



November 30, 2021

**VIA USPS and ELECTRONIC FILING**

Chairman, Tennessee Public Utility Commission  
c/o Dockets and Records Manager  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

**RE: Amended Application from Point Broadband Fiber Holding, LLC to Update State-Issued Certificate of Franchise Authority Docket No. 19-00067**

On behalf of Point Broadband Fiber Holding, LLC, filed electronically on this date and mailed via USPS, is an amended Application for a State-Issued Certificate of Franchise Authority. An original and three (3) copies of the amendment material was mailed on this date as required.

The required fee of \$500 is included, check # 2828. Questions concerning this filing may be directed to the undersigned on 301-788-6889 or [tfireccg@myactv.net](mailto:tfireccg@myactv.net).

Respectfully submitted,

*Terri K. Firestein*

Terri K. Firestein, Sr. Director  
Consultant for Point Broadband Fiber Holding, LLC

**BEFORE THE TENNESSEE PUBLIC UTILITIES COMMISSION**

***First Amendment to the Application of Point Broadband Fiber Holding, LLC for a  
State-Issued Certificate of Franchise Authority***

**AFFIDAVIT OF CHAD WACHTER**

**STATE OF GEORGIA  
COUNTY OF TROUP**

I, Chad Wachter, have been duly sworn in accordance with the law, state as follows:

**A. Identification of Affiant and Application Fee**

1. Affidavit is Made by an Officer of Applicant. My name is Chad Wachter. I am General Counsel of the applicant Point Broadband Fiber Holding, LLC, a broadband, video and telecommunications service provider with its principal offices located at 3120 Frederick Road, Suite E, Opelika, Alabama 36801. I am authorized to make this affidavit on behalf of Point Broadband Fiber Holding, LLC (hereinafter "Point" or "Applicant").

2. Application Fee for Service Area Based on Population. Applicant has included the application fee of five hundred dollars (\$ 500) with this first Amendment based on a service area population between 50,000 and up to and including one 1,000,000 as reflected in the recent decennial census as required by Section 305(b)(2).

**B. Required Information and Affirmations**

1. Compliance with Laws. Applicant agrees to comply with all applicable federal and state laws and regulations and will timely file with the FCC all forms required by the FCC in advance of offering video services or cable services. Specifically, Applicant agrees to comply with the requirements of the Tennessee Competitive Cable and Video Services Act, Tenn. Code Ann. §§ 7-59- 301, et seq. (the "Act").

2. Description of Areas to be Served in Whole or in Part. Applicant seeks to amend its state-issued certificate of franchise authority to provide video services in portions of the incorporated and unincorporated areas found within the counties of Giles, Lewis, Maury, Lawrence and Wayne. This is in addition to the portions of Claiborne, Hancock, Hawkins, Sullivan and Washington counties we currently serve. Applicant's specific service area, to be served within 24 months of the date of the issuance of the amended state-issued Certificate of Franchise Authority, can be found in **EXHIBIT A.**
3. Intent to Serve. Applicant intends to begin offering video services in the amended service area as described herein within twenty-four (24) months of the date of the issuance of the amended state-issued Certificate of Franchise Authority.
4. Indemnity. In accordance with § 7-59-318, Applicant agrees to indemnify and hold harmless 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 from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and workers' compensation claims, collectively referred to in this section as claims, against any parties indemnified in accordance with this section, arising out of, caused by, or as a result of the holder's exercising its authority granted under a state-issued certificate of franchise authority, except for claims related to public, educational or governmental channels controlled by an indemnitee or other third-party designated by the indemnitee.

**5. Contact Information.**

Applicant's principal place of business is 3120 Frederick Road, Suite E, Opelika, Alabama 36801. Its Principle Corporate Officers consists of the following individuals:

Todd Holt, President & CEO

Nick DeWeese, CFO

Chad Wachter, General Counsel and Secretary

**6. Managerial, Financial and Technical Qualifications to Provide Video Service.**

Applicant has the managerial, financial, and technical qualifications to provide video service as required by Tenn. Code Ann. 7-59-305(c)(6) and (d)(2).

**7. Description of Customer Service Complaint Process.**

Applicant has a written Customer Service Policy which includes a dispute resolution procedure. Our customer service representatives are trained and prepared to respond to a broad range of service matters; including the types of services offered, billing questions, concerns, questions or complaints pertaining to the customer's current service and general video service matters. Customers with questions or complaints may contact Customer Service on a toll-free telephone number, 844-407-6468. Customer Service is available Monday through Friday from 8am to 5pm. Customers may also submit complaints online using the website [www.point-broadband.com](http://www.point-broadband.com). Customer service representatives (CSRs) are also familiar with Tennessee Commission rules and regulations pertaining to customer complaints. The CSRs will track whether the customer has been satisfied with the complaint resolution. At all times, Applicant's policy is to treat customers with respect and understanding.

If a complaint cannot be resolved, a customer will be given the address and phone number of the Tennessee Commission with whom they can file a complaint. As required by Tennessee Commission rules, upon receiving a complaint forwarded to Applicant by the Tennessee Commission, Applicant, will file a written response with the Tennessee Commission within ten (10) days.

8. Compliance with Legal Requirement. Applicant agrees to comply with the requirements of Tenn. Code Ann. 7-59-301 et seq., expressly including the applicable non-discrimination and service deployment requirements of 7-59-311. Applicant acknowledges the enforcement provisions in Tenn. Code Ann. 7-59-312 relative to enforcement of non-discrimination and deployment requirements.

9. Notice to Local Governing Authority(ies). Applicant agrees to provide notice to an affected local governing authority no less than ten (10) days prior to providing service in that jurisdiction. See EXHIBIT B.

10. Compliance with Minority Owned Business Plan. Pursuant to Tenn. Code Ann. 7-59-313, Applicant has adopted a Minority-Owned Business Participation Plan and agrees to comply with the provisions of its Plan. Applicant's Plan is attached as EXHIBIT C and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Name: Chad Wachter  
Title: General Counsel

Signature: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME:

This 16<sup>th</sup> day of November, 2021. Sharon Hall

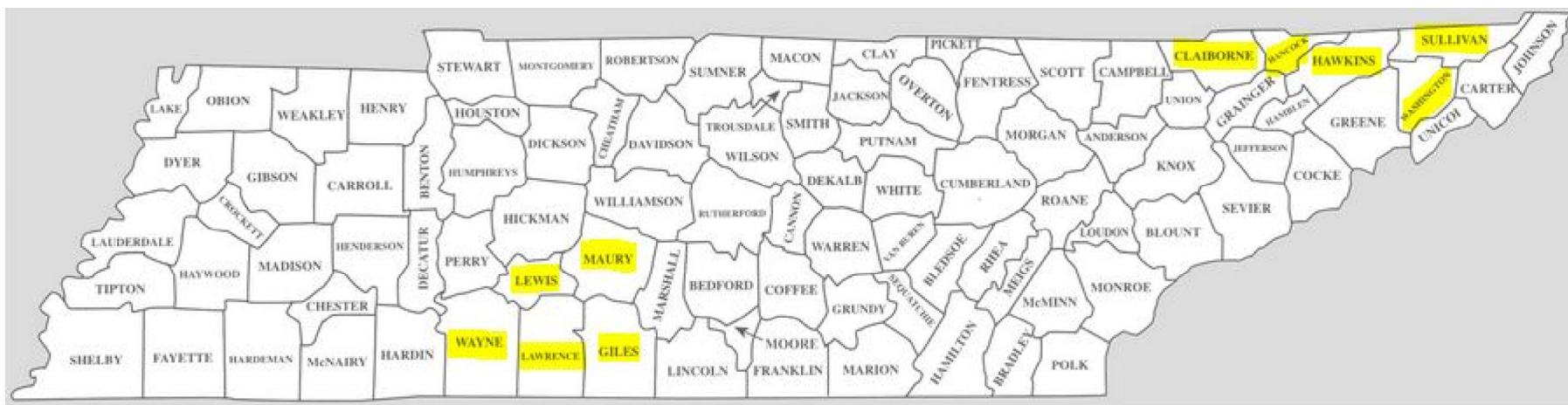
My commission expires: 5/21/2025



## **EXHIBIT A**

### **SERVICE AREA AND SERVICE TERRITORY MAP**

The amended service area #1 is located within portions of Washington, Sullivan, Giles, Lewis, Maury, Lawrence, and Wayne counties. The existing/initial service area is located within portions of Claiborne, Hamblen, Hawkins, and Hancock counties.



**EXHIBIT B**  
**AMENDMENT to STATE-ISSUED CERTIFICATE**  
**of FRANCHISE AUTHORITY**  
**LOCAL GOVERNMENTS PROVIDED NOTICE**

Giles County, TN

County Clerk's Office, PO Box 678, 222 W. Madison, Pulaski, TN 38478

Lewis County, TN

County Clerk's Office, 110 N Park Room 105 Hohenwald, TN 38462

Maury County, TN

County Clerk's Office, 10 Public Square, Columbia, TN 38401

Lawrence County, TN

County Clerk's Office, 200 West Gaines, Lawrenceburg, TN 38464

Wayne County, TN

County Clerk's Office, 100 Court Circle, Waynesboro, TN 38485

Sullivan County, TN

County Clerk's Office, 3258 Highway 126, Suite 101, Blountville, TN 37617

Washington County, TN

County Clerk's Office, 378 Marketplace Boulevard, Suite 1, Johnson City, TN 37601



## **EXHIBIT C**

### **MINORITY-OWNED BUSINESS PARTICIPATION PLAN**

Pursuant to Section 7-59-313 of the Tennessee Competitive Cable and Video Services Act, this Minority-Owned Business Participation Plan (the "Plan") sets forth the plan of Point Broadband Fiber Holding, LLC ("Point") to actively solicit bids from, and contract with, where applicable, small and minority-owned businesses when establishing, providing, or expending cable or video services and/or related support services.

#### **I. PURPOSE**

The purpose is to provide opportunities for minority-owned businesses to provide goods and services to service providers. Point will endeavor to provide opportunities for minority-owned businesses to compete for contracts and subcontracts for goods and services. As part of its procurement process, Point will make efforts to identify and inform minority-owned businesses that are qualified and capable of providing goods and services to Point of such opportunities. Point's representatives have already contacted the Department of Economic and Community Development, the administrator of the minority-owned Telecommunications assistance program, to obtain a list of qualified vendors. Moreover, Point 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**

*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).

## **III. ADMINISTRATION**

Point'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 Point's full efforts to provide equal opportunities for minority-owned businesses. The Administrator of the Plan will be:

Chad Wachter  
Point Broadband Fiber Holding, LLC  
3120 Frederick Road, Suite E  
Opelika, Alabama 36801  
Telephone: 844-407-6468  
[chad.wachter@point-broadband.com](mailto:chad.wachter@point-broadband.com)

The Administrator's responsibilities will include:

- (1) Maintaining an updated Plan in full compliance with the rules and orders of the Tennessee Public Utility Commission.
- (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 Public Utility Commission, including the filing of required annual updates.

- (4) Serving as the primary liaison to and cooperate with the Tennessee Public Utility Commission, other agencies of the State of Tennessee, and minority-owned businesses to locate and use qualified minority-owned businesses.
- (5) Searching for and developing opportunities to use minority-owned businesses and encouraging such businesses to participate in and bid on contracts and subcontracts.
- (6) Providing records and reports and cooperating in any authorized surveys as required by the Tennessee Public Utility Commission.
- (7) Establishing a record-keeping system to track qualified minority-owned businesses and efforts to use such businesses.
- (8) Providing information and educational activities to persons within our organization and training such persons to seek out, encourage, and promote the use of minority-owned businesses.
- (9) The efforts to promote and ensure equal opportunities for minority-owned businesses are primarily spelled out in the Administrator's duties above.

#### **IV. RECORDS AND COMPLIANCE REPORTS**

Point will maintain records of qualified minority-owned business and efforts to use the goods and services of such businesses. In addition, Point will maintain records of educational and training activities conducted or attended and of the internal procurement procedures adopted to support this plan.

Point will submit records and reports required by the Tennessee Public Utility Commission concerning the Plan. Moreover, Point will cooperate fully with any surveys and studies required by the Tennessee Public Utility Commission.

Point Broadband Fiber Holding, LLC

By: /s/ Chad Wachter

Chad Wachter, General Counsel

Dated: November 15, 2021