and (4) a brief descriptive title of the document (e.g., petition to intervene). Each submission should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

III. ORDER

Therefore, it is hereby:

ORDERED: That the Department opens investigations docketed D.T.C. 19-AR-1 through D.T.C. 19-AR-67, into the failure of 67 telecommunications common carriers to file annual returns for calendar years 2016 and/or 2017; and it is

FURTHER ORDERED: That the named Delinquent Carriers must provide the Department with information in accordance with this Order by January 29, 2020; and it is

FURTHER ORDERED: That petitions to intervene in this proceeding and written comments shall be filed with the Secretary of the Department by January 29, 2020; and it is

FURTHER ORDERED: That the Delinquent Carriers, if they so desire, shall request a hearing by January 29, 2020.

By Order of the Department,

A handwritten signature in blue ink that reads "Karen Charles Peterson". The signature is written in a cursive style and is positioned above the printed name of the Commissioner.

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 for 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.