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Reply to:
Nashville Office

September 29, 2006

Chairman Sara Kyle
Attn: Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

filed electronically in docket office on 09/29/06 @ 11:30am

**RE: Application of Electric Power Board of Chattanooga for Expanded
Certificate of Public Convenience and Necessity to Provide
Intrastate Telecommunications Services Statewide, Docket No. 06-
00193.**

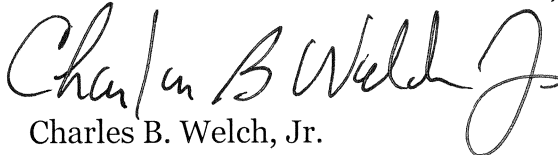
Dear Chairman Kyle:

Please find enclosed for filing, an original and 5 copies of the Tennessee Cable Telecommunications Association Petition for Leave to Intervene. Please date stamp one copy for my records and return to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance regarding this matter. If you have any questions, or if I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BRANAN
BOBANGO HELLEN & DUNLAP, PLC


Charles B. Welch, Jr.

CBW/jrh
Enclosures

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 29, 2006

IN RE:

**APPLICATION OF ELECTRIC POWER
BOARD OF CHATTANOOGA TO EXPAND
ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES
STATEWIDE**

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Docket No. 06-00193

**PETITION OF THE TENNESSEE CABLE TELECOMMUNICATIONS
ASSOCIATION FOR LEAVE TO INTERVENE**

The Tennessee Cable Telecommunications Association ("TCTA"), hereby petitions the Tennessee Regulatory Authority ("Authority") for leave to intervene pursuant to Tenn. Code Ann. § 4-5-310, Tenn. Code Ann. § 65-2-107, and Tenn. Comp. R. & Regs. 1220-1-2-.08 in the referenced proceeding. In support of this petition, TCTA respectfully states the following:

1. The TCTA is a trade organization whose membership consists primarily of owners and operators of franchised cable television systems throughout the state of Tennessee.

2. Presently, some TCTA members either hold a certificate of public convenience and necessity to provide telecommunications services statewide or intend to make application to provide services statewide or in various locales throughout the state as permitted by law.

3. The Electric Power Board of Chattanooga d/b/a EPB Telecom (“Applicant” or “EPB”) is certificated to provide telecommunications services within Hamilton, Bledsoe, Bradley, Marion, Rhea, and Sequatchie Counties.¹

4. The Applicant agreed to certain conditions in their Certificate of Public Convenience and Necessity (“CCN”) in order to insure compliance with the prohibition against subsidies found in Tenn. Code Ann. § 7-52-402 and to comply with the requirements of Tenn. Code Ann. §§ 7-52-402, -404, and -405 regarding cost imputation.²

5. Further, the Applicant agreed as an additional condition to the granting of their CCN as follows:

[n]o contract or agreement between the Electric Power Board, on behalf of its Telecommunications Division, which provides for the joint ownership or joint ownership of control of assets, [together with] the sharing of profits and losses, or the sharing of [gross] revenues, shall become effective or enforceable until the Tennessee Regulatory Authority approves such contract or agreement on petition and after notice and opportunity to be heard has been extended to interested parties. This provision shall not apply to any service or transaction which is not subject to regulation by the Tennessee Regulatory Authority.³

6. The Applicant now seeks to expand its authority to provide telecommunications services on a statewide basis including the areas served by incumbent local exchange carriers with less than 100,000 total access lines in Tennessee which might affect the legal rights and interests of TCTA.

¹ See Order Approving Application for Certificate of Public Convenience and Necessity, *In Re: Application of Electric Power Board of Chattanooga for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Service*, Docket No. 97-07488 (May 10, 1999).

² *Ibid.*

³ *Ibid.*

7. The issue of a municipally owned electric utility providing telecommunications services statewide presents important policy issues possibly affecting previous orders of the Authority and is an issue of first impression.

8. As certificated entities authorized to provide telecommunications services, or potential telecommunications service providers, TCTA's legal rights, duties, privileges, immunities, or other legal interests or responsibilities may be affected or determined by the outcome of this proceeding, and TCTA's interests will not be adequately represented unless it is allowed to intervene.

9. TCTA's participation will not impair the interests of justice or the orderly and prompt conduct of the Authority's proceeding.

10. TCTA seeks to intervene and participate as its interests may appear.

11. The hearing in this cause was originally scheduled to be heard on September 25, 2006. However, there was an issued raised by Aeneas Communications LLC ("Aeneas"), as to the sufficiency of the notice sent to interested or potentially interested parties. At the hearing, Aeneas maintained no notice or knowledge of the hearing until the morning of September 25, 2006. Similarly, as in this proceeding, TCTA has experienced problems with the current electronic process employed by the Authority to provide notice to interested or potentially interested parties through its website. The Authority's website is a great resource for all Tennesseans, especially certificated telecommunications service providers; however, the notice process is relatively new and understandably, has a few unintended, technical difficulties to be resolved.

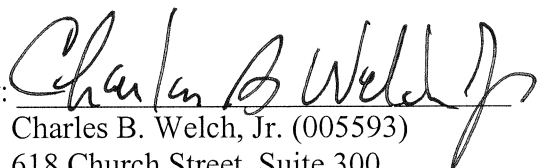
Further, TCTA did not receive service of the EPB application in this proceeding notwithstanding its active participation in the docket wherein EPB's original application

for a CCN was granted based, in part, on an agreement between EPB and TCTA.⁴ Upon motion by Director Roberson at the Authority Conference Hearing on September 25, 2006, the Directors approved an extension of time to allow interested parties to intervene in this cause noting that the Applicant failed to demonstrate any harm or potential harm posed by the delay. The Authority's approval thereby necessarily expanded Tenn. Comp. R. & Regs. 1220-4-8-.04(3), accordingly, this Petition to intervene is being filed at least 7 days before the hearing of this cause as prescribed by Tenn. Comp. R. & Regs. 1220-1-2-.08(3).

WHEREFORE, PREMISES CONSIDERED, the TCTA prays that it be granted leave to intervene and participate in this proceeding with all attendant rights and responsibilities, including, without limitation, to file comments in order to assist the Authority's deliberations, to participate in the hearing, to cross-examine witnesses, and otherwise protect the interests of TCTA and the public interest. Additionally, TCTA requests to receive copies of any notices, orders, or any other documents filed herein, and have such other, further and general relief as the justice of their cause entitle them to receive.

Respectfully submitted,

FARRIS MATHEWS BRANAN
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By: 

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⁴ See generally Docket No. 97-07488.

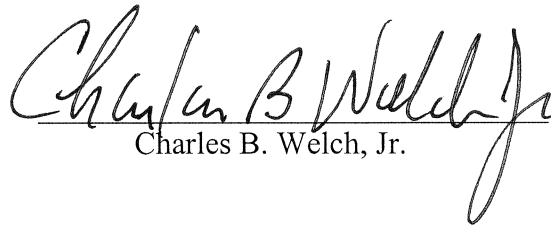
*Attorney for the Tennessee Cable
Telecommunications Association*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been placed in the U.S. mail, postage pre-paid, to the following on this the 29th day of September, 2006:

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Charles B. Welch, Jr.