

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

IN RE:

| | | |
|-------------------------------------|----------|----------------------------|
| PETITION OF TENNESSEE |) | DOCKET NO. 18-00096 |
| BROADBAND, TV AND TELEPHONE |) | |
| COOPERATIVE, INC. FOR |) | |
| ESTABLISHMENT OF TERRITORIAL |) | |
| BOUNDARIES | | |

**PETITION FOR LEAVE TO INTERVENE OF
TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION**

Tennessee Electric Cooperative Association ("TECA"), by and through its undersigned counsel, hereby seeks leave to intervene in the above-captioned proceeding pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107. In support of this petition, TECA states as follows:

1. TECA is a trade association organized under Tennessee law and established to serve the needs of Tennessee's consumer-owned electric cooperatives by providing leadership, advocacy, and support.
2. TECA represents 23 individual power distributors, including Tennessee's 22 electric cooperatives and one municipal system.
3. TECA maintains its corporate offices at 2964 Sidco Drive, Nashville, Tennessee 37204.
4. Pursuant to the Tennessee Broadband Accessibility Act, Tenn. Code Ann. § 65-25-134, Gibson Electric Membership Corporation ("GEMC"), one of TECA's members, has formed a wholly owned subsidiary, Gibson Connect, LLC ("Gibson Connect"), to provide broadband, voice, internet access, and related services within GEMC's service area.

5. In its Petition, InfoStructure, Inc. d/b/a Click1.net (“Infostructure”) claims that it has converted to a non-profit telephone cooperative and requests the Commission to grant it exclusive territorial boundaries that overlap with a portion of GEMC’s service area and, thus, a portion of the area in which Gibson Connect is authorized to provide broadband, voice, internet access, and related services under the Tennessee Broadband Accessibility Act.

6. TECA has been informed of Infostructure’s multiple claims across public forums that Infostructure’s purported conversion to a telephone cooperative will prevent GEMC and Gibson Connect from providing broadband, voice, internet access, and related services within Infostructure’s claimed territorial boundaries.

7. Infostructure’s position has no basis in the governing statutes and applicable legal principles. If, however, Infostructure was to obtain the relief it requests, TECA’s interests and its members’ interests would be directly and negatively impacted.

8. Like GEMC, many of TECA’s members have begun—or are in the process of beginning—to offer broadband services through subsidiaries as explicitly authorized by the Tennessee Broadband Accessibility Act.

9. Several non-cooperative entities with the same purported grounds for converting to a telephone cooperative as Infostructure are located within the territorial boundaries of TECA’s members.

10. If Infostructure’s erroneous arguments were successful, nothing would prevent other non-cooperative entities from claiming to convert to a telephone cooperative in an attempt to block electric cooperatives from providing broadband services through subsidiaries, thereby frustrating the General Assembly’s clear intent to increase competition in the broadband sector and increase consumer access and choice with respect to broadband services.

11. For all of the reasons explained above, TECA's and its members' legal rights, duties, privileges, immunities or other legal interests may be determined in this proceeding.

12. Because of its own interest and its members' interests in this proceeding, TECA respectfully seeks to intervene in this matter.

13. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the requested intervention.

14. Should the requested intervention be granted, all notices, pleadings, orders, documents and the like in this proceeding should be provided to:

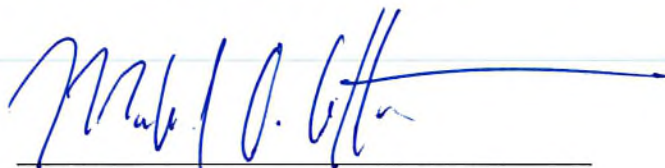
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Based on the foregoing considerations, TECA requests the Commission to grant this request for intervention.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'W. Brantley Phillips, Jr.', with a long horizontal flourish extending to the right.

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*Attorney for Tennessee Electric Cooperative
Association*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy has been forwarded via U.S. Mail to the following on this the 20th day of December, 2018.

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Michael A. Cottone