



MARK W. SMITH

Direct Dial 423-785-8357

Direct Fax 423-321-1527

Mark.Smith@millermartin.com

June 14, 2022

Electronically Filed in TPUC Docket  
Room on June 14, 2022 at 10:16 a.m.

**Via Electronic Filing and Via U.S. Mail**

**22-00050**

Tennessee Public Utility Commission  
c/o Ectory Lawless, Esq.  
Docket & Records Manager  
Andrew Jackson State Office Building  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243-0001

Re: ***Application of Knoxville Utilities Board  
for a State-Issued Certificate of Franchise Authority***

Dear Ms. Lawless:

We are enclosing five (5) copies of the Application of Knoxville Utilities Board (KUB) for a State-Issued Certificate of Franchise Authority, along with our firm's check in the amount of Two Thousand Dollars (\$2,000.00). We have also enclosed and are filing under seal five (5) copies of KUB's Confidential Deployment Plan and related information as **Confidential Exhibit A**.

If you have questions or need anything else, please do not hesitate to contact me.

Sincerely yours,

Mark W. Smith

MWS:cjb  
Enclosures

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
Nashville, Tennessee

***In re: Application of Knoxville Utilities Board for a State-Issued Certificate of Franchise Authority***

Docket No. 22-00050

**AFFIDAVIT OF JAMIE DAVIS**

STATE OF TENNESSEE  
COUNTY OF KNOX

I, Jamie Davis, state as follows:

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

1. Affiant is an Officer

My name is Jamie Davis, and I am a Vice President and the Chief Technology Officer of Knoxville Utilities Board, an independent agency of the City of Knoxville, Tennessee (hereinafter referred to in this Application as the “Applicant” or “KUB”). Consistent with Tenn. Code Ann. § 7-59-305(c), I am an officer authorized to make this affidavit on behalf of the Applicant.

2. Application Fee

Application fee of Two Thousand Dollars (\$2,000.00) is submitted with this Application as required under Tenn. Code Ann. § 7-59-305(b)(1)(A) and is based on the population of the service area being over 100,000 and less than 500,000 as reflected in the most recent decennial census. The Applicant has also evaluated the total number of potential premises and locations passed in the service area in order to validate its determination.

**B. Required Information and Affirmations**

1. Compliance with Applicable Law

- a. The Applicant agrees to comply with the requirements of Tennessee Competitive Cable and Video Services Act, Tenn. Code Ann. § 7-59-301, et seq.

(the “Act”), expressly including the applicable nondiscrimination and service deployment requirements of Tenn. Code Ann. § 7-59-311. Additionally, the Applicant acknowledges the provisions of Tenn. Code Ann. § 7-59-312 relative to enforcement of nondiscrimination and deployment requirements. The Applicant has included a summary of its plan to comply with the requirements of Tenn. Code Ann. § 7-59-311 and supporting information as **Confidential Exhibit A**. This document has been withheld from electronic filing. The Applicant has evaluated its deployment plans and reasonably concludes that the plan will result in the required deployment.

b. The Applicant agrees to comply with all applicable federal and state laws and regulations to the extent that the state laws and regulations are not in conflict with or superseded by the Act, or other applicable law. The Applicant further agrees to timely file with the FCC all forms required by the FCC in advance of offering cable or video services for purchase.

2. **Description of Service Area**

The Applicant seeks a state-issued certificate of franchise authority in order to provide cable and video services for purchase in those portions of the Grainger County, Union County, Knox County, City of Blaine, City of Knoxville, and City of Luttrell, Tennessee where the Applicant provides electric services, all as identified and described in **Exhibit B**.

3. **Intent to Serve**

The Applicant intends to begin to offer cable or video services for purchase, in the area described in Subsection 2, within twenty-four (24) months of the date of the issuance of a state-issued certificate of franchise authority.

4. Indemnification

The 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 referred to in Tenn. Code Ann. § 7-59-318 as the “indemnatee”) to the extent required under Tenn. Code Ann. § 7-59-318 and otherwise allowed by Tennessee law and subject to the rights and limitations established therein.

5. Contact Information & Authorized Representatives

- a. The address and telephone number of the Applicant’s principal place of business are as follows:

445 S. Gay Street  
Knoxville, TN 37902  
(865) 524-2911

- b. The following persons are the Applicant’s principal executives with responsibility for broadband-related matters:

Gabriel Bolas II, President and Chief Executive Officer  
Jamie Davis, Vice President and Chief Technology Officer  
Susan Edwards, Senior Vice President and Chief Administrative Officer  
Derwin Hagood, Senior Vice President, Operations  
Tiffany Martin, Vice President and Chief Customer Officer  
Mark Walker, Senior Vice President and Chief Financial Officer  
John Williams, Senior Vice President of Engineering and Construction

- c. The following persons are authorized to represent the Applicant before the Tennessee Public Utility Commission:

Jamie Davis, Vice President and Chief Technology Officer  
Andrew Hmielewski, Director of Fiber Operations  
Mark W. Smith, Miller & Martin PLLC

6. Qualifications

By review of qualifications, the Applicant has the managerial, financial and technical qualifications to provide cable or video services and/or broadband Internet service.

a. Managerial and Technical Qualifications: The management and operations team of KUB has extensive experience operating various utility and broadband systems and delivering exemplary service to customers. KUB was created by an amendment to the Knoxville City Charter in 1939. As an independent agency of the City of Knoxville, KUB provides electric, natural gas, water, and wastewater services to more than 473,000 customers in Knoxville and parts of seven surrounding counties. As a part of its electric system operations, KUB has developed substantial experience with fiber optic networks that it has installed, maintained and operated as part of its core utility system operations. The Applicant benefits from its leadership that is familiar with retail service and technology and also with the local community as well. More biographical information about the KUB leadership team can be found in Exhibit C.

b. Financial Qualifications: The Applicant will have the sufficient financial wherewithal to support its operations as it delivers cable and video services. The applicant's financial management team has extensive experience managing financial operations. The successful financial management of KUB is evidenced by its 2021 audited financial statements. A copy of KUB's audited financial statements is available at [https://www.kub.org/uploads/FY\\_2021\\_-\\_Full\\_KUB\\_Audited\\_FS.pdf](https://www.kub.org/uploads/FY_2021_-_Full_KUB_Audited_FS.pdf).

7. Customer Service

- a. Customer Complaints: Whenever customer complaints arise, they will be handled in a professional and expedient manner. First line customer service representatives (“CSR”) will record the complaint, taking down a complete listing of specific issues and detailed information. There are various avenues for resolving complaints depending on the nature of the complaint. Complaints regarding billing, account issues or other service related concerns will be handled by the CSR. If the CSR is not able to resolve the issue it will be escalated to the supervisor and then the department manager and if necessary, will continue on to Senior Staff for final resolution. Complaints regarding a KUB employee will be routed to Human Resources for investigation and resolution. Complaints regarding a KUB Contractor will be routed to the Fiber Construction Management team for resolution. Complaints regarding safety concerns or inappropriate behavior will be dealt with immediately while all other complaints will be addressed within 48 hours. Customer service and technical support calls will be primarily answered by KUB employees but during high volumes may be routed to a 3<sup>rd</sup> party call center.
- b. Billing Adjustments: Billing errors or irregularities will be detailed out and then appropriate adjustments will be written up. These adjustments will be reviewed by a supervisor and then made to the customer’s account, as appropriate.
- c. Contact Information: Customers who have questions or complaints regarding their service may contact the Applicant at (865) 524-2911 (KUB Customer Service Phone Number). Communication with government officials regarding customer complaints should be referred to the Vice President, Fiber and

Chief Technology Officer at the Applicant's primary address shown above or by email to kubfibersupport@kub.org.

8. Required Notices

a. The Applicant has provided notice and a copy of this Application to each local government that would be affected by the state-issued certificate of franchise authority at the addresses set forth in the list attached as **Exhibit D**.

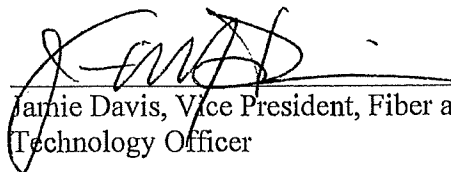
b. The Applicant will give notice to other entities with facilities in the rights-of-way, consistent with any nondiscriminatory and generally applicable local ordinance or resolution requiring such notice prior to performing any installation in the right-of-way.

c. The Applicant agrees to provide notice to an affected local governing authority ten (10) days prior to providing service in that jurisdiction.

9. Minority-Owned Business Participation Plan

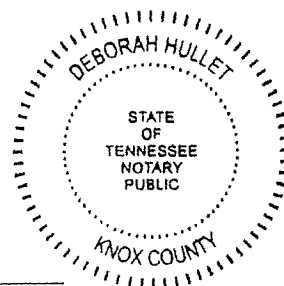
In accordance with Tenn. Code Ann. § 7-59-313, the Applicant agrees to comply with its Minority-Owned Business Participation Plan attached as **Exhibit E**.

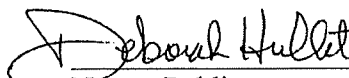
FURTHER THE AFFIANT SAYETH NOT.

  
Jamie Davis, Vice President, Fiber and Chief  
Technology Officer

STATE OF TENNESSEE  
COUNTY OF KNOX

Sworn to and subscribed before me this 13 day of June, 2022.



  
Notary Public

My Commission Expires: March 5, 2025



**CONFIDENTIAL EXHIBIT A**

**Application of Knoxville Utilities Board, d/b/a KUB for a State-Issued Certificate of  
Franchise Authority**

**Deployment Plan**

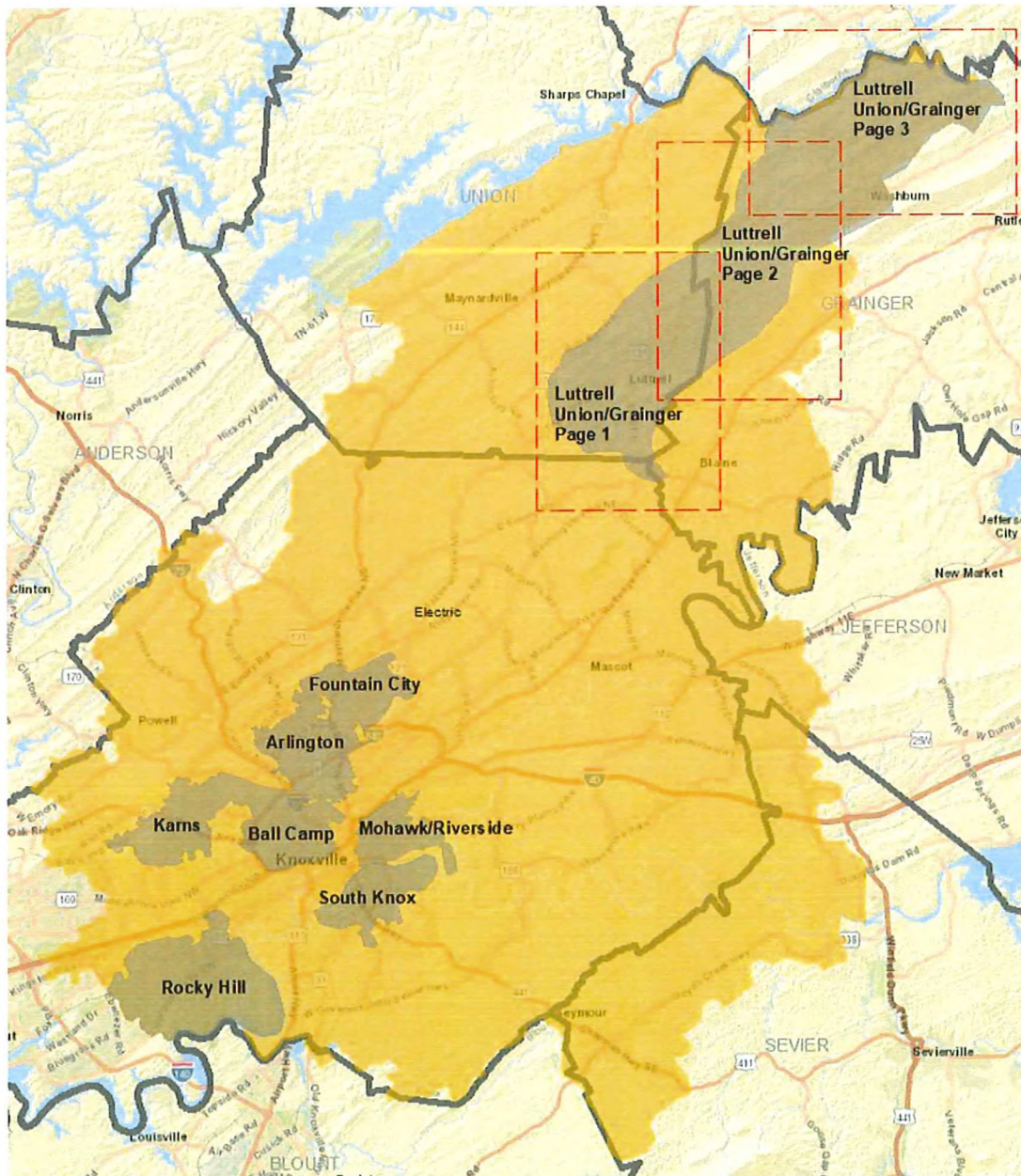
**The deployment plan and supporting materials have been withheld from the electronic  
filing. The plan and supporting materials have been filed as a confidential exhibit in  
accordance with Tenn. Code Ann. § 7-59-305(d)(2).**

## EXHIBIT B

### Application of Knoxville Utilities Board, d/b/a KUB for a State-Issued Certificate of Franchise Authority

#### Service Area

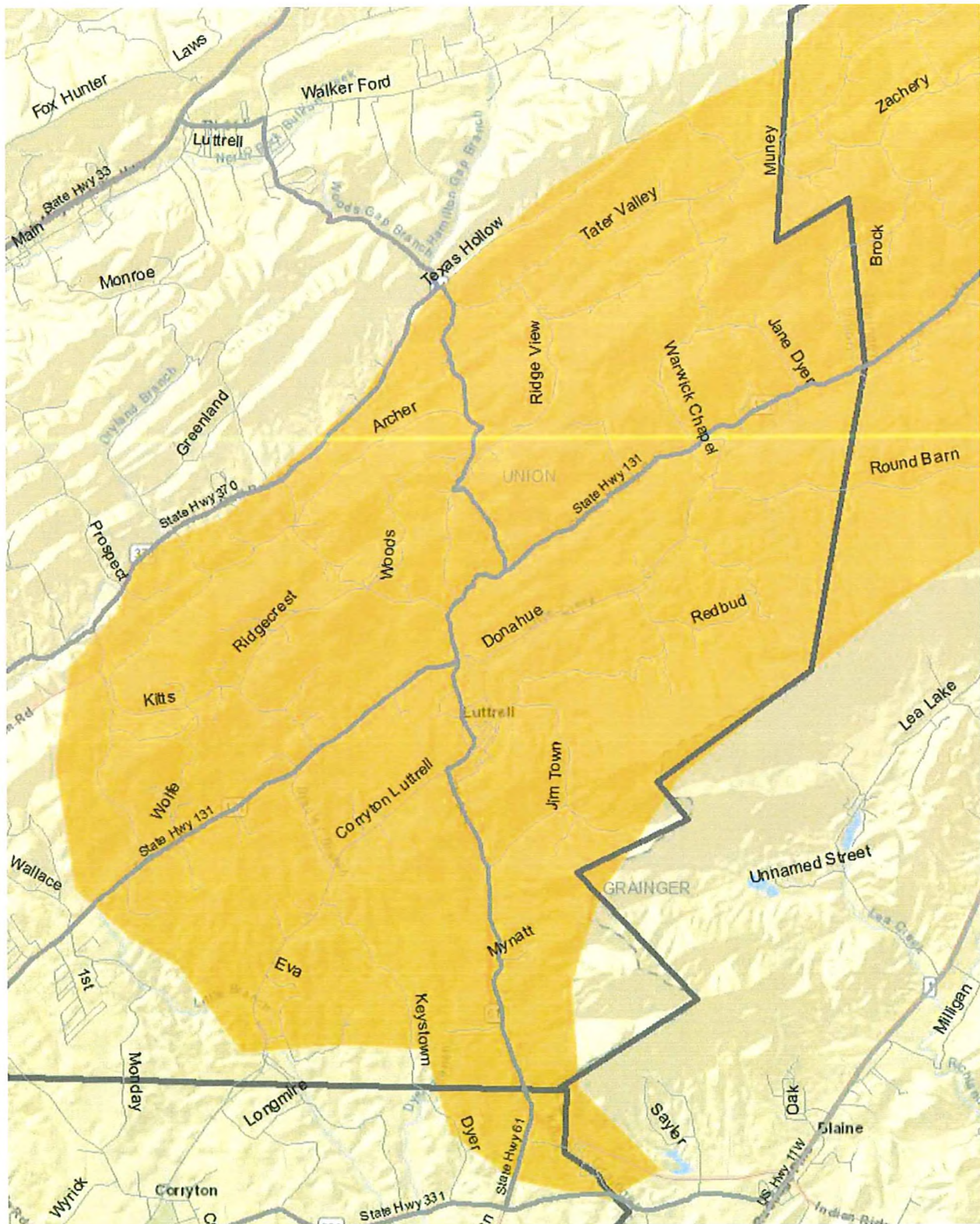
KUB plans to begin its “Phase 1” construction to offer TV services within portions of Grainger County, Knox County, Union County, the City of Knoxville, the City of Luttrell, and the City of Blaine in the next 24 months. This map serves as a general overview of the 8 areas that will be part of KUB’s Phase 1 construction/service area, including Luttrell, Fountain City, Arlington, Ball Camp, Karns, Mohawk/Riverside Drive, South Knox and Rocky Hill:



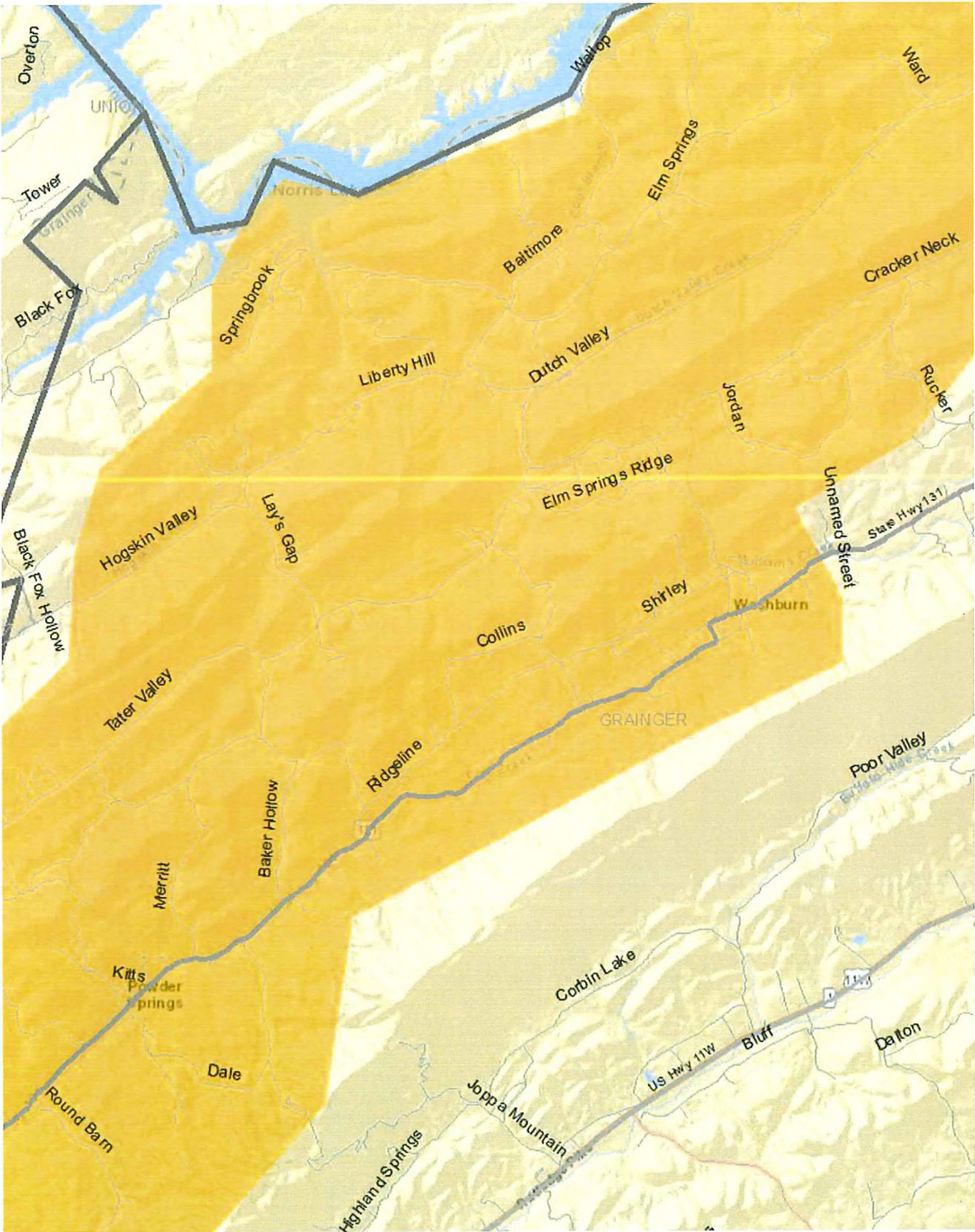


Luttrell - Page 1

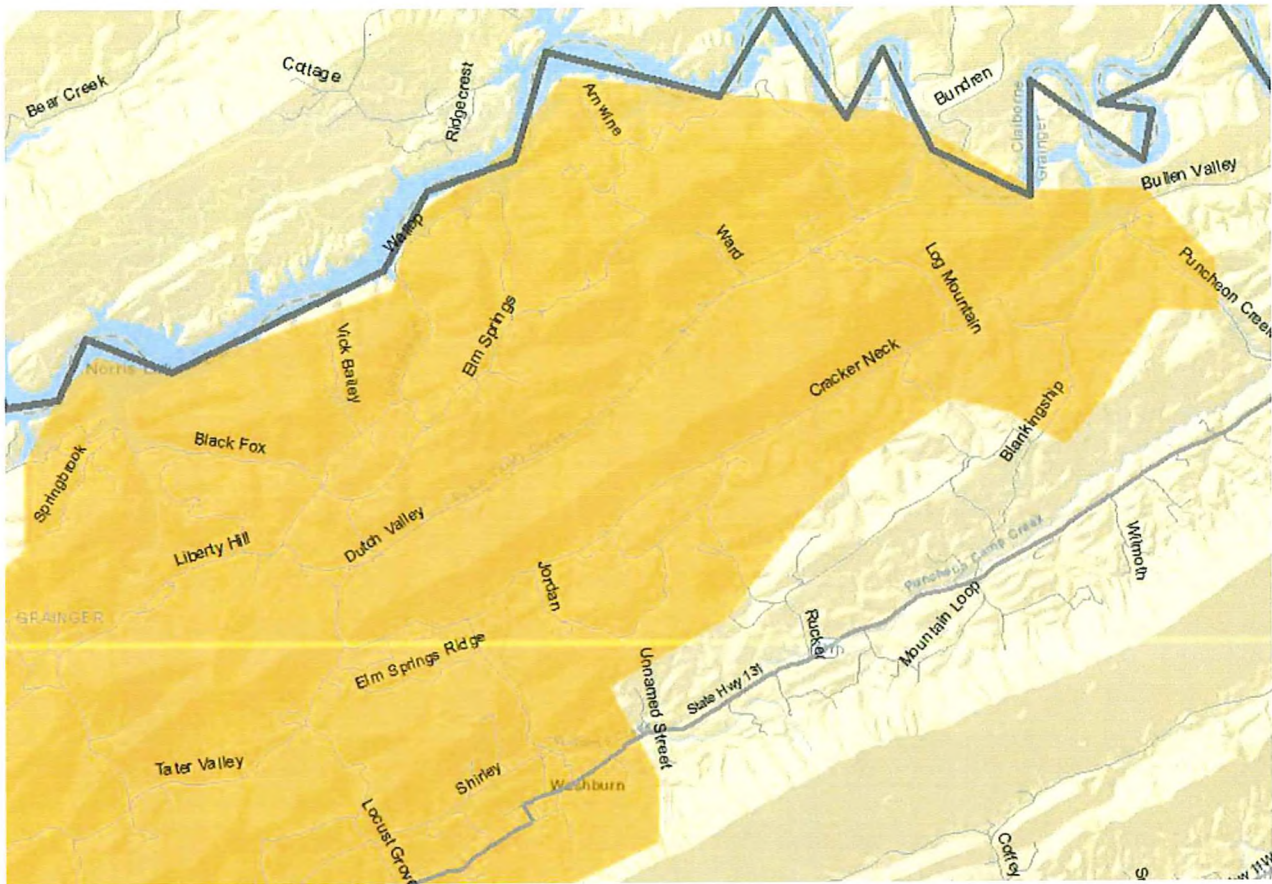
Includes portions of the City of Luttrell, City of Blaine, and unincorporated areas in Grainger, Knox and Union Counties





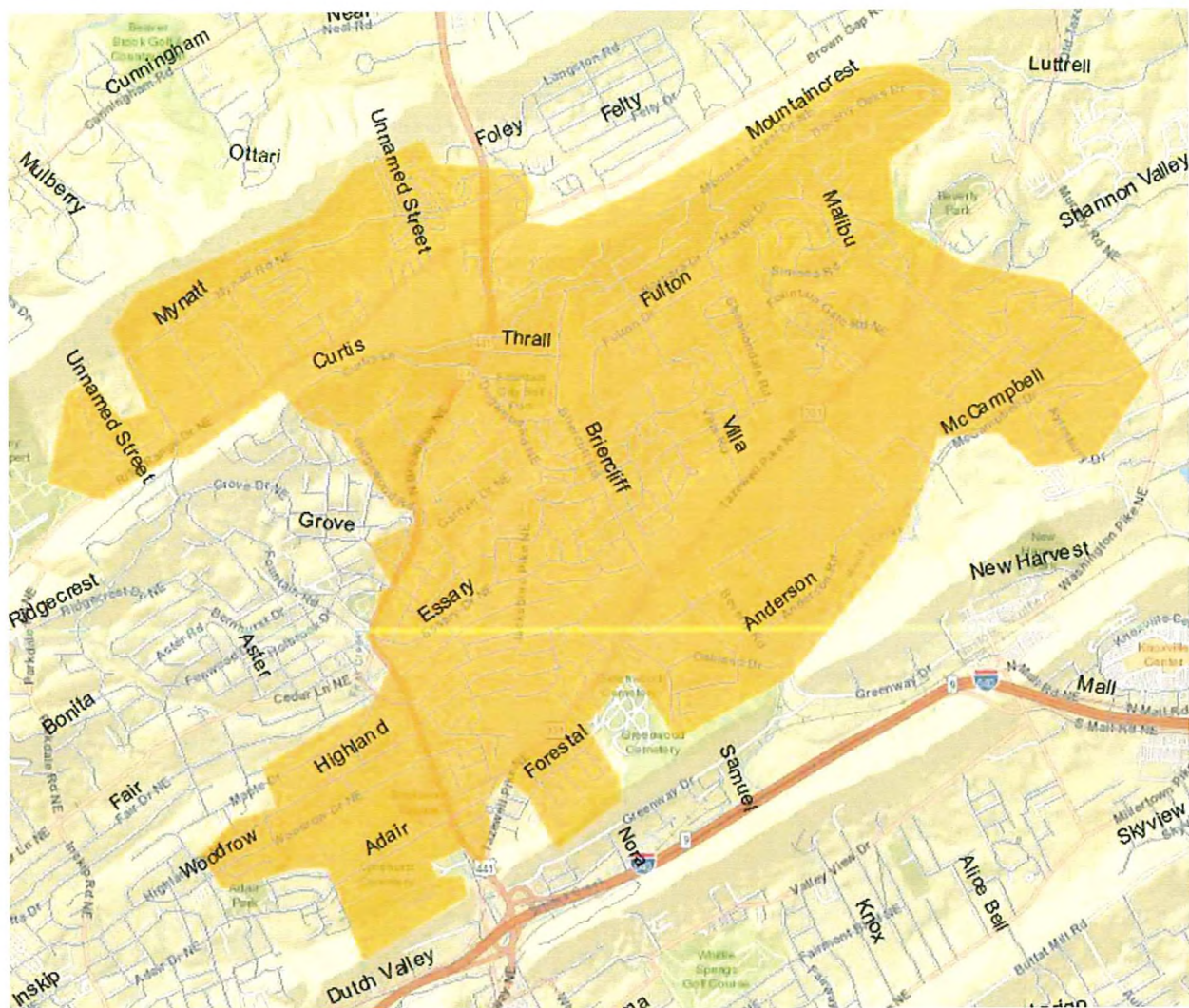






Fountain City

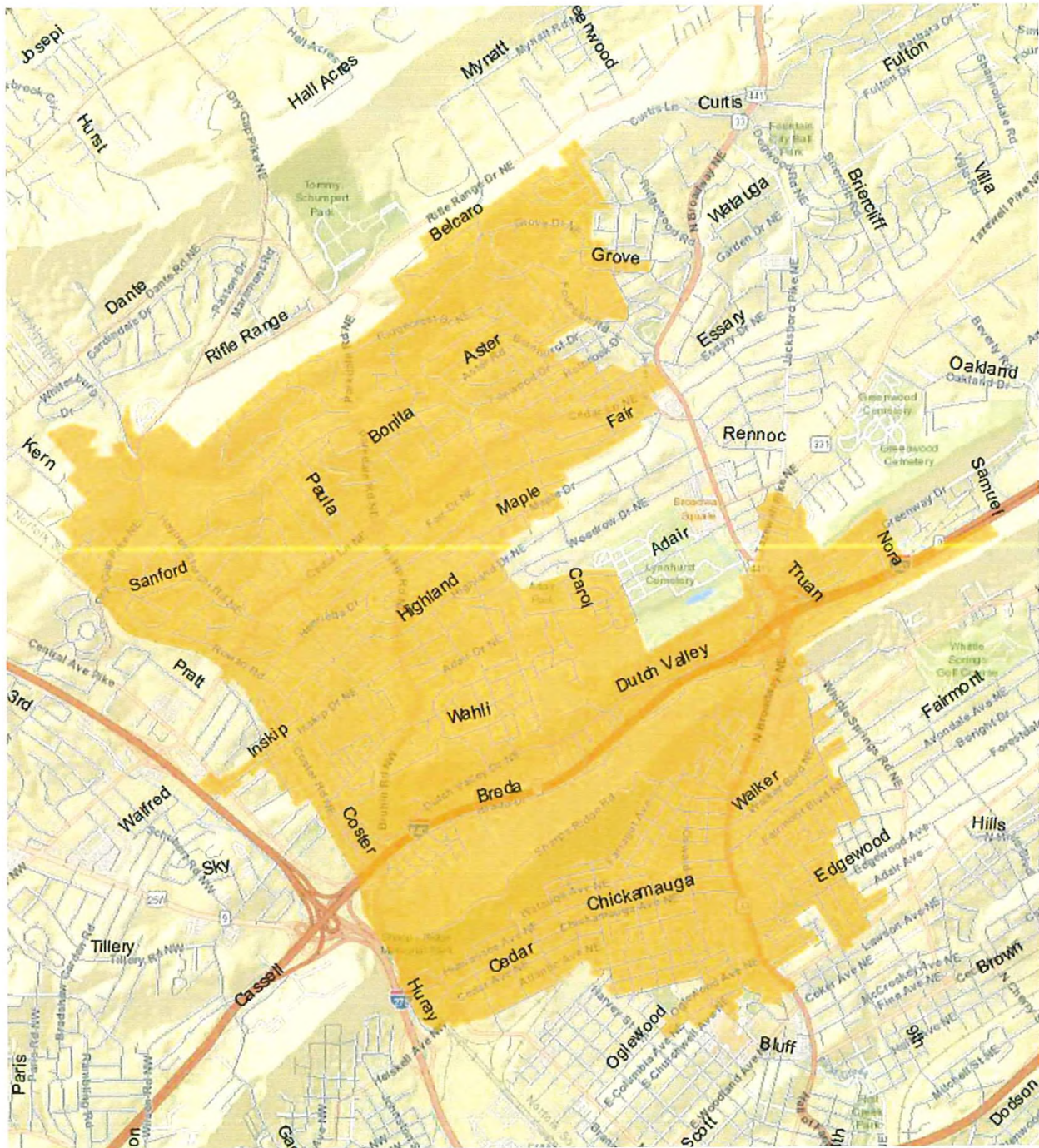
Includes portions of the City of Knoxville and unincorporated Knox County





## Arlington

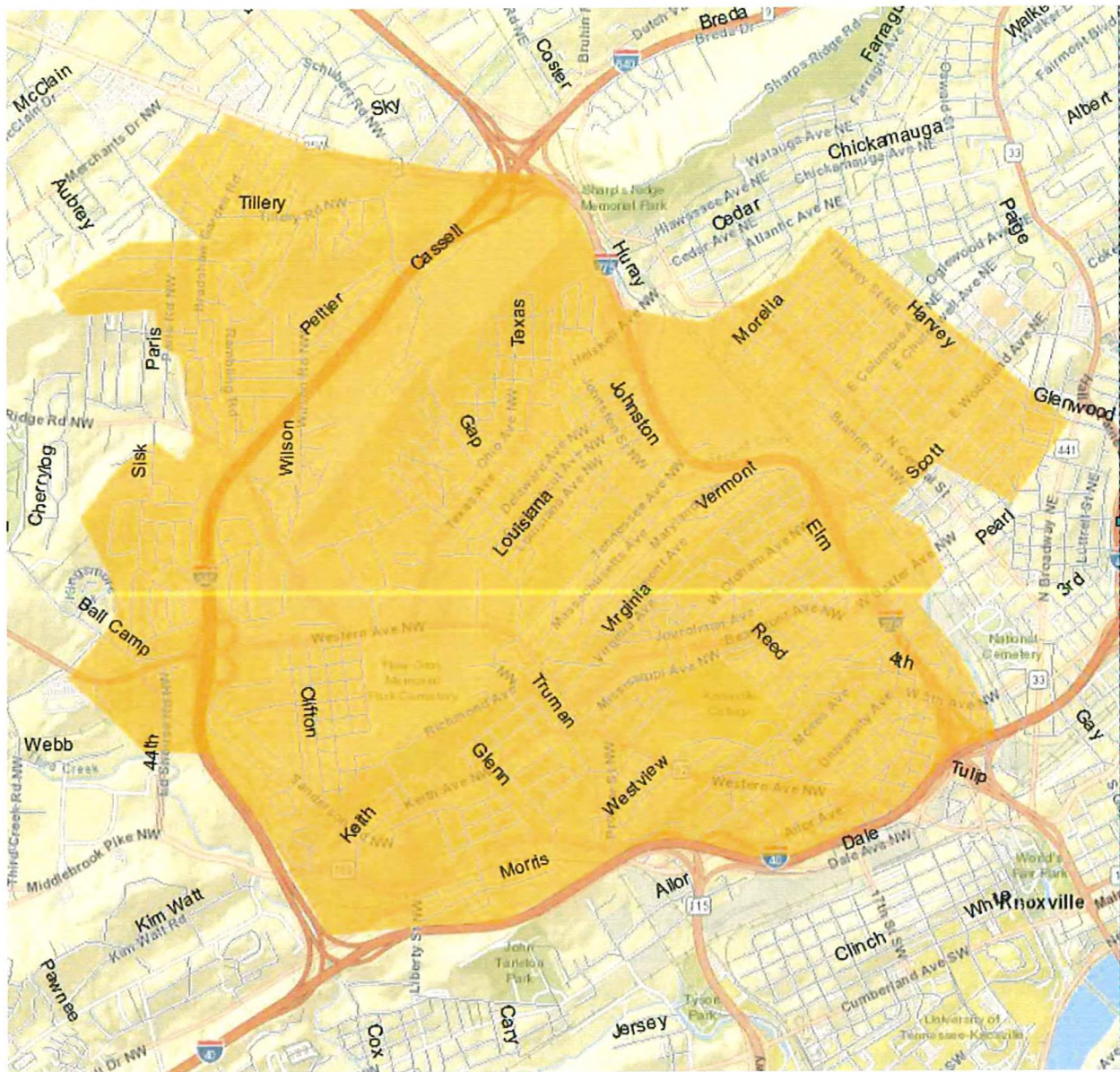
Includes portions of the City of Knoxville





## Ball Camp

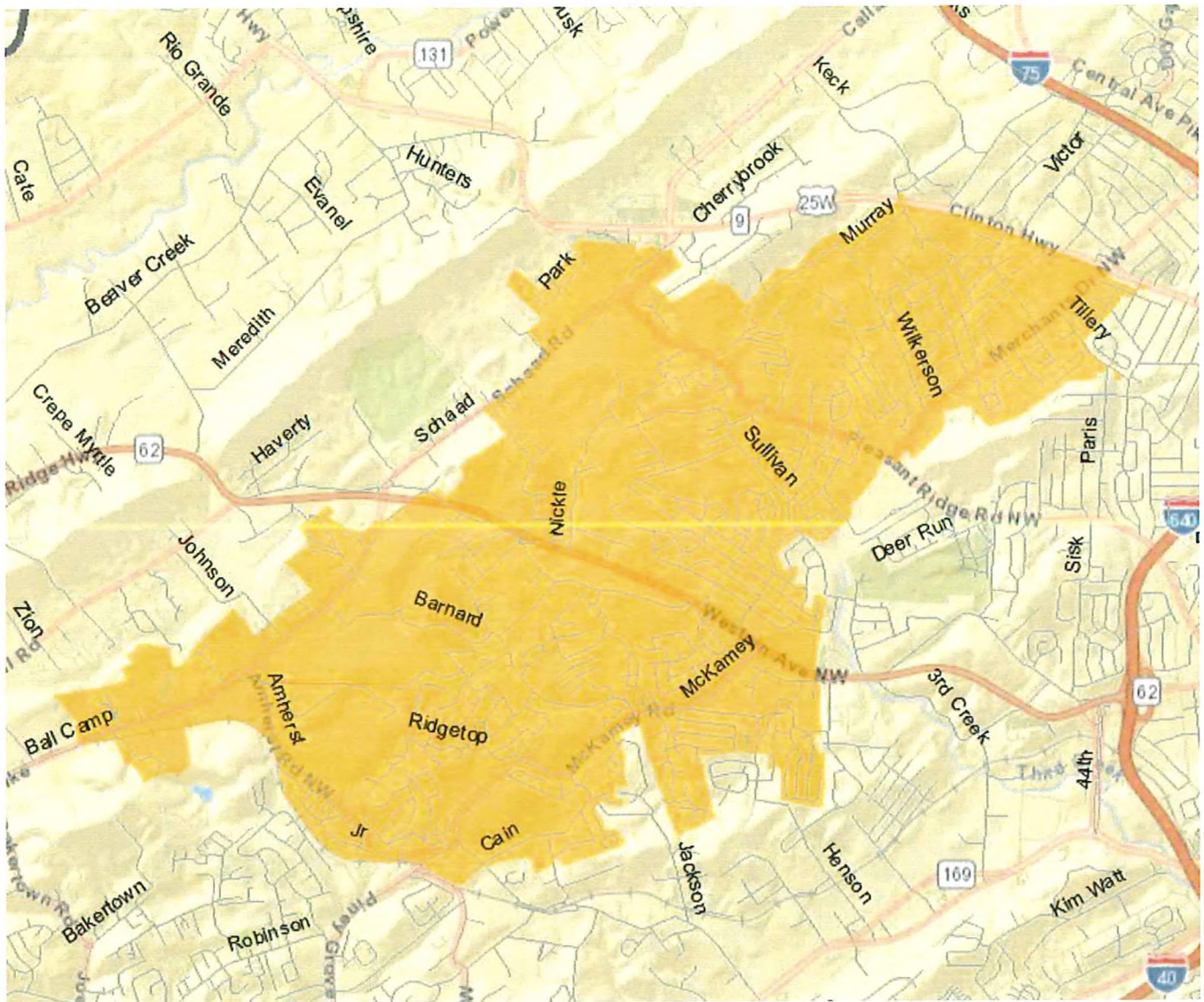
Includes portions of the City of Knoxville





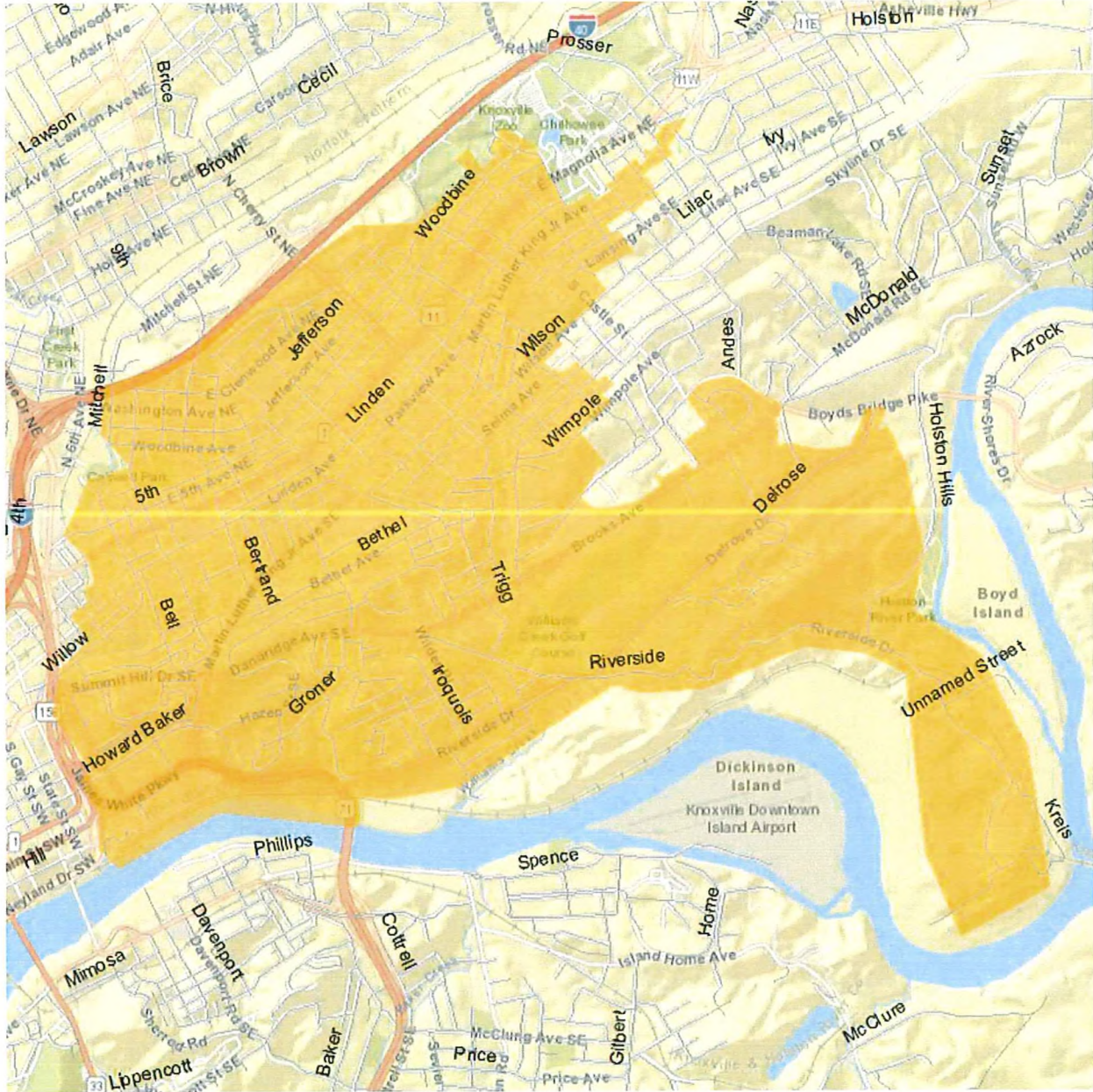
Karns

Includes portions of the City of Knoxville





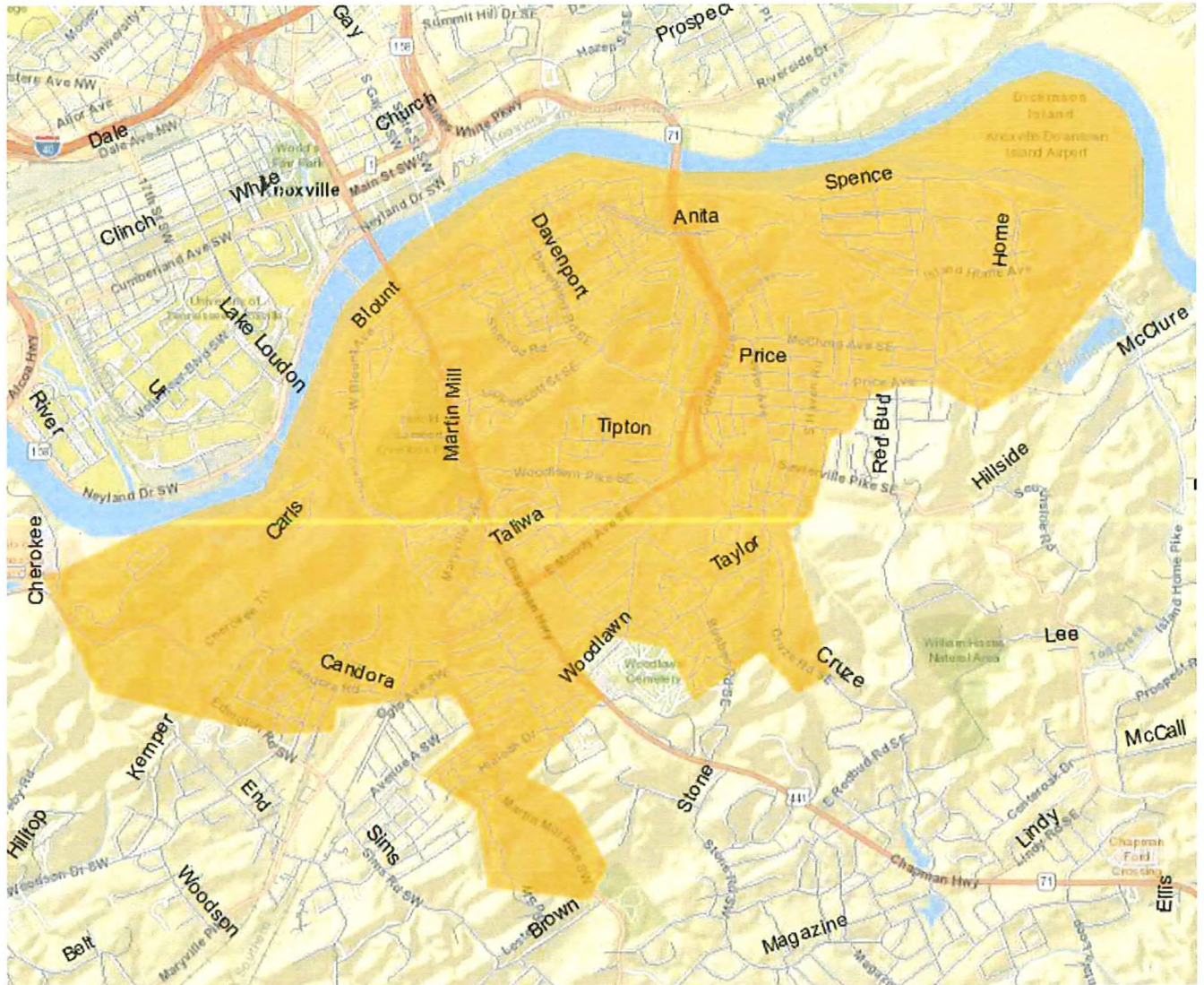
Mohawk/Riverside Dr  
Includes portions of the City of Knoxville





## South Knox

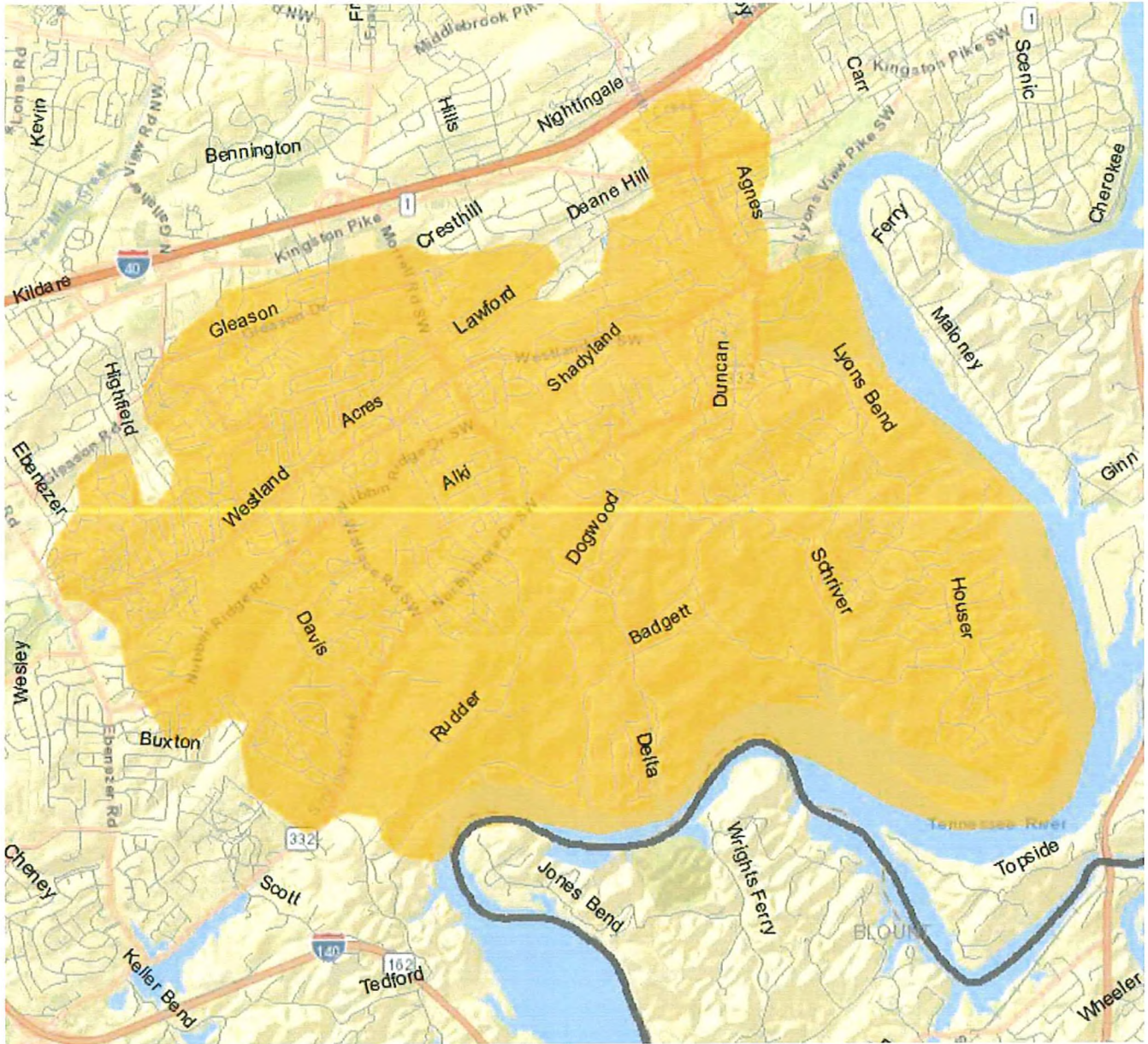
Includes portions of the City of Knoxville





## Rocky Hill

Includes portions of the City of Knoxville and unincorporated Knox County



## **EXHIBIT C**

### **Application of Knoxville Utilities Board, d/b/a KUB for a State-Issued Certificate of Franchise Authority**

#### **Managerial and Technical Leadership Biographical Information**

GABRIEL J. BOLAS II, President and Chief Executive Officer, was appointed to this position in 2018. Mr. Bolas has been with KUB since 1995. He has a B.S. in Electric Engineering, as well as a Master of Industrial Engineering from the University of Tennessee.

JAMIE DAVIS, Vice President and Chief Technology Officer, was appointed to this position in 2021. Mr. Davis has been with KUB since 1995. He has a B.S. in Accounting from Tennessee Technological University and also a Master of Accountancy from the University of Tennessee.

SUSAN F. EDWARDS, Senior Vice President and Chief Administrative Officer, was appointed to the position in 2013. She has been with KUB since 1997. She has a B.S. in Business Administration from the University of Tennessee.

DERWIN G. HAGOOD, Senior Vice President and Chief Operating Officer, was appointed to this position in 2017. Mr. Hagood has been with KUB since 1985. He has a B.S. in Civil Engineering from the University of Tennessee.

TIFFANY MARTIN, Vice President and Chief Customer Officer, was appointed to this position in 2021. Mrs. Martin has been with KUB since 2001. She has a B.S. in Business Administration/Marketing from the University of Tennessee.

MARK A. WALKER, Senior Vice President and Chief Financial Officer, was appointed to this position in 2011 and serves as the fifth CFO since KUB was formed. Mr. Walker currently serves as Secretary of the Board of Commissioners. He has been with KUB since 1993. Mr. Walker has a B.S. in Finance from the University of Tennessee's College of Business and also an M.B.A. in Economics from the University of Tennessee.

JOHN W. WILLIAMS III, Senior Vice President of Engineering and Construction was appointed to this position in 2018. Mr. Williams has been with KUB since 1998. He has a B.S. in Business Administration from the University of Tennessee.

## EXHIBIT D

### Application of Knoxville Utilities Board, d/b/a KUB for a State-Issued Certificate of Franchise Authority

#### Local Governments Provided Notice

<b>Grainger County:</b> Mayor Mike Byrd Grainger County PO Box 126 Rutledge, TN 37861	<b>With a copy to:</b> Lane Wolfenbarger County Attorney Grainger County PO Box 21 Rutledge, TN 37861
<b>Knox County:</b> Mayor Glenn Jacobs Knox County 400 Main Street, Suite 615 Knoxville, TN 37902	<b>With a copy to:</b> Charles F. Sterchi, III, Esq. Chief Deputy Law Director Knox County 400 Main Street, Suite 612 Knoxville, TN 37902
<b>Union County:</b> Mayor Jason Bailey Union County 901 Main Street, Suite 100 Maynardville, TN 37907	<b>With a copy to:</b> K. David Meyers County Attorney Union County PO Box 13 Maynardville, TN 37807
<b>City of Blaine:</b> Mayor Barvin Braden City of Blaine 220 Indian Ridge Road Blaine, TN 37709	<b>With a copy to:</b> Shelly Wilson City of Blaine City Attorney 220 Indian Ridge Road Blaine, TN 37709
<b>City of Knoxville:</b> Mayor Indya Kincannon City of Knoxville 400 Main Street, Room 691 Knoxville, TN 37902	<b>With a copy to:</b> Charles Swanson, Esq. Law Director City of Knoxville 400 Main Street, Room 699 Knoxville, TN 37902
<b>City of Luttrell:</b> Mayor Jerry Lawson City of Luttrell 101 Park Road Luttrell, TN 37779	<b>With a copy to:</b> K. David Meyers City Attorney City of Luttrell PO Box 13 Maynardville, TN 37807

## **EXHIBIT E**

### **Application of Knoxville Utilities Board, d/b/a KUB for a State-Issued Certificate of Franchise Authority**

#### **Minority-Owned Business Participation Plan**

Pursuant to Tenn. Code Ann. § 7-59-313, this Minority or Woman Owned Business Participation Plan (the "Plan") sets forth the plan of Knoxville Utilities Board, d/b/a KUB ("Provider") to actively solicit bids from, and let contracts to, minority or woman owned businesses when establishing, providing, or expanding cable or video services and/or broadband Internet service and related support facilities.

1) Minority-Owned Business. "Minority-owned business" means a business that 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 the daily operations of the business and who is impeded from normal entry into the economic mainstream because of:

- a. Past practices of discrimination based on race, religion, ethnic background or sex, including, but not limited to, women;
- b. A disability as defined in Tenn. Code Ann. § 4-26-102, including, but not limited to, disabled veterans; or
- c. Past practices of racial discrimination against African-Americans or people of color.

2) Supplier Diversity Program Statement. KUB seeks to create a diverse supplier community that reflects the communities KUB serves. KUB supports local and regional organizations that support and assist small business, women, and minority-owned business enterprises and encourages these organizations to participate in KUB's procurement process. KUB also encourages subcontracting opportunities from small, women, and minority-owned businesses.

3) Promotion of Opportunities for Minority-Owned Businesses. The Provider's management, procurement, and human resources personnel work to identify goods and services that may be supplied by minority-owned businesses. When possible, the Provider seeks proposals, and makes purchases, from qualified minority-owned businesses. The Provider also seeks to foster relationships within minority-owned business communities.

4) Technical Assistance to Minority-Owned Businesses. The Provider provides information for minority-owned businesses upon request.

5) Statement of Intent. Under the Program, the Provider shall (i) endeavor to maximize participation of minority-owned businesses and (ii) aim to achieve a level of minority-owned business participation representative of the population of the demographics of the state of Tennessee.

By October 31st of each year, the Provider will prepare and submit an annual report to the KUB Board of Commissioners Audit and Finance Committee and the KUB Procurement Oversight Committee during the prior fiscal year.

By January 31 of each year, the Provider will prepare and submit an annual report to the Tennessee Public Utilities Commission concerning the Plan and the Provider's compliance with the Plan during the prior calendar year.