

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:)	
)	
IN THE MATTER OF THE)	
APPLICATION OF MEGAWATT)	
COMMUNICATIONS, LLC)	
FOR A CERTIFICATE TO PROVIDE)	DOCKET NO. 15-00087
BROADBAND AND INTERNET)	
ACCESS SERVICE)	

**APPLICATION OF MEGAWATT COMMUNICATIONS, LLC
FOR CERTIFICATE TO PROVIDE BROADBAND
AND INTERNET ACCESS SERVICE**

Pursuant to T.C.A. § 65-4-201, Megawatt Communications, LLC ("Megawatt" or "the Company") respectfully requests that the Tennessee Regulatory Authority ("TRA") grant to Megawatt a certificate of convenience and necessity to provide broadband internet access service ("BIAS"), now classified by the Federal Communications Commission as a "telecommunications service,"¹ to customers in Tennessee. Megawatt has the managerial, technical and financial capabilities to provide BIAS and is willing and able to comply with all applicable rules and regulations.

Megawatt also offers VOIP telephone service to its BIAS customers. In classifying BIAS as a "telecommunications service," the FCC described VOIP offered by a BIAS provider as an "application level" service. Open Internet Order at paragraph 209. If the Authority grants Megawatt a certificate to offer BIAS, that certificate would encompass the offering of application-level services such as VOIP. If, however, the Authority determines that, for jurisdictional or other

¹ See In the Matter of "Protecting and Promoting the Open Internet," GN Docket 14-28, Report and Order on Remand, Declaratory Ruling and Order, released March 12, 2015, hereafter "Open Internet Order," at paragraphs 355-387.

reasons, the agency cannot issue a certificate to Megawatt to offer broadband Internet access services, Megawatt asks, in the alternative, that the Authority issue Megawatt a certificate as a "competing telecommunications service provider" pursuant to T.C.A. § 65-4-201(c).

In support of its Application, Megawatt submits the following:

1. The full name and address of the Applicant is:

Megawatt Communications, LLC
P.O. Box 2513
Lewisburg, TN 37091
Attn.: Jack Cathey

Questions regarding this application should be directed to:

Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division, Suite 700
Nashville, TN 37203

Contact name and address at the Company is:

Jack Cathey
P.O. Box 2513
Lewisburg, TN 37091

2. Corporate information:

Megawatt Communications, LLC was incorporated in the state of Tennessee on January 5, 2011. A copy of the Company's Articles of Incorporation are provided in Exhibit A. A certificate that the Company is qualified to do business in Tennessee is attached as Exhibit B. The sole member of the Company is Mr. Jack Cathey.

3. Megawatt possesses the managerial, technical and financial ability to provide local telecommunications service in the State of Tennessee as demonstrated below:

(a) Financial Qualifications:

Megawatt is a small, relatively new company that provides broadband internet access service and VOIP telephone service to approximately forty customers in and around Marshall County, Tennessee.

As a small company, Megawatt is financed through the resources of the owner, Mr. Jack H. Cathey, the sole member of Megawatt Communications, LLC. In addition to BIAS and VOIP telephone service, Megawatt also offers web design, web hosting, website maintenance, network design and maintenance, fiber optic networking and design, wireless network installation, business wifi, and computer sales and repair in the Marshall County area. A copy of Megawatt's "Profit and Loss Statement" (confidential) and Mr. Cathey's state and federal tax returns for 2014 are attached as Exhibit D (confidential).

(b) Managerial Ability:

Mr. Cathey has the managerial expertise to successfully operate a broadband internet access service and VOIP telephone service in Tennessee and is doing so now. Mr. Cathey's qualifications are described in Exhibit C and the company's current offerings are described in Mr. Cathey's pre-filed testimony attached as Exhibit G.

(c) Technical Qualifications:

Megawatt's technical qualifications are also demonstrated by the fact that the Company is now and has been successfully offering broadband internet access and VOIP telephone service to customers in and around Marshall County. See Exhibit G. The Company's VOIP telephone service is provided through a partnership with Aeneas Communications, LLC ("Aeneas"), which has been providing telephone service in Tennessee since 1999. A copy of the agreement between Megawatt and Aeneas is attached as Exhibit F.

4. Proposed Service Area:

The applicant seeks statewide authority but initially offers its services in and around Marshall County.

5. Types of Service to be provided:

Megawatt provides broadband internet access service and VOIP telephone service to end users as described more fully in Exhibit G. All telephone services are purchased from Aeneas on a wholesale basis, and the services are comparable to that currently offered by other VOIP carriers.

6. Repair and Maintenance:

Customers with service issues may contact Mr. Cathey at 931-359-4321.

7. Small and Minority-Owned Telecommunications Business Participation Plan:

See Exhibit E.

8. Toll Dialing Parity Plan, Numbering Issues, Tariffs, and Tennessee Specific Operational Issues:

These requirements generally apply to traditional, TDM telephone service. Megawatt provides telephone service only through VOIP technology and only as an "application level" service to its BIAS customers.² Megawatt therefore submits that each of these requirements should be waived to the extent the TRA is able and willing to do so. To the extent the TRA determines that any of these requirements cannot or should not be waived, Megawatt will amend this application accordingly. Since Megawatt's telephone service is provided on a wholesale basis by Aeneas, a TRA-certificated carrier, Megawatt is able to comply with any TRA requirement applicable to Aeneas.

² See Open Internet Order at paragraphs 208-210 and 400 describing VOIP as an "application level service" or as "VOIP applications" that "ride over broadband Internet access networks."

9. Miscellaneous:

- (a) A surety bond will be obtained and filed prior to the granting of a certificate.
- (b) Megawatt will comply with all applicable TRA policies, rules and orders.
- (c) Megawatt does not require customer deposits.
- (d) Megawatt has not been the subject of any customer complaints.
- (e) Mr. Cathey's prefiled testimony is attached as Exhibit G.

10. Jurisdiction:

The TRA has jurisdiction over providers of broadband Internet access service, now classified by the FCC as a "telecommunications service," pursuant to Section 706(a) of the Federal Communications Act (47 U.S.C. 1302(a)), which states that the FCC and state commissions "shall encourage the deployment . . . of advanced telecommunications capability." Verizon v. FCC, 740 F.3d 623, 638 (D.C. Cir., 2014) (holding that Section 706(a) is an affirmative grant of jurisdiction over "advanced telecommunications," including broadband Internet access service, to the FCC and the state commissions). Under Tennessee law, the TRA "is authorized as a matter of state law to receive any jurisdiction delegated to it" by the Federal Telecommunications Act. (See T.C.A. § 65-5-109(m).

States cannot use state certification requirements "to restrict entry into the broadband market." "Open Internet Order," at paragraph 433. However, as the FCC explained in the Open Internet Order, footnote 708, the Order "does not preclude all state commission action in this area, just that which is inconsistent with the federal regulatory regime." Where, as here, the broadband provider voluntarily submits to the jurisdiction of the TRA and requests the issuance of a certificate of convenience and necessity, there is no conflict with federal law. To the contrary, issuance of a certificate would be consistent with federal law. For example, Megawatt has been informed that

a TRA certificate is required to execute a pole attachment agreement, execute an interconnection agreement, obtain telephone numbers, occupy the public right-of-way and obtain easements. While such requirements arguably conflict with the FCC's regulatory framework described in the Open Internet Order, all of these arguments become moot once Megawatt obtains a certificate that clarifies its status as a public utility under state law. Therefore, granting a certificate to Megawatt upon a finding that the company has the managerial, technical, and financial capabilities to offer broadband internet access service in Tennessee would "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans" as the TRA is both authorized and required to do by Section 706(a) of the Federal Telecommunications Act.

CONCLUSION:

Megawatt respectfully requests that the TRA enter an order granting it a certificate of convenience and necessity to provide broadband internet access service in Tennessee. For the reasons stated above, Megawatt's provision of these services would promote the public interest by providing high-quality service at competitive prices and by creating greater economic incentives for the development and improvement for all competing providers. In the alternative, Megawatt requests that the TRA grant the Company a certificate as a competing telecommunications service provider.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: _____
Henry Walker (B.P.R. No. 000272)
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
Phone: 615-252-2363
Email: hwalker@babbc.com

EXHIBIT A

Articles of Incorporation



STATE OF TENNESSEE
Tre Hargett, Secretary of State
Division of Business Services
William R. Snodgrass Tower
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

JACK CATHEY
PO BOX 2513
LEWISBURG, TN 37091-1513

Request Type: Certified Copies
Request #: 171010

Issuance Date: 08/03/2015
Copies Requested: 1

Document Receipt

Receipt #: 002174701 Filing Fee: \$20.00
Payment-Check/MO - MEGAWATT COMMUNICATIONS LLC, LEWISBURG, TN \$20.00

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that **Megawatt Communications LLC**, Control # 647857 was formed or qualified to do business in the State of Tennessee on 01/05/2011. Megawatt Communications LLC has a home jurisdiction of TENNESSEE and is currently in an Active status. The attached documents are true and correct copies and were filed in this office on the date(s) indicated below.


Tre Hargett
Secretary of State

Processed By: Sheila Keeling

The attached document(s) was/were filed in this office on the date(s) indicated below:

<u>Reference #</u>	<u>Date Filed</u>	<u>Filing Description</u>
6805-2981	01/05/2011	Initial Filing
7008-1082	03/08/2012	2011 Annual Report (Due 04/01/2012)
7192-0482	04/11/2013	2012 Annual Report (Due 04/01/2013)
A0236-2575	04/28/2014	2013 Annual Report (Due 04/01/2014)
B0068-1304	03/13/2015	2014 Annual Report (Due 04/01/2015)

State of Tennessee



Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

ARTICLES OF ORGANIZATION
(LIMITED LIABILITY COMPANY)

(For use on or after 7/1/2006)

For Office Use Only
RECEIVED
STATE OF TENNESSEE

2010 DEC 22 AM 9:53

TRE HARGETT
SECRETARY OF STATE

The Articles of Organization presented herein are adopted in accordance with the provisions of the Tennessee Revised Limited Liability Company Act.

1. The name of the Limited Liability Company is: Megawatt Communications LLC

(NOTE: Pursuant to the provisions of TCA §48-249-106, each limited Liability Company name must contain the words "Limited Liability Company" or the abbreviation "LLC" or "L.L.C.")

2. The name and complete address of the Limited Liability Company's initial registered agent and office located in the state of Tennessee is:

Jack Cathey

(Name)

404 David Ave

Lewisburg

TN 37091

(Street address)

(City)

(State/Zip Code)

Marshall

(County)

3. The Limited Liability Company will be: (NOTE: PLEASE MARK APPLICABLE BOX)

☒ Member Managed

☐ Manager Managed

☐ Director Managed

4. Number of Members at the date of filing, if more than six (6): _____.

5. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date and time is: (Not to exceed 90 days)

Date: _____, _____ Time: _____

6. The complete address of the Limited Liability Company's principal executive office is:

404 David Ave

Lewisburg

TN 37091

(Street Address)

(City)

(State/County/Zip Code)

7. Period of Duration if not perpetual: Perpetual

8. Other Provisions:

9. THIS COMPANY IS A NONPROFIT LIMITED LIABILITY COMPANY (Check if applicable) ☐

12-09-2010

Signature Date

Signature

Owner

Signer's Capacity (if other than individual capacity)

Jack Cathey

Name (printed or typed)

6884.2614

6805.2981



Tennessee Limited Liability Company Annual Report Form

AR Filing #: 02880437

Status: Unsubmitted

File online at: <http://TNBear.TN.gov/AR>

Due on/Before: 04/01/2012

Reporting Year: 2011

Please return completed form to:

Tennessee Secretary of State
Attn: Annual Reports
William R. Snodgrass Tower
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102
Phone: (615) 741-2286

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000
\$20 additional if changes are made in block 3 to the registered agent/office

SOS Control Number: 647857

Limited Liability Company - Domestic

Date Formed: 01/05/2011

Formation Locale: MARSHALL COUNTY

(1) Name and Mailing Address:

Megawatt Communications LLC
404 DAVID AVE
LEWISBURG, TN 37091-3603

(2) Principal Office Address:

404 DAVID AVE
LEWISBURG, TN 37091-3603

(3) Registered Agent (RA) and Registered Office (RO) Address: Agent Changed: No

Jack Cathey
404 DAVID AVE
LEWISBURG, TN 37091-3603

(4) This LLC is (change if incorrect): Director Managed, Manager Managed, X Member Managed,
 Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent), respectively.

Name	Business Address	City, State, Zip
JACK CATHEY	404 DAVID AVENUE	LEWISBURG, TN 37091

(5) Provide the names and business addresses, including zip codes, of the LLC managers (if governed by the LLC Act), or any officers (if governed by the Revised LLC Act), (or their equivalent), respectively.

Name	Business Address	City, State, Zip
JACK CATHEY	404 DAVID AVENUE	LEWISBURG, TN 37091

(6) Number of members on the date the annual report is executed if there are more than six (6) members: 1

 This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature: (8) Date: 03-06-12

(9) Type/Print Name:

(10) Title:

Instructions: Legibly complete the form above. Enclose a check made payable to the Tennessee Secretary of State in the amount of \$300.00. Sign and date this form and return to the address provided above. Additional instructions at http://tn.gov/sos/bus_srv/annual_reports.htm



Tennessee Limited Liability Company Annual Report Form

AR Filing #: 03473068

File online at: <http://TNBear.TN.gov/AR>

SUBMISSION PENDING

Due on/Before: 04/01/2013

Reporting Year: 2012

Please return completed form to:

Tennessee Secretary of State

Attn: Annual Reports

William R. Snodgrass Tower

312 Rosa L. Parks AVE, 6th FL

Nashville, TN 37243-1102

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000

\$20 additional if changes are made in block 3 to the registered agent/office

SOS Control Number: 647857

Limited Liability Company - Domestic

Date Formed: 01/05/2011

Formation Locale: TENNESSEE

(1) Name and Mailing Address:

Megawatt Communications LLC

404 DAVID AVE

LEWISBURG, TN 37091-3603

(2) Principal Office Address:

404 DAVID AVE

LEWISBURG, TN 37091-3603

(3) Registered Agent (RA) and Registered Office (RO) Address:

JACK CATHEY

404 DAVID AVE

LEWISBURG, TN 37091-3603

Agent Changed: No

Agent County: MARSHALL COUNTY

(4) This LLC is (change if incorrect): ☐ Director Managed, ☐ Manager Managed, ☒ Member Managed,
☐ Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2006 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip
JACK CATHEY	404 DAVID AVENUE	LEWISBURG, TN 37091

(6) Number of members on the date the annual report is executed: 1

☐ This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature:

(8) Date:

04-10-2013

(9) Type/Print Name:

Jack Cathey

(10) Title:

owner

Instructions: Legibly complete the form above. Enclose a check made payable to the Tennessee Secretary of State in the amount of \$300.00. Sign and date this form and return to the address provided above. Additional instructions at http://tn.gov/sos/bus_srv/annual_reports.htm



Tennessee Limited Liability Company Annual Report Form

AR Filing #: 04273746

File online at: <http://TNBear.TN.gov/AR>

FILED: Apr 28, 2014 12:52PM

Due on/Before: 04/01/2014

Reporting Year: 2013

DLN #: A0236-2575.001

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000
\$20 additional if changes are made in block 3 to the registered agent/office

This Annual Report has been successfully
paid for and filed. Please keep this report for
your records.

CC Payment Ref #: 155977931

SOS Control Number: 647857

Limited Liability Company - Domestic

Date Formed: 01/05/2011

Formation Locale: TENNESSEE

(1) Name and Mailing Address:

Megawatt Communications LLC
PO BOX 2513
LEWISBURG, TN 37091-1513

(2) Principal Office Address:

404 DAVID AVE
LEWISBURG, TN 37091-3603

(3) Registered Agent (RA) and Registered Office (RO) Address:

JACK CATHEY
404 DAVID AVE
LEWISBURG, TN 37091-3603

Agent Changed: NoAgent County: MARSHALL COUNTY

(4) This LLC is (change if incorrect): ☐ Director Managed, ☐ Manager Managed, ☒ Member Managed,
☐ Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2006 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip
Jack Cathey	PO BOX 2513	LEWISBURG, TN 37091

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip
JACK CATHEY	404 DAVID AVENUE	LEWISBURG, TN 37091

(6) Number of members on the date the annual report is executed: 1

☐ This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature: Electronic(8) Date: 04/28/2014 12:52 PM(9) Type/Print Name: Jack Cathey(10) Title: Member



04839445

**Tennessee Limited Liability Company Annual Report Form**

AR Filing #: 04839445

File online at: <http://TNBear.TN.gov/AR>

FILED: Mar 13, 2015 12:48PM

Due on/Before: 04/01/2015

Reporting Year: 2014

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000

\$20 additional if changes are made in block 3 to the registered agent/office

This Annual Report has been successfully paid for and filed. Please keep this report for your records.

CC Payment Ref #: 161183822

SOS Control Number: 647857

Limited Liability Company - Domestic

Date Formed: 01/05/2011

Formation Locale: TENNESSEE

(1) Name and Mailing Address:Megawatt Communications LLC
PO BOX 2513
LEWISBURG, TN 37091-1513**(2) Principal Office Address:**404 DAVID AVE
LEWISBURG, TN 37091-3603**(3) Registered Agent (RA) and Registered Office (RO) Address:**JACK CATHEY
404 DAVID AVE
LEWISBURG, TN 37091-3603Agent Changed: No

Agent County: MARSHALL COUNTY

(4) This LLC is (change if incorrect): Director Managed, Manager Managed, X Member Managed,
 Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2006 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip
JACK CATHEY	404 DAVID AVENUE	LEWISBURG, TN 37091

(6) Number of members on the date the annual report is executed: 1 This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature: Electronic

(8) Date: 03/13/2015

(9) Type/Print Name: Jack Cathey

(10) Title: Owner

B0068-1304 03/13/2015 12:48 PM Received by Tennessee Secretary of State Tre Hargett

EXHIBIT B

Certificate of Authorization to Conduct Business in Tennessee



STATE OF TENNESSEE
Tre Hargett, Secretary of State
Division of Business Services
William R. Snodgrass Tower
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

BRADLEY ARANT BOULT CUMMINGS LLP
1600 DIVISION STREET
NASHVILLE, TN 37203

August 31, 2015

Request Type: Certificate of Existence/Authorization
Request #: 0173897

Issuance Date: 08/31/2015
Copies Requested: 1

Document Receipt

Receipt #: 002214616 Filing Fee: \$22.25
Payment-Credit Card - State Payment Center - CC #: 164480677 \$22.25

Regarding: Megawatt Communications LLC
Filing Type: Limited Liability Company - Domestic
Formation/Qualification Date: 01/05/2011
Status: Active
Duration Term: Perpetual
Business County: MARSHALL COUNTY

Control #: 647857
Date Formed: 01/05/2011
Formation Locale: TENNESSEE
Inactive Date:

CERTIFICATE OF EXISTENCE

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that effective as of the issuance date noted above

Megawatt Communications LLC

- * is a Limited Liability Company duly formed under the law of this State with a date of incorporation and duration as given above;
- * has paid all fees, taxes and penalties owed to this State (as reflected in the records of the Secretary of State and the Department of Revenue) which affect the existence/authorization of the business;
- * has filed the most recent annual report required with this office;
- * has appointed a registered agent and registered office in this State;
- * has not filed Articles of Dissolution or Articles of Termination. A decree of judicial dissolution has not been filed.

Tre Hargett
Secretary of State

Processed By: Cert Web User

Verification #: 013414123

EXHIBIT C

Resume of Mr. Jack Cathey

Mr. Jack Cathey

- | | |
|------|--|
| 2009 | Graduated from Columbia State with an Associates Degree in Computer Information Systems |
| 2009 | Founded Megawatt Communications, LLC offering ISP service in and around Marshall County |
| 2010 | Megawatt began constructing its own towers and offering wireless internet access service |
| 2010 | Constructed E911 fiber network for Marshall County |
| 2012 | Graduated from Middle Tennessee State University with a Bachelor's Degree; major in Criminal Justice; Minor in Computer Information Systems |
| 2012 | Megawatt began offering telephone service through VOIP technology; Megawatt also began offering as an additional service the design and management of office computer systems |
| 2013 | Selected for Leadership Marshall |
| 2015 | Megawatt installed approximately five miles of fiber optic cable in Marshall County over which it now offers broadband internet access service and resold VOIP telephone service |

P.O. BOX 2513
Lewisburg, Tennessee 37091
931-993-7962 • JACK@JACKCATHEY.COM

JACK CATHEY

OBJECTIVE

To provide the best Internet possible all at an affordable price.

SUMMARY OF QUALIFICATIONS

Certification(s) in:

NCIC / TIES Certified Entry and Query
P.O.S.T. Certifiable | OC Spray Certified | Taser Certified | Spike Strip Certified

EMPLOYMENT

07/09 - Present Megawatt Communications LLC
Lewisburg, TN

President / CEO

- Communications contractor.
- Maintain fiber optic lines for 911 centers.
- Design and implement Custom networks and solutions.
- Computer and computer systems repair
- Provide fiber-optic Internet
- Fiber-optic network construction
- Wireless Internet provider

01/10 – 10/14 Marshall County Sheriffs Office
Marshall County, TN (Lewisburg)

Information and Technology Director / Reserve Deputy

- Enforce Federal, State, and Local laws.
- Serve criminal and civil process.
- Responsible for operations of all systems in the facility.
 - Emergency communication equipment 911, two-way radio, and telephones.
 - Computer Aided Dispatch System "CAD".
 - Emergency power systems generators and battery backups.
 - Jail Management and tracking system.
 - Electronic door locks and controlling computer system.
 - Recorders for radio, 911, and admin lines.
 - CCTV DVR for 24/7 video of the complex.
 - NCIC systems and TIES Tennessee Information Enforcement System.
 - Computerized fingerprinting and booking system.
 - Local and state network security and maintenance.
 - Maintain secure storage of all electronic records.
 - Vehicle emergency lighting, siren and communications equipment.

08/07 - 06/09 TNWeb LLC
Lewisburg, TN

Network Engineer

- Managed and maintained citywide wireless network
- Provided computer repair and troubleshooting.
- Install and repair of Internet connectivity Residential Government and Commercial.
- Assisted in Network Operations Center with server repair and Maintenance.

08/07 - 10/08 ERMCI Security Cool Springs Galleria
Franklin, TN

Tennessee Licensed Unarmed Guard

- Provide secure environment for patrons.
- Inspected property for damage and hazards to patrons.
- Investigated shopliftings and issued ban notices
- Investigated accidents and composed reports

05/05 - 08/07 H & S Pharmacy #1

Lewisburg, TN

Maintenance

- Provided general building maintenance.
- Computer networking and implementation for efficiency.
- Maintenance of PBX, telco equipment, and Internet connectivity.

EDUCATION

Advanced Drug Interdiction TNOA November 2013

Middle Tennessee State University – Bachelors – Criminal Justice Admin – 2012

Minor Computer Info Systems

Columbia State Community College – Associates Degree – Computer Info Systems - 2009

Spot Lowe Vocational Center- Diploma 2007

Marshall County High School - High School Diploma 2007

EXHIBIT D

Financial Information

Profit and Loss Statement of Megawatt

Federal and State Tax Returns of Jack Cathey (Confidential)

EXHIBIT E

Small and Minority-Owned Telecommunications Business Plan

MEGAWATT COMMUNICATIONS SMALL AND MINORITY-OWNED
TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN

Pursuant to T.C.A. § 65-5-212, as amended, Megawatt Communications, LLC ("Megawatt" or "the Company") 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 T.C.A. § 65-5-212 is to provide opportunities for small and minority-owned businesses to provide goods and services to telecommunications service providers. The Company is committed to the goals of § 65-5-212 and to taking steps to support the participation of small and minority-owned telecommunications businesses in the telecommunications industry. Megawatt 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, Megawatt will make efforts to identify and inform minority-owned and small businesses that are qualified and capable of providing goods and services to the Company of such opportunities. The Company's representative will contact 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, the Company will seek to increase awareness of such opportunities so that companies not otherwise identified will have sufficient information to participate in the procurement process.

II. DEFINITIONS

As defined in T.C.A. § 65-5-212.

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

Megawatt'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 the Company's full efforts to provide equal opportunities for small and minority-owned businesses.

The Administrator of the Plan will be:

Jack Cathey
Megawatt Communications, LLC
P. O. Box 2513
Lewisburg, TN 37091

The Administrator's responsibilities will include:

- (1) Maintaining an updated Plan in full compliance with § 65-5-212 and the rules and orders of the Tennessee Regulatory Authority.
- (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 § 65-5-212.
- (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 education activities to persons within Megawatt 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 appropriate and feasible, small and minority-owned businesses assistance with technical, insurance, bonding, licensing, production, and deadline requirements.

IV. RECORDS AND COMPLIANCE REPORTS

Megawatt will maintain records of qualified small and minority-owned business and efforts to use the goods and services of such businesses. In addition, the Company will maintain records of educational and training activities conducted or attended and of the internal procurement procedures adopted to support this plan. The Company will submit records and reports required by the Tennessee Regulatory Authority concerning the Plan. Moreover, the Company will cooperate fully with any surveys and studies required by the Tennessee Regulatory Authority.

EXHIBIT F

Operational Issues

TENNESSEE OPERATIONAL ISSUES

At this time, all of Megawatt's operational issues are handled on behalf of Megawatt by Aeneas Communications, LLC, a TRA-licensed telephone company since 1999 (see TRA Docket 99-00415). A copy of the contract between Megawatt and Aeneas is attached. Pursuant to that agreement, Aeneas handles and provides:

- (1) Intralata and interlata toll dialing parity;
- (2) Ensures customers may select alternative long distance providers for intralata and interlata dialing; and
- (3) Provides non-discriminatory access to telephone numbers, operator services, directory assistance and directory listings (where applicable).

As Megawatt grows, it will eventually be able to provide these services itself.

EXHIBIT G

Testimony of Mr. Jack Cathey

TESTIMONY OF MR. JACK CATHEY

Q. State your name and what you do for a living.

A. My name is Jack Cathey. I am the sole member of Megawatt Communications, LLC, a company I founded in 2009.

Q. What is the purpose of your testimony?

A. The purpose is to support Megawatt's application for a certificate of convenience and necessity to provide broadband internet access service and VOIP telephone service in Tennessee and to attest to the accuracy of the content of the application.

Q. What communications services does Megawatt currently provide?

A. We currently have about forty customers in and around Marshall County, Tennessee. Megawatt owns five wireless towers and five miles of fiber optic cable. Through the towers, we provide wireless broadband Internet access service to approximately fifteen residential customers who could not otherwise obtain broadband service at a reasonable price. Using our fiber optic cable, we provide broadband Internet access service to five, large business customers in an industrial park. In addition, we use the facilities of an incumbent provider to offer BIAS to about twenty residential and small business customers. My business plan is to offer broadband service, both wireless and wireline, to residential and small business customers under standardized terms and conditions. We offer service to large business customers on an individual contract basis. Finally, we offer all our broadband customers local and long distance telephone service through VOIP technology in partnership with Aeneas Communications.

Q. Why are you applying for a certificate?

A. As Megawatt grows, it has become increasingly difficult to obtain access to telephone poles and the public right-of-way without a TRA certificate. AT&T has told me that I cannot execute a

pole attachment agreement without a certificate. I have been told by land owners and county officials that I cannot obtain an easement or occupy the public right-of-way without a certificate. Finally, if Megawatt grows to the point where I am no longer buying wholesale VOIP service from Aeneas, I will likely need a certificate to obtain telephone numbers and execute an interconnection agreement with an incumbent carrier. Having a certificate moots all these potential issues.

Q. Will you abide by the rules and orders of the Authority?

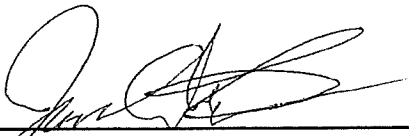
A. Yes.

Q. Does this complete your testimony?

A. Yes.

AFFIDAVIT

I, Jack Cathey, sole owner and officer of Megawatt Communications, LLC, swear that all of the information contained in this application, including my pre-filed testimony, is true and correct to the best of my knowledge.

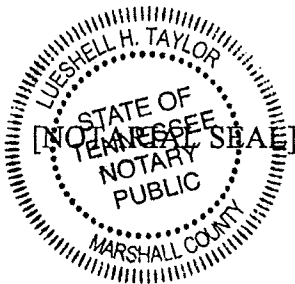



JACK CATHEY
Megawatt Communications, LLC

STATE OF TENNESSEE)
COUNTY OF MARSHALL)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Jack Cathey, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3rd day of September, 2015.




Notary Public

My commission expires: 11-27-2017