

BASS BERRY ♦ SIMS.

Virginia M. Yetter
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Via Email and U.S. Mail

January 8, 2025

The Honorable Earl Taylor
Executive Director
Tennessee Public Utility Commission
c/o Tory Lawless
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243

Electronically Filed in TPUC Docket
Room on January 8, 2025 at 2:14 p.m.

**RE: Application of E. Ritter Communications Holdings, LLC, d/b/a
Ritter Communications for Statewide Video Franchise
Docket No. 22-00082**

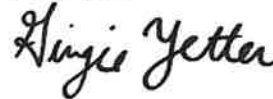
Dear Mr. Taylor:

Enclosed please find an original and four (4) copies of Ritter Communications' Application for Amendment of its Statewide Video Franchise with accompanying exhibits. Filed along with this material are four copies of Exhibit A which is being submitted under seal in separate envelope. Also, enclosed is a check in the amount of Five Hundred Dollars (\$500.00) to cover the filing fee. This Application is being filed electronically with the Authority's Docket Manager, Tory Lawless.

Should you have any questions concerning this matter, please do not hesitate to contact me at the email address or telephone number listed above.

With kindest regards, I remain

Very truly yours,



Virginia M. Yetter

Enclosures

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

IN RE:

**E. RITTER COMMUNICATIONS
HOLDINGS, LLC, TO AMEND ITS
STATE-ISSUED CERTIFICATE OF
FRANCHISE AUTHORITY.**

Docket No. 22-00082

**FIRST AMENDMENT TO STATE-ISSUED CERTIFICATE OF
FRANCHISE AUTHORITY**

AFFIDAVIT OF LEXANNE HORTON

STATE OF ARKANSAS)
)
COUNTY OF CRAIGHEAD)

I, Lexanne Horton, in accordance with the requirements of the Tennessee Competitive Cable and Video Services Act, Tenn. Code Ann. § 7-59-305 et seq. (the "Act"), state as follows:

I am an employee of E. Ritter Communications Holdings, LLC, d/b/a Ritter Communications, where my title is Chief Financial Officer. As such, I am authorized to make this affidavit on behalf of Applicant E. Ritter Communications Holdings, LLC, d/b/a Ritter Communications.

1. Name of Applicant

The name of the Applicant is E. Ritter Communications Holdings, LLC, d/b/a Ritter Communications (hereinafter referred to as "Applicant" or "Ritter"). Applicant received a State-Issued Certificate of Franchise Authority to serve the areas specified therein on August 26, 2022. The purpose of this Application is to Amend Its State-Issued Certificate of Franchise Authority ("First Amendment") to add new Service Areas as provided herein.

2. Application Fee for Service Area Population of over 50,000, up to and including 100,000 (Section 305(b)(2) of the Act)

An application fee of \$500 is submitted with this First Amendment consistent with Section 305(b)(2) of the Act and based on the population of service area(s) as reflected in the most recent decennial census applied for in this First Amendment. Such service areas are described in Exhibit A.

3. Compliance with Applicable Laws (Section 305(c)(1) of the Act)

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 this part or other applicable law and will timely file with the FCC all forms required by the FCC in advance of offering video services or cable services as set forth in this First Amendment. Applicant will comply with all applicable FCC requirements involving the distribution and notification of emergency messages over the emergency alert system consistent with the enforcement of the rules, and any waivers to the rules, as determined by the FCC.

4. Description of Municipalities and Unincorporated Areas to be Added to the Area Served by Applicant Pursuant to its Existing Franchise Issued on August 26, 2022 (Section 305(c)(2) of the Act)

This First Amendment seeks to add service for the city of Bartlett, TN which is in Shelby County. Exhibit A to this First Amendment provides a detailed map of the municipalities within the county to be served, in whole or in part, by the Applicant pursuant to this First Amendment. Exhibit A is incorporated by reference into this Affidavit.

5. Intent to Begin to Offer Cable or Broadband Internet Service (Section 305(c)(3) of the Act)

Applicant already provides video and cable services in areas that are contiguous and in close proximity with the municipalities identified in Exhibit A and intends to begin to offer video and cable service for purchase in the areas identified in Exhibit A within twenty-four (24) months of the date of issuance of an Amended State-Issued Certificate of Franchise Authority.

6. Indemnification (Section 305(c)(4) of the Act)

Applicant agrees to indemnify and hold harmless, in accordance with Section 318 of the Act, 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 Section 318 of the Act as the "indemnitee."

7. Applicant Contact Information (Section 305(c)(5) of the Act)

- a. Applicant's principal place of business is located at 2400 Ritter Drive, Jonesboro, AR 72401.
- b. Contact telephone number is (888) 336-4466.
- c. The principal executive officers of the Applicant are as follows:

Heath Simpson, President, CEO
Lexanne Horton, CFO
Victor Esposito, CTO
Kyl Keith, CRO
Mark McHale, VP of Public Affairs and Community Relations
Jeff Kulas, VP Customer Experience

- d. The following persons are authorized to represent the Applicant before the Tennessee Public Utility Commission:
 - i. Lexanne Horton, CFO
 - ii. Virginia Yetter, Legal Counsel

8. Applicant Has the Managerial, Financial, and Technical Qualifications to Provide Cable Service (Sections 305(c)(6) and 305(d)(2) of the Act)

Applicant has the managerial, financial and technical qualifications to provide cable or video service as required by Tenn. Code Ann. § 7-59-305(c)(6) and (d)(2). Applicant has evaluated its deployment plans and reasonably concludes that its plans will result in deployment of cable or video service to all service areas listed on Exhibit A within the time periods set forth in and in compliance with Tenn. Code Ann. § 7-59-311. Applicant agrees to comply with the non-discrimination and service deployment requirements of § 7-59-311.

Applicant has the managerial, financial and technical qualifications to fulfill this plan of deployment. Applicant was granted a State-Issued Certificate of Franchise Authority in 2022, and has been providing cable and video services pursuant to that Certificate, and therefore the Commission has determined that Applicant has the managerial, financial, and technical qualifications to provide cable and video services. Based on Applicant's experience and success providing cable and video services, Applicant has the managerial, financial, and technical qualifications to provide similar cable and video services.

Applicant has been providing video services to customers in West Tennessee for over 45 years. In addition, Applicant's subsidiary, Millington CATV, Inc., has provided cable service to unincorporated areas of Shelby County, Tennessee area pursuant to a state-issued certificate of franchise authority issued by this Commission's predecessor agency, the Tennessee Regulatory Authority, in 2012, and it provided cable service pursuant to local franchises for over thirty three (33) years prior to that certificate. Ritter Communications provides common corporate

administration and management for all operational service areas which will also include the new service areas of this amendment.

9. Customer Service Complaint Handling Process (Section 305(c)(7) of the Act)

- a. Policies on addressing customer service issues, billing adjustments and communications with government officials regarding customer complaints:

Applicant follows the Customer Service guidelines set forth by the FCC. Customers who have questions or complaints regarding their cable or video service, or questions or disputes concerning their bills may contact Applicant at 4880 Navy Road, Millington, TN 38053. Network facilities are monitored 24 hours per day by a staffed Network Operation Center. Local Field Service Technicians are available to address service related issues Monday through Friday during normal business hours, and also on call after hours and weekends for outages or emergencies. Applicant will address customer questions or complaints in a timely manner. Should a customer believe that his/her request was not properly handled, he/she may contact the Tennessee Regulatory Authority.

Local or toll-free telephone number at which a customer may contact applicant: (901) 872-7000 or (888) 336-4466. Written customer complaints may be sent to:

Ritter Communications
4880 Navy Road
Millington, TN 38053

10. Notice to Affected Local Governing Authority (Section 305(c)(8) of the Act)

Notice has been provided to the affected local governing authorities at the addresses set forth in Exhibit B of their right to receive a franchise fee consistent with the Act. Notice will also be provided to other entities with facilities in the rights-of-way consistent with any non-discriminatory and generally applicable local ordinances or resolutions requiring such notice.

**11. Non-Discrimination and Service Deployment Requirements
(Section 305(c)(9) of the Act)**

Applicant agrees to comply with the requirements of the Act, expressly including the applicable non-discrimination and service deployment requirements of Section 311 of the Act. In addition, the Applicant acknowledges the provisions of Section 312 of the Act relative to enforcement of non-discrimination and deployment requirements.

**12. Notice to Local Governing Authority Prior to Providing Service
(Section 305(c)(10) of the Act)**

Following issuance of the amended State-issued certificate of franchise authority, Applicant will provide notice to an affected local governing authority at least ten (10) days prior to providing service in that jurisdiction.

13. Minority Owned Business Participation Plan (Section 305(c)(11) of the Act)

Exhibit C to this Application is Applicant's Minority Owned Business Participation Plan and Applicant agrees to comply with the provisions of the Plan in accordance with Section 313 of the Act and is incorporated by reference into this Affidavit.

FURTHER AFFIANT SAITH NOT



Lexanne Horton, Chief Financial Officer

Sworn to and subscribed before me, this 11th day of December, 2024.



Notary Public

My Commission Expires

April 30, 2028

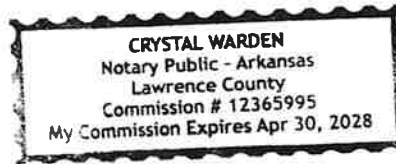


EXHIBIT A

(FILED UNDER SEAL)

EXHIBIT B

Address for Local Governing Authority per Section 305(c)(8)

Location	Census Population	Application Population	Mayor	Address	Email
Bartlett	56,000	56,000	David Parsons	6400 Stage Road, Bartlett, TN 38134	dparsons@cityofbartlett.org

EXHIBIT C



phone 870.336.3434

1.888.336.4249

fax 870.336.3401

office 2400 Ritter Dr., Jonesboro, AR 72401

April 30, 2024

**Tennessee Public Utility Commission
ATTN: Carlos Black
502 Deadrick Street, 4th Floor
Nashville, TN 37243**

RE: Small and Minority-Owned Telecommunications Business Participation Plan

Dear Mr. Black:

E. Ritter Communications, LLC, dba Ritter Communications (Company) hereby submits this Small and Minority-Owned Telecommunications Business Participation Plan in accordance with TCA § 65-5-112.

In 2023, we are pleased to report the Company paid Minority-Owned businesses \$697,135.

The Company will comply with this Plan and look for ways to increase its contacts and partnerships with Minority-Owned suppliers.

Sincerely,

A handwritten signature in black ink, appearing to read "Lexanne Horton", with a long horizontal flourish extending to the right.

**Lexanne Horton
CFO**

E. Ritter Communications, LLC

**SMALL AND MINORITY-OWNED TELECOMMUNICATIONS
BUSINESS PARTICIPATION PLAN**

E. Ritter Communications, LLC

SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN

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SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN

1.0 PLAN

- 1.1 This Small and Minority-Owned Telecommunications Business Participation Plan ("Plan") is submitted by E. Ritter Communications, LLC, dba Ritter Communications ("Company"), as required by TCA § 65-5-112.
- 1.2 The Administration of this Plan is the responsibility of the Company. It is the policy of the Company to provide an opportunity for Small and Minority-Owned Businesses to compete for subcontracts awarded by the Company on a fair and equitable basis with certified suppliers and contractors.
- 1.3 This Plan is a statement of objectives and is not intended to create any legal obligation on behalf of the Company or any person or organization

2.0 DEFINITIONS

- 2.1 Minority Business: For the purpose of this Plan, "Minority-Owned Business" means 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 the daily operations of such business, and who is impeded from non-entry into the economic mainstream as defined in TCA § 65-5-112.

3.0 PLAN RESPONSIBILITY AND POLICY STATEMENT

- 3.1 It is the policy of the Company to afford Minority-Owned Businesses an opportunity to participate in the performance of contracts in accordance with TCA § 65-5-112.
- 3.2 As a purchaser of goods and services, it is the Company's responsibility to:
 - (a) Identify and maintain a pool of qualified suppliers.
 - (b) Provide opportunities for Small and Minority-Owned Businesses to bid in those solicitations for products or services which they are capable of providing, and which meet RUS (Rural Utility Service) standards.

4.0 PLAN PERIOD OF EFFECTIVENESS

- 4.1 The Company is committed to providing affirmative access to contracting opportunities for Small and Minority-Owned Businesses. The Company is proactive and will move

toward inclusion of such firms in the supplier base. This plan represents an ongoing commitment by the Company, and has no fixed time period for effectiveness.

5.0 PLAN ADMINISTRATION

5.1 Company's Plan Administrator is:

Lexanne Horton, Vice-President, Controller
PO Box 17040
Jonesboro, AR 72403
Phone: 870-336-2321

5.2 The Administrator manages the Plan as described below.

5.3 The Administrator's specific job duties, as they relate to this Plan are as follows:

- (a) Develops and maintains policies and procedures to ensure that Small and Minority-Owned Businesses have an equitable opportunity to be awarded contracts.
- (b) Establishes and maintains policies and procedures to ensure that Small and Minority-Owned Businesses have an equitable opportunity to be awarded contracts.
- (c) Ensures inclusion of Small and Minority-Owned Businesses in those solicitations for products or services which they are capable of providing.
- (d) Maintains Small and Minority-Owned Business related correspondence and record keeping.
- (e) Coordinates activities during the conduct of any compliance review by the Tennessee state agencies.
- (f) Attends or arranges for attendance by appropriate members of management at Small and Minority Business Enterprise Seminars, Trade Fairs, and Conventions.

6.0 PLAN TO ASSURE EQUITABLE OPPORTUNITY

6.1 The Administrator shall ensure that appropriate source listings and services are properly utilized in support of the Plan. Sources/listings include, but are not limited to the following:

- (a) The Company-approved Master Supplier list.

- (b) Information received from the Small Business Administration Procurement Automated Source System (PASS).
- (c) Information sources received from the TN Department of Economic Development's Office of Minority Business Enterprise and Small Business Office.
- (d) Information received from the local Chamber of Commerce.

6.2 Outreach efforts will be made as follows:

- (a) The Administrator shall cultivate and maintain relationships with Small Business trade associations and business development organizations in an effort to locate and qualify capable Small and Minority-Owned Businesses for participation in contracting opportunities.
- (b) The Administrator shall ensure that the Company assists Small and Minority-Owned Businesses by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns.
- (c) The Administrator shall ensure that the Company provides adequate and timely consideration of the potentialities of Small and Minority-Owned Businesses in "make or buy" decisions.
- (d) Appropriate members of management will attend seminars and trade fairs in order to develop sources.

7.0 PLAN REPORTING

7.1 The Company will submit such periodic reports and cooperate in those studies or surveys as may be required to determine the extent of compliance with this Plan.

7.2 The Company will maintain, if required, the following types of records:

- (a) Source lists, guides, and other data that identify Small and Minority-Owned Businesses.
- (b) Lists of organizations contacted in an attempt to locate sources that are Small and Minority-Owned Businesses.
- (c) Records of any outreach efforts to contact trade associations, business development organizations, and conferences and trade fairs attended.

- (d) The Company's Supplier Master List identifies Small and Minority-Owned Businesses. The Supplier List shall be utilized in identifying potential contractors. A Summary Sheet shall be maintained in each supplier's file and shall be reviewed and evaluated by the Plan Administrator.