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**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**In Re: Application of Highland Telephone Cooperative, Inc., on behalf of itself and its wholly owned subsidiaries, Highland Media Corporation and Highland Communications Corporation, for a State-Issued Certificate of Franchise Authority**

Docket No. 09-00016

STATE OF TENNESSEE )

)

COUNTY OF SCOTT )

**AFFIDAVIT OF FREDERICK L. TERRY**

I, Frederick L. Terry, in accordance with the requirements of the Tennessee Competitive Cable and Video Services Act, Tenn. Code Ann. §7-59-301 et seq. (the "Act"), states as follows:

**1. Name of Applicant**

I, Frederick L. Terry, do hereby attest to being General Manager of Highland Telephone Cooperative, Inc. and furthermore am authorized to make this affidavit on behalf of Highland Telephone Cooperative, Inc. and its wholly owned subsidiaries, Highland Communications Corporation and Highland Media Corporation (hereinafter collectively referred to as "Applicant").

**2. Application Fee for Service Area Up To and Including 50,000 Population (Section 305(b)(1) of the Act)**

An application fee of \$500 is submitted with this application consistent with Section 305(b)(1) of the Act and based on the population of the service area(s) as reflected in the most

recent decennial census applied for in this application. Such service areas are described and illustrated in Exhibit A.

**3. Compliance with Applicable Laws (Section 305(c)(1) of the Act)**

Applicant agrees to comply with all applicable federal and state laws and regulations to the extent that such state laws and regulations are not in conflict with or superseded by the provisions of this part or other applicable law and will timely file with the FCC all forms required by the FCC in advance of offering video services or cable services.

**4. Description of Municipalities and Unincorporated Areas to be Served (Section 305(c)(2) of the Act)**

Exhibit A to this application lists the municipalities and unincorporated areas within counties to be served, in whole or in part, by the Applicant. Applicant currently provides cable service in the Town of Oneida in Scott County and certain of the unincorporated areas of Scott County under existing local franchise agreements. Exhibit A is incorporated by reference into this Affidavit.

**5. Intent to Begin to Offer Cable or Broadband Internet Service (Section 305(c)(3) of the Act)**

Applicant intends to begin to offer cable service for purchase and/or provide broadband Internet service in each of the municipalities and unincorporated areas within counties identified in Exhibit A within twenty-four (24) months of the date of issuance of a state-issued certificate of franchising authority.

**6. Indemnification (Section 305(c)(4) of the Act)**

Applicant agrees to indemnify and hold harmless, in accordance with Section 318 of the Act, the state, municipality, county and any employee or representative of the state, municipality or county, as well as any political subdivision of the state and any employee or representative of the political subdivision, individually and collectively, referred to in Section 318 of the Act as the "indemnatee."

**7. Applicant Contact Information (Section 305(c)(5) of the Act)**

- a. Applicant's principal place of business is located at 7840 Morgan County Highway, Sunbright, TN 37872.
- b. Contact telephone number is 412-628-2121.
- c. The principal executive officers of the Applicant are as follows:

**Highland Telephone Cooperative, Inc.**

Sam L. Strunk, President  
JoAn Haynes, Vice President  
Clara Terry, Secretary/Treasurer  
Frederick L. Terry, General Manager  
John Nelson, Chief Financial Officer

**Highland Communications Corporation**

JoAn Haynes, President  
Sam L. Strunk, Vice President  
Shelva Jo Jones, Secretary/Treasurer  
Mark Patterson, General Manager

**Highland Media Corporation**

Loma Denney, President  
Jerry Williams, Vice President  
John Tate, Secretary/Treasurer

- d. The following persons are authorized to represent the Applicant before the Tennessee Regulatory Authority:
- i. Frederick L. Terry, General Manager
  - ii. Ernest A. Petroff, General Counsel
  - iii. Daniel S. Cohen, Legal Counsel

**8. Applicant Meets the Requirements of Having the Managerial, Financial, and Technical Qualifications of to Provide Cable Service (Sections 305(c)(6) and 305(d)(3) of the Act)**

Section 305(d)(3) of the Act provides that incumbent cable service providers, including their subsidiaries and affiliates, are deemed by operation of law to have the managerial, financial and technical qualifications to obtain a state-issued certificate of franchising authority. Applicant is an incumbent cable service provider as defined by Section 303 (13) of the Act. In addition, Applicant is not seeking a new service area which would double its current size of operations and does have cable assets of at least ten million dollars (\$10,000,000) in the state.

**9. Customer Service Complaint Handling Process (Section 305(c)(7) of the Act)**

- a. Policies on addressing customer service issues, billing adjustments and communications with government officials regarding customer complaints:

Subscribers who have questions or complaints regarding their subscriptions to Highland services may contact Highland at 7840 Morgan County Highway, Sunbright, TN 37872 or [www.highlandtel.net](http://www.highlandtel.net) or [www.highland.net](http://www.highland.net). Highland will address customer questions or complaints in a timely manner. Should a customer believe that his/her request was not properly handled, he/she may contact the Tennessee Regulatory Authority.

Local or toll-free telephone number at which a customer may contact the Applicant:

1-888-458-3030

**10. Notice to Affected Local Governing Authority (Section 305(c)(8) of the Act)**

Notice has been provided to the affected local governing authorities as identified in Exhibit A of their right to receive a franchise fee consistent with the Act. Notice will also be provided to other entities with facilities in the rights-of-way consistent with any non-discriminatory and generally applicable local ordinances or resolutions requiring such notice.

**11. Non-discrimination and Service Deployment Requirements (Section 305(c)(9) of the Act)**

Applicant agrees to comply with the requirements of the Act, expressly including the applicable non-discrimination and service deployment requirements of Section 311 of the Act. In addition, the Applicant acknowledges the provisions of Section 312 of the Act relative to enforcement of non-discrimination and deployment requirements.


**12. Notice to Affected Local Governing Authority (Section 305(c)(10) of the Act)**

Applicant is an incumbent cable service provider pursuant to Section 303 (13) of the Act and has provided notice to those local governing authorities in whose jurisdictions Applicant is currently providing service. Applicant will provide notice to the other affected local governing authorities at least ten (10) days prior to providing new service in those jurisdictions.

**13. Minority Owned Business Participation Plan (Section 305(c)(11) of the Act)**

Exhibit B to this Application is Applicant's Minority Owned Business Participation Plan and Applicant agrees to comply with the provisions of the Plan in accordance with Section 313 of the Act and is incorporated by reference into this Affidavit.

FURTHER AFFIANT SAYETH NOT

  
Frederick L. Terry, General Manager

Sworn and subscribed before me, this 28<sup>th</sup> day of January, 2009.

Bessie J. Hamilton

Notary Public

My Commission Expires: 5/19/2010

## **EXHIBIT A**

### **HIGHLAND TELEPHONE COOPERATIVE, INC.**

#### **TENNESSEE SERVICE AREA**

- a. Morgan County, Tennessee**  
**Morgan County Mayor**  
**Becky Ruppe**  
**P. O. Box 387**  
**Wartburg, TN 37887**

#### **Municipalities in Morgan County**

- (1) Wartburg**  
**Mayor Joey Williams**  
**P. O. Box 386**  
**Wartburg, TN 37887-0386**
- (2) Sunbright**  
**Mayor Dennis Reagan**  
**P. O. Box 188**  
**Sunbright, TN 37872**
- (3) Oakdale**  
**Mayor Vic Jeffers**  
**P. O. Box 116**  
**Oakdale, TN 37829-0116**

#### **Unincorporated areas in Morgan County**

- (1) Lancing**  
**(2) DeerLodge**  
**(3) Burrville**  
**(4) Petros**

- b. Scott County, Tennessee**  
**Scott County Mayor**  
**Ricky A. Keeton**  
**P. O. Box 180**  
**Huntsville, TN 37756**

**Municipalities in Scott County**

**(1) Oneida**

**Mayor Jack Lay  
P. O. Box 4237  
Oneida, TN 37841**

**(2) Huntsville**

**Mayor George Potter  
P. O. Box 150  
Huntsville, TN 37756**

**(3) Winfield**

**Mayor Kenny Burchfield  
P. O. Box 38  
Winfield, TN 37892**

**Unincorporated areas in Scott County**

**(1) Pioneer**

**(2) Helenwood**

**(3) Robbins**

**(4) Elgin**

## **EXHIBIT B**

### **HIGHLAND TELEPHONE COOPERATIVE, INC.**

#### **MINORITY OWNED BUSINESS PARTICIPATION PLAN**

Pursuant to Section 313 of the Tennessee Competitive Cable and Video Services Act ("Act"), Tenn. Code Ann. §7-59-313, Highland Telephone Cooperative, Inc. ("Highland") submits this Minority Owned Business Participation Plan ("Plan") as an exhibit to its Application for a State-Issued Certificate of Franchising Authority ("Application").

#### **I. OBJECTIVES**

Highland is committed to the objectives stated in Section 313 of the Act with respect to minority-owned business participation. Highland will endeavor to promote participation of minority-owned businesses through business contracting opportunities. In addition, Highland will attempt to identify and inform minority-owned businesses that are qualified and capable of providing goods and services to Highland of such opportunities.

#### **II. DEFINITIONS**

For the purposes of this Plan, the following terms shall have the following meanings:

- A. "Minority-Owned Business" means a business that 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:
  - 1. Past practices of discrimination based on race, religion, ethnic background, or sex including, but not limited to, women;
  - 2. A disability as defined in Tenn. Code Ann. §4-26-102 including, but not limited to, disabled veterans; or
  - 3. Past practices of racial discrimination against African-Americans.
- B. "Minority-Owned Business Participation Plan" means a business plan for actively soliciting bids from minority-owned businesses and letting contracts to such businesses when establishing, providing or expanding cable or video services and related support facilities. Such plan shall include the following information:
  - 1. A proposal for purchasing goods and services from minority-owned businesses;



2. Information on programs to provide technical assistance to such businesses;  
and
3. A statement of intent to follow its minority-owned business participation plan.

### **III. ADMINISTRATION**

The Plan will be overseen by the individual named below, hereinafter referred to as the Administrator. The Administrator of the Plan will be:

Frederick L. Terry  
General Manager  
Highland Telephone Cooperative, Inc.  
7840 Morgan County Highway  
P. O. Box 116  
Sunbright, TN 37872

The Administrator's responsibilities will include:

1. Maintaining and updating the Plan in full compliance with Section 313 of the Act and the rules and orders of the Tennessee Regulatory Authority ("TRA").
2. Ensuring that policies and procedures necessary for the successful implementation of the Plan are in place.
3. Preparing and submitting such forms as may be required by the TRA, including the filing of required annual updates.
4. Serving as the primary liaison with the TRA, other applicable agencies of the State of Tennessee, and minority-owned businesses.
5. Monitoring opportunities to use minority-owned businesses and encourage qualified minority-owned businesses to participate in and bid on contracts and subcontracts.
6. Managing a record keeping system to track qualified minority-owned businesses and efforts to engage such businesses.
7. Overseeing informational and educational activities within and outside Highland to identify, encourage and promote the use of minority-owned businesses.

In performance of such duties, the Administrator will utilize a number of resources, including, but not limited to, the following:

Chambers of Commerce  
Tennessee Department of Economics and Community Development  
Tennessee Department of Labor and Workforce Development

Small Business Administration, Office of Women's Business Ownership  
Tennessee Minority Supplier Development Council  
National Association of Minority Contractors, Memphis, TN  
National Association of Women Business Owners, Nashville, TN

Highland will maintain records of qualified minority-owned businesses and efforts to use the goods and services of such businesses. In addition, Highland will maintain records of informational and educational activities with respect to minority-owned businesses. Highland will submit a report to the TRA by January 31 of each year concerning Highland's minority-owned business participation plan and its compliance with such plan. Highland will cooperate fully with any additional informational requests by the TRA. Finally, it is Highland's intent to follow the Plan as described herein.

HIGHLAND TELEPHONE COOPERATIVE, INC.

By:   
Frederick L. Terry, General Manager

Date: 