



February 2, 2022

VIA USPS and ELECTRONIC FILING

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

**RE: Replacement 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 a replacement Amended Application for a State-Issued Certificate of Franchise Authority. An original and three (3) copies of the replacement 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.

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 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 within portions of the unincorporated areas found within the counties of Giles, Lewis, Maury, Lawrence, Washington and Wayne. This is in addition to the unincorporated portions of Claiborne, Hancock, Hawkins, and Sullivan counties we currently serve. Further, Applicant seeks to amend its state-issued certificate of franchise authority to provide video services in the Cities of Lawrenceburg, Waynesboro, Hohenwald, Summertown, Mount Pleasant, Sneedville, Johnson City, and Bristol as well as the Town of Ethridge. 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 are:

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 services 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. 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 16th day of November, 2021. Sharon Hall

My commission expires: 5/21/2025



EXHIBIT A

AMENDED SERVICE AREA

The amended service area will be portions of the unincorporated areas found within the counties of Giles, Lewis, Maury, Lawrence, Washington, and Wayne and the Cities and Towns named below:

City of Lawrenceburg
City of Waynesboro
City of Hohenwald
City of Summertown
City of Mount Pleasant
City of Sneedville
City of Johnson City
City of Bristol
Town of Ethridge

EXHIBIT B
AMENDMENT to STATE-ISSUED CERTIFICATE
of FRANCHISE AUTHORITY
LOCAL UNINCORPORATED GOVERNMENTS
and CITIES/TOWNS PROVIDED NOTICE

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

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

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

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

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

Washington County, TN –
County Clerk's Office at 378 Marketplace Blvd., Suite 1, Johnson City, TN 37601

City Manager Ms. Kate Collier
City of Mount Pleasant at 100 Public Square, PO Box 426, Mount Pleasant TN 38474

Mayor Wayland Dean Rhea
Sneedville City Hall at 292 Jail Street, Sneedville TN 37869

City Manager Ms. Cathy Ball
City of Johnson City at 601 E Main St, Johnson City, TN 37601

Office of the Mayor
City of Bristol at 801 Anderson St., PO Box 1189, Bristol, TN 37620

Mayor Blake Lay
City of Lawrenceburg at 25 Public Square, Lawrenceburg, TN 38464

Mayor Chris Bevis
City of Waynesboro at 122 Public Square East, PO Box 471, Waynesboro, TN 38485

Mayor Danny McKnight
City of Hohenwald at 118 West Linden Ave., Hohenwald, TN 38462

Office of the Mayor
City of Summerton at 700 North Garden St., Columbia, TN 38401

City Hall
Town of Ethridge at 215 Depot St., Ethridge, TN 38456

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
1791 O.G. Skinner Drive
West Point, GA 31833
Telephone: 706-773-2663
cwachter@itchold.com

The Administrator's responsibilities will include:

- (1) Maintaining an updated Plan in full compliance with the rules and orders of the TennesseePublic Utility Commission.
- (2) Establishing and developing policies and procedures necessary for thesuccessful 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: February 2, 2022

