

## Small and Minority Business Participation Plans

Tenn. Code Ann § 65-5-112 requires each telecommunications service provider to file a SMB plan with the Authority with their application for a certificate. The statute further states the plans shall be updated annually. Here is the language of the statute:

**65-5-112. Small and minority-owned telecommunications business participation plan.**

Each telecommunications service provider shall file with the authority a small and minority-owned telecommunications business participation plan within sixty (60) days of June 6, 1995. Competing telecommunications service providers shall file such plan with the authority with their application for a certificate. Such plan shall contain such entity's plan for purchasing goods and services from small and minority telecommunications businesses and information on programs, if any, to provide technical assistance to such businesses. All providers shall update plans filed with the authority annually. For purposes of Acts 1995, ch. 408, "minority business" means a business which is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000). For purposes of Acts 1995, ch. 408, "small business" means a business with annual gross receipts of less than four million dollars (\$4,000,000).

Here is a Sample Small and Minority Owned Business Participation Plan. This sample is in the CLEC and Reseller Application Forms on our website.

### **SAMPLE SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN**

**CLEC A, INC.**

**SMALL AND MINORITY-OWNED TELECOMMUNICATIONS  
BUSINESS PARTICIPATION PLAN**

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TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN**

Pursuant to T.C.A. §65-5-112, as amended, CLEC A, Inc. (“CLEC A”) submits this small and minority-owned Telecommunications business participation plan (the “Plan”) along with its Application for a Certificate of Public Convenience and Necessity to provide competing intrastate and local exchange services in Tennessee.

**I. PURPOSE**

The purpose of §65-5-112 is to provide opportunities for small and minority-owned businesses to provide goods and services to Telecommunications service providers. CLEC A is committed to the goals of §65-5-112 and to taking steps to support the participation of small and minority-owned Telecommunications businesses in the Telecommunications industry. CLEC A will endeavor to provide opportunities for small and minority-owned Telecommunications businesses to compete for contracts and subcontracts for goods and services. As part of its procurement process, CLEC A will make efforts to identify and inform minority-owned and small businesses that are qualified and capable of providing goods and services to CLEC A of such opportunities. CLEC A's representatives have already contacted the Department of Economic and Community Development, the administrator of the small and minority-owned Telecommunications assistance program, to obtain a list of qualified vendors. Moreover, CLEC A will seek to increase awareness of such opportunities so that companies not otherwise identified will have sufficient information to participate in the procurement process.

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### **II. DEFINITIONS**

As defined in §65-5-112.

*Minority-Owned Business.* Minority-owned business shall mean a business which is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls daily operations

of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000).

*Small Business.* Small Business shall mean a business with annual gross receipts of less than four million dollars (\$4,000,000).

### **III. ADMINISTRATION**

CLEC A's Plan will be overseen and administered by the individual named below, hereinafter referred to as the Administrator, who will be responsible for carrying out and promoting CLEC A's full efforts to provide equal opportunities for small and minority-owned businesses. The Administrator of the Plan will be:

Norman Trace  
CLEC A, Inc.  
7500 Lakewood Drive  
Riverton, Wyoming 47600-0700  
Telephone: 304-777-1026  
Facsimile: 304-777-1030

The Administrator's responsibilities will include:

- (1) Maintaining an updated Plan in full compliance with §65-5-112 and the rules and orders of the Tennessee Regulatory Authority.

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- (2) Establishing and developing policies and procedures necessary for the successful implementation of the Plan.
- (3) Preparing and submitting such forms as may be required by the Tennessee Regulatory Authority, including the filing of required annual updates.
- (4) Serving as the primary liaison to and cooperate with the Tennessee Regulatory Authority, other agencies of the State of Tennessee, and small and minority-owned businesses to locate and use qualified small and minority-owned businesses as defined in §65-5-112.

- (5) Searching for and developing opportunities to use small and minority-owned businesses and encouraging such businesses to participate in and bid on contracts and subcontracts.
- (6) Providing records and reports and cooperate in any authorized surveys as required by the Tennessee Regulatory Authority.
- (7) Establishing a record-keeping system to track qualified small and minority-owned businesses and efforts to use such businesses.
- (8) Providing information and educational activities to persons within CLEC A and training such persons to seek out, encourage, and promote the use of small and minority-owned businesses.

In performance of these duties, the Administrator will utilize a number of resources, including:

Chambers of Commerce  
The Tennessee Department of Economic and Community Development  
The United States Department of Commerce  
    Small Business Administration  
    Office of Minority Business  
The National Minority Supplier Development Counsel  
The National Association of Women Business Owners  
The National Association of Minority Contractors  
Historically Black Colleges, Universities, and Minority Institutions

The efforts to promote and ensure equal opportunities for small and minority-owned businesses are primarily spelled out in the Administrator's duties above. Additional efforts to provide opportunities to small and minority-owned businesses will include offering, where

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appropriate and feasible, small and minority-owned businesses assistance with technical, insurance, bonding, licensing, production, and deadline requirements.

**IV. RECORDS AND COMPLIANCE REPORTS**

CLEC A will maintain records of qualified small and minority-owned business and efforts to use the goods and services of such businesses. In addition, CLEC A will maintain records of educational and training activities conducted or attended and of the internal procurement procedures adopted to support this plan.

CLEC A will submit records and reports required by the Tennessee Regulatory Authority concerning the Plan. Moreover, CLEC A will cooperate fully with any surveys and studies required by the Tennessee Regulatory Authority.

CLEC A, Inc.

By: \_\_\_\_\_  
Norman Trace  
Vice President

Dated: \_\_\_\_\_, \_\_\_\_\_.