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December 7, 2022

Via Email and US Mail

Dr. Herbert H. Hilliard, Chairman
c/o Ectory Lawless, Dockets and Records Manager
Tennessee Public Utility Commission
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243
tpuc.docketroom@tn.gov

Electronically Filed in TPUC Docket Room
on December 7, 2022 at 12:52 p.m.

In re: *Application of Millington CATV, LLC. for Renewal of State-Issued Certificate of Franchise Authority - Docket No. 12-00141*

Dear Chairman Hilliard:

Enclosed please find an original and four (4) copies of Millington CATV, LLC's Application for renewal of its Certificate of Franchise Authority with accompanying exhibits. This is the version for filing on the public docket. Filed along with this material are four copies of the description of the service areas, **Exhibit A**, which are being submitted under seal in a separate envelope. Also enclosed is a check in the amount of \$2,000.00 to cover the filing fee. This Amendment is being filed electronically with the Authority's Docket Manager, Tory Lawless.

Please file the original and four (4) copies of the public version of this material on the public docket. The referenced description of service areas is being filed under seal and will be sent by a separate email to the Docket Manager.

Should you have any questions concerning this matter, please do not hesitate to contact me at the email address or telephone number listed above.

With kindest regards, I remain

Very truly yours,



R. Dale Grimes

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:

**APPLICATION OF MILLINGTON CATV,
INC., FOR RENEWAL OF ITS STATE-
ISSUED CERTIFICATE OF FRANCHISE
AUTHORITY**

Docket No. 12-00141

AFFIDAVIT OF MARK McHALE

I, Mark McHale, in accordance with the requirements of the Tennessee Competitive Cable and Video Services Act, Tenn. Code Ann. § 7-59-301 et seq. (the “Act”), state as follows:

I am an employee of E. Ritter Communications Holdings, LLC, d/b/a Ritter Communications, the parent company of Millington CATV, LLC, d/b/a Ritter Communications, where my title is Vice President, Public Relations and Community Relations. As such, I am authorized to make this affidavit on behalf of Applicant Millington CATV, LLC, d/b/a Ritter Communications.

1. Name of Applicant

The name of the Applicant is Millington CATV, LLC, d/b/a Ritter Communications (hereinafter referred to as “Applicant”).

Millington CATV, Inc., received a State-Issued Certificate of Franchise Authority in this docket from this Commission’s predecessor agency, the Tennessee Regulatory Authority (“TRA”), to serve the areas specified therein on December 12, 2012. On October 28, 2019, Millington CATV, Inc., was converted to Millington CATV, LLC, the Applicant herein.

The purpose of this Application is to Renew Applicant's State-Issued Certificate of Franchise Authority.

2. Application Fee for Service Area Population of over 100,000, up to and including 500,000 (Tenn. Code Ann. § 7-59-305(b)(1))

An application fee of \$2,000.00 is submitted with this Application for the renewal of the Certificate consistent with Tenn. Code Ann. § 7-59-305(b)(2) and based on the population of service area(s) as reflected in the most recent decennial census applied for in this Application. Such service areas are described in Exhibit A.

3. Compliance with Applicable Laws (Tenn. Code Ann. § 7-59-305(c)(1))

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 Tennessee Code Annotated Title 7, Chapter 59, Part 3, or other applicable law, and will timely file with the Federal Communications Commission ("FCC") all forms required by the FCC in advance of offering video services or cable services. Applicant will comply with all applicable FCC requirements involving the distribution and notification of emergency messages over the emergency alert system consistent with the enforcement of the rules, and any waivers to the rules, as determined by the FCC.

4. Description of Municipalities and Unincorporated Areas to be Served Pursuant to the Renewal (Tenn. Code Ann. § 7-59-305(c)(2))

This Application for Renewal of Applicant's Certificate covers all areas in Applicant's original Certificate. These areas are delineated in Exhibit A. Exhibit A is incorporated by reference into this Affidavit.¹

¹ The description included in Exhibit A contains confidential and proprietary information and is being filed "under seal." Applicant respectfully requests the Commission to maintain its confidentiality accordingly.

5. Provision of and/or Intent to Begin to Offer Cable or Broadband Internet Service (Tenn. Code Ann. § 7-59-305(c)(3))

Applicant currently offers, pursuant to its existing Certificate, or intends to offer, video or cable services and/or broadband service in accordance with Tenn. Code Ann. §7-59-311(d), in the area shown in Exhibit A.

6. Indemnification (Tenn. Code Ann. § 7-59-305(c)(4))

Applicant agrees to indemnify and hold harmless, in accordance with Tenn. Code Ann. §7-59-318, 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 Tenn. Code Ann. §7-59-318 as the “indemnatee.”

7. Applicant Contact Information (Tenn. Code Ann. § 7-59-305(c)(5))

a. Applicant’s principal place of business is located at 4880 Navy Road, Millington, Tennessee 38053.

b. Contact telephone number is 888-336-4466.

c. The principal executive officers of the Applicant are as follows:

Alan Morse, Chief Executive Officer
Heath Simpson, Chief Financial Officer
Greg Sunderwood, Chief Technology Officer
Jeff Kulas, VP Customer Experience

d. The following persons are authorized to represent Applicant before the Tennessee Public Utility Commission:

i. Alan Morse

- ii. Mark McHale
- iii. R. Dale Grimes, Legal Counsel

8. Applicant Has the Managerial, Financial, and Technical Qualifications to Provide Cable Service (Tenn. Code Ann. § 7-59-305(c)(6) and (d)(2))

As previously recognized by the grant of the original certificate by the TRA in Docket 12-00141, Applicant has the managerial, financial, and technical qualifications to provide cable or video service as required by Tenn. Code Ann. § 7-59-305(c)(6) and (d)(2). Applicant has been providing video services to the service area described in Attachment A for over 43 years, including for ten years pursuant to the state-issued certificate this Application seeks to renew. Accordingly, the TRA determined that Applicant has the managerial, financial, and technical qualifications to provide cable and video services. As an incumbent cable service provider that has previously been approved to provide cable service pursuant to a state-issued certificate of franchise authority, Applicant is deemed by operation of law to have the managerial, financial, and technical qualifications to obtain the renewal of its state-issued certificate of franchise authority. In addition, E. Ritter Communications Holdings, LLC d/b/a Ritter Communications was recently granted a State-Issued Certificate of Franchise Authority by this Commission to serve other and nearby areas in West Tennessee in Docket 22-00082, and has been providing cable and video services pursuant to that Certificate. Ritter Communications provides common corporate administration and management for all operational service areas which includes the service area of this renewal Application. Therefore, the TPUC has determined that Applicant's corporate parent and, through its common corporate administration and management, Applicant have the managerial, financial, and technical qualifications to provide cable and video services. In addition to the aforementioned service areas in Tennessee, Ritter Communications provides video service to 63 communities and 12 counties in Arkansas, to Cape Girardeau and Jackson, Missouri and to Texarkana, Texas.

9. Customer Service Complaint Handling Process (Tenn. Code Ann. § 7-59-305(c)(7))

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

Applicant follows the Customer Service guidelines set forth by the FCC. Customers who have questions or complaints regarding their cable or video service, or questions or disputes concerning their bills may contact Applicant at 4880 Navy Road, Millington, TN 38053. Network facilities are monitored 24 hours per day by a staffed Network Operation Center. Local Field Service Technicians are available to address service related issues Monday through Friday during normal business hours, and also on call after hours and weekends for outages or emergencies. Applicant 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 Public Service Commission.

Local or toll-free telephone number at which a customer may contact applicant: (901) 872-7000 or (888) 336-4466. Written customer complaints may be sent to:

Ritter Communications
4880 Navy Road
Millington, TN 38053

10. Notice to Affected Local Governing Authority (Tenn. Code Ann. § 7-59-305(c)(8))

Notice has been provided to the affected local governing authorities at the addresses set forth in Exhibit B 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
(Tenn. Code Ann. § 7-59-305(c)(9))**

Applicant agrees to comply with the requirements of the Act, expressly including the applicable non-discrimination and service deployment requirements of Tenn. Code Ann. § 7-59-311. In addition, the Applicant acknowledges the provisions of Tenn. Code Ann. § 7-59-312 relative to enforcement of non-discrimination and deployment requirements.

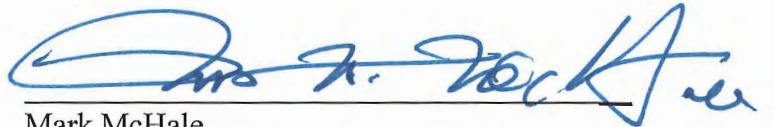
**12. Notice to Local Governing Authority Prior to Providing Service
(Tenn. Code Ann. § 7-59-305(c)(10))**

As Applicant is already providing service in the service area pursuant to its existing State-issued certificate of franchise authority, the requirements of this Code section are inapplicable.

13. Minority Owned Business Participation Plan (Tenn. Code Ann. § 7-59-305(c)(11))

Exhibit C 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 Tenn. Code Ann. § 7-59-313. Applicant's Minority Owned Business Participation Plan is incorporated by reference into this Affidavit.

FURTHER AFFIANT SAITH NOT.

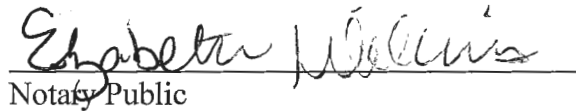


Mark McHale

VP, Ritter Communities (Public
Ritter Communities
2400 Ritter Drive
Conesboro, AR 72401
Harris)

STATE OF ARKANSAS)
)
COUNTY OF CRAIGHEAD)

Sworn to and subscribed before me, this 6 day of December, 2022.


Notary Public

My Commission Expires: 6-8-2030



MILLINGTON CATV SERVICE AREA DESCRIPTION

FILED UNDER SEAL

EXHIBIT B

TN State Issued Certificate of Franchise Authority

Application Fee

Location	Mayor	Address	Email
Shelby County	Lee Harris	160 N. Main Street, Memphis, Tennessee 38103	officeofthemayor@shelbycountyttn.gov

EXHIBIT C

E. Ritter Communications, LLC

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

E. Ritter Communications, LLC

SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN

TABLE OF CONTENTS

1.0	PURPOSE
2.0	DEFINITIONS
3.0	PLAN RESPONSIBILITY
4.0	PLAN PERIOD
5.0	PLAN ADMINISTRATION
6.0	PLAN TO ENSURE EQUITABLE OPPORTUNITY
7.0	PLAN REPORTING

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

1.0 PLAN

- 1.1 This Small and Minority-Owned Telecommunications Business Participation Plan ("Plan") is submitted by E. Ritter Communications, LLC, dba Ritter Communications ("Company"), as required by TCA § 65-5-112.
- 1.2 The Administration of this Plan is the responsibility of the Company. It is the policy of the Company to provide an opportunity for Small and Minority-Owned Businesses to compete for subcontracts awarded by the Company on a fair and equitable basis with certified suppliers and contractors.
- 1.3 This Plan is a statement of objectives and is not intended to create any legal obligation on behalf of the Company or any person or organization

2.0 DEFINITIONS

- 2.1 Minority Business: For the purpose of this Plan, "Minority-Owned 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 non-entry into the economic mainstream as defined in TCA § 65-5-112.

3.0 PLAN RESPONSIBILITY AND POLICY STATEMENT

- 3.1 It is the policy of the Company to afford Minority-Owned Businesses an opportunity to participate in the performance of contracts in accordance with TCA § 65-5-112.
- 3.2 As a purchaser of goods and services, it is the Company's responsibility to:
 - (a) Identify and maintain a pool of qualified suppliers.
 - (b) Provide opportunities for Small and Minority-Owned Businesses to bid in those solicitations for products or services which they are capable of providing, and which meet RUS (Rural Utility Service) standards.

4.0 PLAN PERIOD OF EFFECTIVENESS

- 4.1 The Company is committed to providing affirmative access to contracting opportunities for Small and Minority-Owned Businesses. The Company is proactive and will move

toward inclusion of such firms in the supplier base. This plan represents an ongoing commitment by the Company, and has no fixed time period for effectiveness.

5.0 PLAN ADMINISTRATION

5.1 Company's Plan Administrator is:

Lexanne Horton, Vice-President, Controller
PO Box 17040
Jonesboro, AR 72403
Phone: 870-336-2321

5.2 The Administrator manages the Plan as described below.

5.3 The Administrator's specific job duties, as they relate to this Plan are as follows:

- (a) Develops and maintains policies and procedures to ensure that Small and Minority-Owned Businesses have an equitable opportunity to be awarded contracts.
- (b) Establishes and maintains policies and procedures to ensure that Small and Minority-Owned Businesses have an equitable opportunity to be awarded contracts.
- (c) Ensures inclusion of Small and Minority-Owned Businesses in those solicitations for products or services which they are capable of providing.
- (d) Maintains Small and Minority-Owned Business related correspondence and record keeping.
- (e) Coordinates activities during the conduct of any compliance review by the Tennessee state agencies.
- (f) Attends or arranges for attendance by appropriate members of management at Small and Minority Business Enterprise Seminars, Trade Fairs, and Conventions.

6.0 PLAN TO ASSURE EQUITABLE OPPORTUNITY

6.1 The Administrator shall ensure that appropriate source listings and services are properly utilized in support of the Plan. Sources/listings include, but are not limited to the following:

- (a) The Company-approved Master Supplier list.

- (b) Information received from the Small Business Administration Procurement Automated Source System (PASS).
- (c) Information sources received from the TN Department of Economic Development's Office of Minority Business Enterprise and Small Business Office.
- (d) Information received from the local Chamber of Commerce.

6.2 Outreach efforts will be made as follows:

- (a) The Administrator shall cultivate and maintain relationships with Small Business trade associations and business development organizations in an effort to locate and qualify capable Small and Minority-Owned Businesses for participation in contracting opportunities.
- (b) The Administrator shall ensure that the Company assists Small and Minority-Owned Businesses by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns.
- (c) The Administrator shall ensure that the Company provides adequate and timely consideration of the potentialities of Small and Minority-Owned Businesses in "make or buy" decisions.
- (d) Appropriate members of management will attend seminars and trade fairs in order to develop sources.

7.0 PLAN REPORTING

7.1 The Company will submit such periodic reports and cooperate in those studies or surveys as may be required to determine the extent of compliance with this Plan.

7.2 The Company will maintain, if required, the following types of records:

- (a) Source lists, guides, and other data that identify Small and Minority-Owned Businesses.
- (b) Lists of organizations contacted in an attempt to locate sources that are Small and Minority-Owned Businesses.
- (c) Records of any outreach efforts to contact trade associations, business development organizations, and conferences and trade fairs attended.

- (d) The Company's Supplier Master List identifies Small and Minority-Owned Businesses. The Supplier List shall be utilized in identifying potential contractors. A Summary Sheet shall be maintained in each supplier's file and shall be reviewed and evaluated by the Plan Administrator.