

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)

JOINT STATUS REPORT OF GIBSON ELECTRIC MEMBERSHIP CORPORATION,
GIBSON CONNECT LLC, TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION
and TENNESSEE MUNICIPAL ELECTRIC POWER ASSOCIATION

Pursuant to the Hearing Officer's June 26, 2019 Notice, Gibson Electric Membership Corporation, Gibson Connect LLC, the Tennessee Electric Cooperative Association and the Tennessee Municipal Electric Power Association (collectively, the "Interested Parties"), by and through their undersigned counsel, hereby provide this Joint Status Report. Upon becoming aware of the Notice and the deadline to file this Joint Status Report, counsel for the Interested Parties promptly contacted Petitioner's counsel seeking to discuss the status of this docket. Petitioner's counsel had not responded as of the time of this filing.

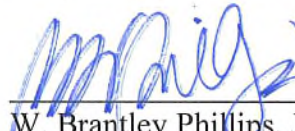
In light of the General Assembly's recent reaffirmation in 2019 Public Chapter No. 174 that an entity cannot prevent a rural electric cooperative from providing broadband internet access and related services within its service area by "converting" to become a telephone cooperative, the Interested Parties are confirmed in their position that there is no basis for proceeding with this docket.¹ A copy of 2019 Public Chapter No. 174 is attached as Exhibit A, and a copy of a letter from Senator Ferrell Haile made part of the legislative record under Senate Rule 61 is attached as

¹ TMEPA avers that similar principles would apply if Petitioner were to attempt to block a municipal electric system from providing broadband services.

Exhibit B. The Interested Parties will gladly brief their position on this point further as directed and deemed appropriate.

With regard to any status conference that may be required, the Interested Parties are available to participate during August 6, 8, 9 and 13-16, 2019.

Respectfully submitted,



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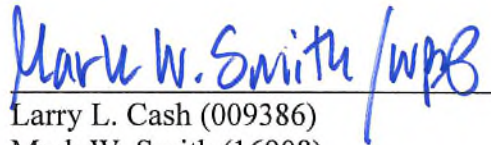
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and



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Attorneys for Tennessee Municipal Electric Power Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy has been served via first-class U.S. Mail, postage prepaid, to the following on the 10th day of July, 2019:

Charles B. Welch
Brittany L. Davis
FARRIS BOBANGO PLC
414 Union Street, Suite 1105
Nashville, Tennessee 37219



W. Brantley Phillips, Jr.



State of Tennessee

PUBLIC CHAPTER NO. 174

SENATE BILL NO. 210

By Haile, Bowling

Substituted for: House Bill No. 172

By Marsh, Carter, Whitson, Hawk, Shaw

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 25, relative to cooperatives.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-25-128, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Section 65-25-134(c)(2), is amended by deleting the language "an existing telephone cooperative" and substituting instead the language "an entity in existence and operating as a telephone cooperative on April 24, 2017".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.



SENATE BILL NO. 210

PASSED: April 8, 2019


RANDY McNALLY
SPEAKER OF THE SENATE


GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of April 2019


BILL LEE, GOVERNOR

FERRELL HAILE
STATE SENATOR
SPEAKER PRO TEMPORE

SENATE DISTRICT 18:
SUMNER, TROUSDALE, & EASTERN
PART OF DAVIDSON COUNTIES

LEGISLATIVE OFFICE:
SUITE 708, CORDELL HULL BUILDING
425 5TH AVENUE, NORTH
NASHVILLE, TENNESSEE 37243
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Senate Chamber
State of Tennessee
NASHVILLE

MEMBER OF COMMITTEES:

HEALTH & WELFARE
1ST VICE CHAIRMAN
EDUCATION
FINANCE, WAYS & MEANS
RULES

MEMBER OF SUBCOMMITTEES:

INVESTIGATIONS & OVERSIGHT
REVENUE

March 25, 2019

Russell Humphrey
Chief Clerk of the Senate
Tennessee State Senate
State Capitol, 2d Floor
Nashville, TN 37243

Dear Mr. Humphrey:

Pursuant to Senate Rule 61, I want to provide my reasons for sponsoring and supporting the enactment of SB 210 / HB 172, which amends provisions of Tennessee Code Annotated, Title 65, Chapter 25. Please see that this statement is included as a part of the record relating to this important legislation.

In 2017, the General Assembly passed the Tennessee Broadband Accessibility Act (the "Act") to encourage greater competition in the marketplace for internet services and the expansion of high-speed internet service availability into traditionally underserved rural areas of the state. To accomplish these goals, the Act empowered rural electric cooperatives for the first time to provide broadband internet access and related services within their respective service areas. Given electric cooperatives' existing focus on rural areas, their wide reach across the state, and their community-focused ownership structure, electric cooperatives are an ideal vehicle through which to make affordable high-speed internet service via broadband more available to Tennesseans in need of that increasingly essential resource.

When the Act became law, there were a number of rural telephone cooperatives providing internet service in less populated areas of the state. To avoid harming these particular providers, the Act prevented electric cooperatives from offering broadband internet access in the service area of a telephone cooperative in existence on the date the act was passed.

Following the passage of the Act, certain internet providers have sought to "convert" from for-profit companies to nonprofit telephone cooperatives in an effort to block competition by electric cooperatives in the broadband marketplace. The language of the Act, as originally enacted, did not

EXHIBIT

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permit this. But to avoid any doubt, SB 210 amends Tenn. Code Ann. § 65-25-134(c)(2) to specify that the provisions of the Act pertaining to telephone cooperatives are addressed to cooperatives in existence at the time of the Act passage only, and that an electric cooperative is not – and has never been – prohibited from providing internet service in the service area of an entity that has converted to a telephone cooperative after the effective date of the Act.

SB 210's amendment to Tenn. Code Ann. § 65-25-134(c)(2) does not constitute a substantive change in the law. Instead, this amendment is intended to prevent any possible misuse or misinterpretation of the statute that would undermine the goals of promoting competition among providers of broadband internet service.

Again, please include this statement in the Senate record so that it will be part of the legislative history relating to this legislation.

Sincerely,

A handwritten signature in black ink that reads "Ferrell Haile". The signature is written in a cursive, flowing style with a large initial "F".

Senator Ferrell Haile