

Henry Walker
hwalker@bradley.com
615.252.2363 direct
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August 5, 2021

VIA ELECTRONIC FILING & FEDERAL EXPRESS

Chairman, Tennessee Public Utility Commission
c/o Ectory Lawless
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Docket 21- **00088**

Re: Application of Telepak Networks, Inc. for Statewide Franchise

Dear Ms. Lawless,

On behalf of Telepak Networks, Inc. I have enclosed the following filing:

- An original and four copies of an application for a statewide franchise; and
- a \$500 filing fee

Please contact me with any questions.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS, LLP

By: 

Henry Walker

HW/mf
Enclosures

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

IN RE:)	
)	
)	
APPLICATION OF TELEPAK)	DOCKET NO. 21- <u>00088</u>
NETWORKS, INC. FOR A)	
STATE-ISSUED CERTIFICATE OF)	
FRANCHISE AUTHORITY)	

AFFIDAVIT OF ALAN JONES

STATE OF MISSISSIPPI

COUNTY OF MADISON

I, Alan Jones, having been duly sworn in accordance with the law, state as follows:

1. Name of Applicant.

I, Alan Jones, do hereby attest to being Senior Vice President, Engineering and Development, of Telepak Networks, Inc d/b/a C Spire ("Applicant"). I am authorized to make this Affidavit on behalf of the Applicant.

2. Application Fee (Tenn. Code Ann. § 7-59-305(b)(1)).

The Applicant submits the application fee of \$500 with this application based on a service area population between 0 and 50,000, as reflected by the most recent decennial census.

3. Compliance with Applicable Laws (Tenn. Code Ann. § 7-59-305(c)(1)).

The Applicant agrees to comply with all applicable federal and state laws and regulations, to the extent that such state laws and regulations are not in conflict with or superseded by the provisions of Tennessee Code Annotated Code Title 7, Chapter 59, Part 3 or other applicable law, and will timely file with the Federal Communications Commission ("FCC") all forms required by the FCC in advance of offering video services or cable services.

4. Description of Municipalities and/or Unincorporated Areas Within Counties to be Served (Tenn. Code Ann. § 7-59-305(c)(2)).

The Applicant will serve a portion of the city of Collierville, TN. The Applicant's proposed network is provided in confidential Exhibit A.

5. Provision of cable service to service areas (Tenn. Code Ann. § 7-59-305(c)(3)).

The Applicant intends to begin to offer video or cable services and/or provide new broadband Internet service in portions of Collierville as shown in Exhibit A within twenty-four (24) months of the date of the issuance of a state-issued certificate of franchise authority.

6. Indemnification (Tenn. Code Ann. § 7-59-305(c)(4)).

At this time, Telepak Networks does not intend to serve customers outside the part of Collierville shown in Exhibit A. The Applicant agrees to the indemnification provisions set forth in T.C.A. § 7-59-318, including Section (b) of the statute, which states, "Notwithstanding subsection (a), a holder of a state-issued certificate of franchise authority shall not be required to indemnify or hold harmless any indemnitee whose negligence or willful misconduct [such as the

failure to comply with T.C.A. § 65-31-101 et seq. the ‘Underground Utility Damage Prevention Act’] caused the claims.”

7. Applicant Contact Information (Tenn. Code Ann. § 7-59-305(c)(5)).

Telepak Networks, Inc.
1018 Highland Colony Parkway, Suite 300
Ridgeland, MS 39157
Tel: (601) 355-1522

Officers of Telepak Networks, Inc.

Chairman and CEO	Hu Meena
Chief Financial Officer	Ben Pace
Chief Technology Officer	Carla Lewis
Treasurer / Secretary	Wesley Goings
Senior Vice President Engineering and Development	Alan Jones
Senior Vice President and GM Home Services	Ashley Phillips
Senior Vice President and General Manager C Spire Business	Allen McIntosh

The following Officers are authorized to represent Telepak Networks, Inc. before the Tennessee Public Utility Commission:

Chairman and CEO	Hu Meena
Chief Financial Officer	Ben Pace
Treasurer / Secretary	Wesley Goings
Senior Vice President Access and Deployment	Alan Jones

The following attorney is authorized to represent Telepak Networks, Inc. before the Tennessee Public Utility Commission:

Henry Walker
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700 Nashville, TN 37203
Tel: (615) 252-2363
hwalker@bradley.com

8. Financial, Managerial and Technical Qualifications to Provide Cable or Video Service and/or Broadband Internet Service (Tenn. Code Ann. §§ 7-59-305(c)(6) and(d)(2)).

Telepak Networks was granted a certificate in 1999 to provide telecommunications services in Tennessee and has been providing a variety of telecommunications and broadband services in Mississippi, Alabama and Tennessee since that time. Today, Telepak Networks, Inc. d/b/a C Spire provides a full suite of dedicated Internet, wireless, IP Voice, data, managed services, cloud services and value added resale services for businesses and wireless communications, 1 Gig Internet access and related home services for consumers. In 2018, C Spire acquired Birmingham, Alabama-based TekLinks, Inc., a highly regarded and rapidly growing resell, cloud, managed and professional services provider with primary operations in Birmingham and Nashville, Tennessee. As such, the Applicant has the financial, managerial and technical qualifications to provide cable or video service and/or broadband internet service in Tennessee.

Financial Qualifications. Applicant has the financial ability to render the services for which this Application is being submitted.

- a. Managerial Qualifications.** As shown in Exhibit B of this Application, Applicant has the managerial expertise to successfully operate a telecommunications enterprise in Tennessee as Telepak Networks is doing now. As shown in the exhibit, the Applicant's management team has extensive management and business experience in telecommunications.
- b. Technical Qualifications.** As noted in the biographies in Exhibit B, the principal officers of the company include individuals with many years of telecommunications expertise. Thus, the Applicant is technically qualified to provide the proposed service.

9. Customer Service Complaint Handling Process (Tenn. Code Ann. § 7-59-305(c)(7)).

The Applicant understands the importance of effective customer service for local service customers. Applicant's customers can call the company at (855) 438-1009, its toll-free customer service number, or reach out to it via the web by email or chat available at <https://help.cspire.com/home-services/contact/#fiber>. The toll-free number is provided on applicant's website. The customer service contact person knowledgeable about Applicant's operations is Mandy Higgins, whose contact information is as follows:

Mandy Higgins, Manager, Home Services Customer Solutions Center
Mhiggins@cspire.com

Direct Line: 601.384.8448

10. Notice to Affected Local Governing Authorities (Tenn. Code Ann. § 7-59-305(c)(8)).

The Applicant has provided notice and a copy of this Affidavit to each local government that would be affected by the State-issued certificate of franchise authority at the addresses set forth in Exhibit D. A map of the proposed service area is included in Exhibit A. The notice will include information concerning the right of each affected local government to receive a franchise fee, when appropriate, in lieu of any fees required by state law. The Applicant will comply with all applicable local ordinances or resolutions requiring notice to other entities with facilities in the rights of way.

11. Non-discrimination and Service Deployment Requirements (Tenn. Code Ann. § 7-59-305(c)(9)).

The Applicant agrees to comply with the requirements of Tennessee Code Annotated Title 7, Chapter 59, Part 3, expressly including the applicable non-discrimination and service deployment requirements of Tenn. Code Ann. § 7-59-311. The Applicant hereby acknowledges

the provisions of Tenn. Code Ann. § 7-59-311 and 312 relevant to enforcement of non-discrimination and deployment requirements. A copy of the Applicant's deployment plan is attached hereto as Exhibit A, which is being filed UNDER SEAL as CONFIDENTIAL AND PROPRIETARY.

12. Notice to Affected Local Government Entities (Tenn. Code Ann. § 7-59-305(c)(10)).

Following issuance of the State-issued certificate of franchise authority, the Applicant will provide notice to any affected local governing authority ten (10) days prior to providing service in that jurisdiction. See Exhibit C.

13. Minority-Owned Business Participation Plan (Tenn. Code Ann. § 7-59-305(c)(11)).

The Applicant agrees to comply with its Minority-Owned Business Participation Plan, which is attached as Exhibit D.

FURTHER AFFIANT SAYETH NOT.

This the 5th day of August, 2021.



ALAN JONES

Senior Vice President, Engineering and Development

MISSISSIPPI NOTARY ACKNOWLEDGEMENT

STATE OF MISSISSIPPI)
COUNTY OF MADISON Rankin)

On this 5th day of August, 2021, before me, the undersigned notary public, personally appeared Monique Wales proved to me through satisfactory evidence of identification, which were Alan Jones to be the person whose name is signed on the preceding or attached document in my presence.



Monique Wales
Notary Public

My Commission Expires:
December 3, 2021

Exhibit B
Managerial and Technical Qualifications



Biography

Alan Jones Senior Vice President Engineering and Development

Alan Jones is the Senior Vice President for Engineering and Development at C Spire, a Mississippi-based diversified telecommunications and technology services company. Jones has over 24 years of experience in the telecommunications field.

Jones' roles have included sales management, Engineering, IT, operations, as well as his current role in Engineering and Development. His specialties are interdepartmental management, cross functional team management, and general operations and planning.

Jones started his career started in wireless telecommunications and has evolved into advanced technology for consumers. In his current role, he is responsible for all aspects of fiber and wireless engineering and deployment.

In the last few years, Jones has managed deployment of over 7,500 route miles of fiber for residential and business, 5G network trials and deployment, and wireless small deployment.

Jones has a Bachelor of Science degree in Business Administration from the University of Alabama.

Alan Jones Senior VP of Access and Deployment	
Education & Certifications	<ul style="list-style-type: none"> • Bachelor of Science, Business Administration University of Alabama - 1997
Employment	<ul style="list-style-type: none"> • Sr. VP, Engineering and Development - C Spire (April 2015 – Present) • VP, OSP Engineering and Development - C Spire Fiber (Jan 2014 – April 2015) • Director, Network Operations - C Spire Personalized Wireless (March 2012 – Jan 2014) • Director of Network Services - Corr Wireless (Aug 1997 – March 2012) • Sales Associate - North Alabama Cellular (June 1996 – Aug 1996) • Sales Associate - GTE Wireless (May 1994 – Aug 1994)
Experience	<ul style="list-style-type: none"> • Technology professional with over 24 years of experience in the telecommunications industry working with wireless and fiber networks • Responsible for all engineering and deployment for wireline and wireless access.

Biography

Allen McIntosh General Manager C Spire Business

Allen McIntosh is the General Manager of C Spire Business at C Spire, a Mississippi-based diversified telecommunications and technology services company. McIntosh has over 23 years of experience in the telecommunications field.

McIntosh's roles have included wireless, CLEC, network design & cloud solutions, Enterprise and Government Operations, Service Delivery for Voice and Data Networks and Cloud services. McIntosh's current role includes the management of business operations which includes Product Management, Government Operations, Voice and Data Implementation, Technical Operations, and Commercial and Enterprise Sales. C Spire business is a managed Service provider focusing on Networking and Connectivity, Telephony, Cloud, Data Protection and Managed IT services.

McIntosh started his career in IT infrastructure as a Project Manager and has evolved into delivering cutting-edge IT and managed services to customers.

McIntosh has a Bachelor of Science, Industrial Technology degree from Mississippi State University.

Allen McIntosh	
General Manager of C Spire Business	
Education & Certifications	<ul style="list-style-type: none">• Bachelor of Science, Industrial Technology Mississippi State University
Employment	<ul style="list-style-type: none">• General Manager, CSB C Spire (2019-present)• Senior VP, Operations C Spire (July 2016-2019)• VP Sales & Service Delivery C Spire (Feb 2014-July 2016)• Manager/Director, Voice and Data Operations C Spire (2003-2012)• Voice Engineer Suncom/AT&T Wireless (2000-2003)• Project Manager MCI-Ericsson Networks (1998-2000)• Provisioning/Project Management WorldCom (1996-1998)
Experience	<ul style="list-style-type: none">• Technology professional with over 23 years of experience in the telecommunications industry• Responsible for

Biography

Ashley Phillips

General Manager

C Spire Home Services Division

As General Manager of C Spire Home Services, Phillips is leading one of C Spire's major growth engines for the future – fiber-based residential broadband services featuring the company's next-generation, ultra-fast Gigabit internet access, award-winning live streaming TV and digital home phone services.

Phillips, a 33-year veteran of the telecommunications industry, spent most of his career at EATEL, a Louisiana-based firm that offers internet access, TV, home phone and smart home services to over 25,000 consumers, where he served in a variety of senior management roles, most recently as Chief Operating Officer.

During his stint with EATEL, Phillips served on the Louisiana Broadband Advisory Council and led efforts to deploy one of the first and earliest Fiber-to-the-Home (FTTH) networks in the state and the country in 2004.

Since joining C Spire in 2016, Phillips already has made a mark as a technology leader. He has continued the momentum begun in 2013 when the company launched the first Gigabit Fiber-to-the-Home initiative in Mississippi and one of the first in the nation.

In 2019, Phillips was honored with a Top in Tech award from the Mississippi Business Journal, the state's top business news publication, for his role in helping transform the state's economy through the introduction and advancement of technology solutions for consumers and businesses.

The Mississippi FTTH program, the fastest to connect thousands of consumers to Gigabit internet, has boosted internet speeds in the state by 200 percent since 2014. C Spire is the 13th largest FTTH provider in the U.S., according to Broadband Communities.

With its recent expansion into Alabama, C Spire's FTTH program now serves 20 markets across two states with more under construction and planned for activation soon. Under Phillips' leadership, C Spire's FTTH customer base recently reached a record number of homes passed in the two states.

The company also launched C Spire TV in 2017 with Phillips at the helm. The service, honored by the cable TV industry as the best new television technology product in the U.S., delivers advanced cable TV features that consumers love through a convenient and simple app designed to run on popular streaming devices like Amazon Fire TV, Android TV and Apple TV – eliminating the need to outfit every TV in the home with a set top box and saving several hundred dollars a year in rental fees.

Phillips also has been a leader in helping C Spire's Home Services division enhance its reputation as one of the leading customer-service organizations in the U.S. The unit finished the latest survey with a whopping 67 net promoter score, well above the internet service provider and cable TV industry average making customers more likely to recommend the firm to others over competitors like Comcast Xfinity, DirecTV and Dish TV.

Exhibit C

Town of Collierville
Mayor Stan Joyner, Jr,
500 Poplar View Parkway
Collierville, TN 38017
CC: James Lewellen, Town Administrator
Lynn Carmack, Town Clerk

Shelby County, TN
Mayor Lee Harris
Vasco A. Smith Jr. Administration Building
160 N Main Street
Memphis, TN 38103

Exhibit D

Small and Minority-Owned Telecommunications Business Participation Plan



1018 Highland Colony Parkway, Suite 700
Ridgeland, Mississippi 39157

KATIE WALLACE
Deputy General Counsel
Telapex, Inc. and C Spire

Direct Line: 601.467.5203
Email: klwallace@telapexinc.com

August 27, 2020

Via Email: carlos.black@tn.gov

Carlos Black
Utility Rate Analyst
Tennessee Public Service Commission
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

RE: Telepak Networks Inc. doing business as C Spire

Certificate of Public Convenience and Necessity granted February 22, 2001 in
Docket No. 00-00930

Dear Mr. Black:

Telepak Networks, Inc. dba C Spire ("Telepak") is in receipt of your letter dated August 1, 2020 concerning any updates to its Small and Minority-Owned Telecommunications Business Participation Plan. As referenced above, Telepak was certificated in Docket 00-00930 to offer telecommunications within the state of Tennessee. At such time, Telepak filed an Application including its Small and Minority-Owned Telecommunications Business Participation Plan, which is available electronically at the following link:

<http://share.tn.gov/tr/orders/2000/0000930.pdf>

Telepak has no updates or changes to the plan, except to update its Plan Administrator and contact information as follows:

Plan Administrator: Don Gregory
Director, Construction Development Management
C Spire
1018 Highland Colony Pkwy
Ridgeland, MS 39157
o. 6019747350 c. 6015731002
Email: dgregory@cspire.com

If you need any additional information, or have any questions, please do not hesitate to contact me at the information provided above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate E. Wallace".

Kate E. Wallace

cc: Don O'Connell
Charles F. McBride Jr.

TELEPAK NETWORKS, INC.'S SMALL AND MINORITY OWNED
TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN

Pursuant to T. C. A. §65-5-212, as amended, Telepak Networks, Inc. ("TNI") submits this Small and Minority Owned Telecommunications Business Participation Plan ("the Plan") along with its Application for a Certificate of Public Convenience and Necessity as a Competing Telecommunications Service Provider in Tennessee.

I. PURPOSE

The purpose of §65-5-212 is to provide opportunities for small and minority-owned businesses who are impeded from normal entry into the economic mainstream because of race, religion, sex and national origin. TNI is committed to complying with the allegations required under §65-5-212. TNI will attempt to provide opportunities for such small and minority-owned telecommunications businesses to compete for contracts and subcontracts for goods and services. As part of its procurement process, TNI will attempt to identify and inform such minority owned and small businesses that are qualified and capable of providing goods and services to TNI. TNI will contact the Department of Economic and Community Development, the Administrator of the Small and Minority-Owned Telecommunications Assistance Program to obtain a list of qualified vendors.

II. DEFINITIONS

As defined by §65-5-212, "minority-owned business" means a business which is solely owned, or at least 51% of the assets or outstanding stock which is owned, by an individual who personally manages and controls daily operation 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 \$4 million.

"Small business" is defined as a business with annual gross receipts of less than \$4 million.

III. ADMINISTRATION

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

Gregg Logan
Telepak Networks, Inc.
125 S. Congress St., Suite 1400
Jackson, MS 39201
(601.974.7111)

The Administrator's responsibilities will include:

1. Maintaining a Plan which complies with §65-5-212 and the Rules and Orders of the Tennessee Regulatory Authority;

2. Developing policies and procedures necessary for the successful implementation of the Plan;
3. Submitting such forms as may be required by the Tennessee Regulatory Authority;
4. Serving as the primary contact with the Tennessee Regulatory Authority, other agencies of the State of Tennessee and small and minority-owned businesses to locate and use qualified small and minority-owned businesses as defined in §65-5-212;
5. Investigating the opportunity to use qualified small and minority-owned businesses;
6. Providing records and reports in cooperation with any authorized surveys as required by the Tennessee Regulatory Authority;
7. Maintaining adequate records to track qualified small and minority-owned business which have attempted to obtain a contract with TNI for the provision of technical assistance;
8. Provide information to TNI's employees which will aid in the promotion of small and minority-owned business contracts for the provision of technical services.

The Administrator will use all necessary resources in performance of the foregoing duties.

IV. RECORDS AND COMPLIANCE REPORTS

TNI will attempt to maintain records of qualified small and minority-owned businesses and its efforts to use the goods and services of such businesses. TNI will also attempt to maintain records of educational activities conducted or attended by its employees.

Telepak Networks, Inc.

By: 

Gregg Lujan
Vice President