

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re:) *02 DEC 9 AM 10 51
Broadband Innovations, LLC Application for a) Docket No. 02-00819
Certificate to Provide Competing Local)
Telecommunications Services within the State) TN REGULATORY AUTHORITY
of Tennessee) DOCKET ROOM

MOTION TO DISMISS

Aeneas Communications, LLC, a party to the above-captioned proceeding, asks that the attached article from the December 5, 2002, issue of *The Jackson Sun* be filed in the above-captioned docket. The article states that the Applicant, Broadband Innovations, Inc. "in all probability . . . will disband," according to Curtis Graves, president. Mr. Graves' statement indicates the above-captioned Application may now be moot.

In order to save the parties further time and expense, Aeneas therefore requests that the TRA determine whether Mr. Graves intends to pursue his Application and, if not, to enter an order of dismissal. Aeneas further requests that any such order state that if Mr. Graves submits another, similar Application to the Authority, that Mr. Graves be required to provide notice to Aeneas of that filing.

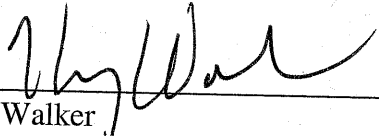
Respectfully submitted,

By: Henry Walker
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the parties of record, via hand-delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows on this 9th day of December, 2002:

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Henry Walker

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Broadband bows out of JEA bidding

By GARY GRAY

mailto:ggray@jacksonsun.com?subject=OnlineStoryFeedback
Dec 5 2002

Broadband Innovations - the only local company to publicly wave the banner for Jackson Energy Authority's telecommunications venture - will not seek to contract with the utility to provide technical services, according to Curtis Graves, the company's president.

JEA has so far been unsuccessful in obtaining funds for the project, even though Jackson City Council agreed to put \$60 million of taxpayer money on the line to help start the new business venture. Graves said the wait is at least one reason for his decision to bow out of the bidding process.

"I got into this because I thought Jackson would benefit," he said. "But this thing has dragged on and on. A hometown boy doesn't have a chance, I guess. I still want to see the project done, but I think I will be scrutinized less if I separate myself from being involved in the bidding."

Up to now, Graves has made no bones about the fact that he wanted to contract with JEA to provide Internet and telephone access and services, including optional calling features, directory and operator assistance and services.

But some Jackson residents have expressed their distrust for the group, saying its members already had made hefty profits through contracts with the city of Jackson.

In July, Aeneas filed a suit against JEA claiming the utility's business plan was unconstitutional. In August, Aeneas filed with the state a "motion to intervene," against Broadband Innovations, claiming the group had worked out a deal with JEA to provide technical services without allowing other companies to bid competitively.

"The whole city knows what's going on," said Jonathan Harlan, Aeneas Internet Services owner. "It's obvious. JEA and this group were hooked up long ago - long before any RFPs (request for proposals) were drawn up."

Graves and JEA have negotiated different arrangements and agreements for more than a year, but no final contract was ever made public.

The group is comprised of Graves, and other local entrepreneurs Chuck Clark and Ted Nelson. Graves is an entrepreneur with more than 40 years of experience in the telecommunications business. Clark owns Metro Waste Management in Jackson and contracts with the city to bale waste at the city/county landfill off

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Aaron Young Road. Nelson is one of three owners of Millmasters, a Jackson company that manufactures tubing for automobile radiators.

"Curtis speaks for us," Nelson said. "But I do hope Jackson gets this network."

Clark was not available for comment.

"This is a positive event, because since the beginning of this project there's been a perception that some insiders were receiving special treatment," said Larry Lowrance, who as a member of Concerned Taxpayers of Madison County led a failed petition drive for a public referendum on the bond issue. "This will help eliminate that perception."

Innovations filed an application to form a company with the secretary of the state on April 30, about one week before the City Council agreed to guarantee JEA's proposed venture with tax dollars. In May, Innovations applied to the Tennessee Regulatory Authority to receive its Competitive Local Exchange Carrier license, a state requirement to provide telephone services.

Seven months have passed, and Innovations has not received the license. Broadband Innovations' application is "pending," said Joe Werner, TRA chief of telecommunications.

TRA records indicate that the group was not meeting some criteria.

On Aug. 7, TRA asked Innovations to "specify if the applicant (Broadband) has retained any engineering expertise such as a retained engineering firm, staff electrical engineer, etc." In their reply, Broadband cited Robert Williams as the lone employee.

Williams, a former Aeneas employee, signed a "confidentiality/no compete clause" with the company on Aug. 28, 2001. The clause, which went into effect on that date, prohibits Williams from the following: "for a period of two (2) years, you will not engage in any business which would compete with the business of Aeneas or approach any Aeneas customers," according to company policy cited in Aeneas' employee handbook.

John Williams, JEA president and chief operating officer, said the utility will not suffer because of Graves' decision.

"There's a real strong possibility that we may be able to fund this thing on our own," Williams said. "So, no - this won't hurt us - not really."

In the utility's January plan, Innovations was set to invest \$3 million with a return of about \$14 million after 10 years. In July, JEA announced that it would no longer partner with any private group and would contract the services instead. When asked if Broadband Innovations would continue to exist as a legal entity, Graves said he was not optimistic.

"In all probability, it will disband," he said. "But I really haven't thought it out. I want to take a while before I make that decision."

- Gary Gray, (731) 425-9680

Coming Friday

Before Broadband Innovations abandoned its plan to contract with Jackson Energy Authority, Broadband president Curtis Graves accompanied JEA officials on a lobbying trip to Washington, D.C., earlier this year.

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