



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

### MEMORANDUM OF DISMISSAL

TO: Cbeyond Communications, LLC d/b/a Birch; Cloud Computing Concepts, LLC;  
and First Choice Technology, Inc.

FROM: Sean Carroll, Hearing Officer

RE: D.T.C. 18-AR-6, D.T.C. 18-AR-9, D.T.C. 18-AR-14

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 2014 and/or 2015.

DATE: July 18, 2018

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On June 27, 2018, the Department of Telecommunications and Cable ("Department") issued a Notice of Investigation and Hearing ("Notice") and Order Opening Investigation ("Order") in docket D.T.C. 18-AR, regarding the failure of 40 telecommunications carriers to file annual returns for calendar years 2014 and/or 2015. The Notice and Order directed the named companies to respond by July 16, 2018 with information, in part, on whether the company: (1) could produce the relevant annual returns; (2) could provide an explanation regarding the reasonableness of the failure to file; and (3) provided telecommunications services within the Commonwealth during the applicable calendar year(s).

On July 11 and 12, 2018, the Department received responses from Cbeyond Communications, LLC; Cloud Computing Concepts, LLC; and First Choice Technology, Inc. These responses included copies of each company's applicable annual return filing(s). Accordingly, the Department determines the above-named companies have fulfilled their annual return filing requirements for the relevant year(s), cancels their scheduled evidentiary hearings, and dismisses the case for dockets D.T.C. 18-AR-6, D.T.C. 18-AR-9, and D.T.C. 18-AR-14.

A handwritten signature in blue ink, appearing to read "SC", is written over a horizontal line.

Sean Carroll  
Hearing Officer