

TENNESSEE REGULATORY AUTHORITY



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

June 23, 2016

William C. Bovender, Esq.
Hunter, Smith & Davis, LLP
PO Box 3704
Kingsport, TN 37664

Dear Mr. Bovender:

In order for the Tennessee Regulatory to evaluate Docket No. 16-00033, *Petition of Kingsport D/B/A AEP Appalachian Power for Approval of Franchise Agreement with the City of Kingsport, Tennessee*, it is requested that responses be provided to clarify the following:

1. Section X (p) of Ordinance No. 6541 provides in part:

The City shall have the right without cost to use all poles and suitable overhead structures owned by the Company within Public Ways for city wires used in connection with its **governmental purposes**; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose. (Emphasis added).

If the City were to use wires attached to Company poles for **non-governmental purposes**, including broadband, video and/or telecommunications service offerings to the public, would those attached wires (pole attachments) be offered free of charge under the Ordinance language? Please explain.

2. Does the City currently have any wires attached to Company poles? If so, please describe the types of wires connected, and identify the pole attachment rates being assessed.
3. If the franchise agreement is approved, will a pole rental agreement also be required between the City and Company?

It is requested that responses be submitted no later than 2:00 p.m., Wednesday June 29, 2016, and that Docket No. 16-00033 be referenced on the response. In accordance with Authority rules, please file either thirteen written copies or one electronic copy along with four written

copies. Should you have any questions or need clarification of any requested item, please contact me (615) 770-6884.

Sincerely,

A handwritten signature in dark ink, appearing to read "D M Foster". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David Foster, Chief
Utilities Division

CC: Docket File
The Honorable John Clark, Mayor of Kingsport
J. Michael Billingsley, City Attorney for Kingsport
William K. Castle, Director, Regulatory Services VA/TN Appalachian Power Company
Thomas G. St. Pierre, Esq., American Electric Power Service Corporation
James R. Bacha, Esq., American Electric Power Service Corporation
Joseph B. Harvey, Esq., Hunter, Smith & Davis, LLP