

**MINUTES OF THE
JOHNSON CITY ENERGY AUTHORITY
D/B/A
BRIGHTRIDGE**

July 26, 2022

PRESENT: Jenny Brock
James Haselsteiner
Ronald Hite
Kenneth Huffine
B. J. King
Gary Mabrey
James Smith
Robert Thomas
Jeffrey R. Dykes, Chief Executive Officer
Brian Bolling, CPA, Chief Financial Officer and Chief Customer Officer
Connie Crouch, Human Resources Manager
Bonnie Donnolly, Chief Development and Market Strategy Officer
Mark Eades, Chief Engineering and Facilities Officer
Eric Egan, Chief Data Officer
Brian Ellis, Service Department Manager
Stacy Evans, Chief Broadband and Technology Officer
Donnie Hall, Safety/Environmental Manager
Rodney Metcalf, Chief Operations Officer
Tiphonie Watson, Customer Support Manager
Tim Whaley, Director of Public and Governmental Affairs
Stephen M. Darden, Hunter Smith Davis, LLP
Mabel Olson, Engineering Intern
Alayna Perryman, Special Projects Intern

ABSENT: Hal Knight
David Spinnato, Physical Plant/Warehouse Manager
Melissa Taylor, Supervisor, General Accounting

Chairman James Smith called the meeting to order.

Upon motion of Mr. Haselsteiner, seconded by Ms. Brock, the Board voted to add as Agenda Item 5 (g.) consideration of the purchase of an electric fleet vehicle for the Construction Department. The motion carried unanimously by voice vote.

The Board of Directors unanimously elected the following Board officers for 2022 – 2024:

- (a) Gary Mabrey was elected Chairman of the Board.
- (b) Jim Haselsteiner was elected Vice-Chairman of the Board.
- (c) Ceilya Campbell was elected Secretary of the Board.
- (d) Brian Bolling was elected Treasurer of the Board.

Mabel Olson, a rising Junior at Tennessee Technological University majoring in Electrical Engineering, served with BrightRidge as Engineering Intern this summer, and delivered a presentation to the Board regarding her internship. She stated that one of the first things she did as an intern was participate in pole top rescue training and go up in a bucket truck. She was grateful for this experience, as she advised that her father was an electrical lineman, and this gave her better insight into his work.

Ms. Olson worked in several divisions over the summer – with the Field Engineers observing various surveying techniques, with the Transformer Group, where she learned about the different types and ratings of transformers, and with the Substation Group, where she dealt with infrared scanning and preventative on-site inspections.

A research project she completed during her internship was an analysis of five years of transformer data in an effort to address supply chain issues with the transformer inventory and to project what items would be needed through December, 2024.

She also witnessed the changing of the transformer at West Distribution station and the energization of the new transformer. At the Gray Substation, she assisted with rewiring of substation house relays.

Ms. Olson further volunteered with BrightRidge employees on United Way Volunteer Day, helping with the “Feeding and Reading” project.

Ms. Olson advised that the BrightRidge summer internship had met all her expectations for an internship, which were (1) working in her chosen field, (2) enjoyment in the work she was performing, (3) finding the work she was performing meaningful, and (4) working in a positive work environment. She stated that she felt welcomed by BrightRidge and appreciated the patience of those she worked with in taking the time to teach her and to answer her questions.

Alayna Perryman is a recent graduate of Milligan University, majoring in Electrical Engineering. She is continuing her studies to obtain an MBA. She spent her summer internship working with Sam Ford and Bonnie Donnolly in project management.

Ms. Perryman performed several research projects during her internship. She performed analysis regarding BrightRidge electric vehicle charging stations, researched the savings impact on homes participating in the “Home Uplift” program, designed to make dwellings more energy efficient, examined the kilowatt hour savings of homes with EV home chargers, and evaluated the per-mile cost savings for the Washington County Schools electric school bus.

Ms. Perryman participated in field work through safety training, including pole top and manhole rescue, and was able to go up in one of the bucket trucks, as well.

Other projects she assisted with during the summer included Intellirupter information gathering to compile a master list of Intellirupters on the BrightRidge system, observation of the East Tennessee State University backfeed project and Walnut Street street planning project, and witnessing the energization of the new transformer at West Distribution station. She was able to participate in activities involved in the testing of the BrightRidge test solar lab and began work on the ongoing home generator registration project.

Ms. Perryman also expressed her appreciation to BrightRidge for making her feel welcome and for the time employees and staff spent with her during her internship.

Upon motion of Mr. Mabrey, seconded by Ms. Brock, the Board approved the following items on the Electric Division Consent Agenda:

(a) The minutes of the regularly scheduled Board meeting on June 28, 2022.

(b) The low bid of Border States Electric Supply in the amount of \$93,609.20 for 300 Linkbreak 100 A type C polymer cutouts (\$48,654.00), 60 Evolve 194W LED flood lighting fixtures (\$39,615.00), and 20 Quazite 13” X 24” enclosure covers (\$5,340.20).

(c) The low bid of Power Supply Company, LLC in the amount of \$205,287.00 for 50,000 ASCR 954 RAIL 45/7 conductors (\$186,000.00) and 300 Armor 954 wire 45/7 RAIL red rods (\$19,287.00).

(d) The low bid of WESCO in the amount of \$92,690.00 for 1 2500KVA pad 277/480 transformer.

(e) The bid of Pave-Well Paving Company in the amount of \$69,936.59 for the Steeple Chase Subdivision patch job paving project.

(f) The work authorization of Allen and Hoshall, Inc. in an amount not to exceed \$170,000.00 for design work and construction follow-up involved in expanding the capacity of the Stockyard Substation from the existing 20 MVA capacity to 75 MVA capacity.

(g) The purchase of a Ford F600 cab/chassis 4 X 4 for a flatbed material truck to replace Vehicle No. 12 in the Construction Department at a cost of \$50,148.00. The vehicle is being purchased through the state contract for utilities and government entities.

The motion carried unanimously by voice vote.

Upon motion of Gen. Hite, seconded by Mr. Thomas, the Board approved the following items on the Broadband Division Consent Agenda:

(a) Calix AXOS perpetual renewal 2022-2023 at a cost of \$54,366.78. Calix is the sole source provider of BrightRidge's fiberoptic network equipment, selected through an RFP process in 2018.

The motion carried unanimously by voice vote.

Upon motion of Mr. Mabrey, seconded by Mr. Haselsteiner, the Board approved the adoption of the BrightRidge Broadband Service Copyright Infringement Policy, a copy of which is attached as Exhibit "A" to these minutes. The motion carried unanimously by roll call vote. The policy will take effect on August 1, 2022 and provides an additional layer of protection for BrightRidge and clear guidance on the procedure for a customer or third party to provide notice and report copyright infringement under the ***Digital Millennium Copyright Act*** and the ***U. S. Copyright Act***.

Eric Egan, Chief Data Officer, delivered an update on activities in his department, this month focusing on the AMI section. Mr. Egan talked about the "Take a Load Off" (TALO) program, the goals for which are to reduce energy demand during peaking conditions, and to provide an outstanding customer experience.

The TALO program, which began in late 2013, involves the installation of load control devices on over 7,500 customer water heaters on the system. Customers receive a \$40.00 one-time bill credit for participating in the program, and all TALO participants receive free maintenance on standard water heater thermostats and elements. A free inspection of the water heater is also provided upon the installation of the load control device. The maintenance program provides the customer with an outstanding customer experience, in that most customers do not consider maintenance on that essential appliance. Further, typically, financial retention incentives cost the utility \$2.00 to \$3.00 per device per month. The maintenance program costs the company less than \$.25 per device per month.

Mr. Egan demonstrated to the Board through a slide presentation how load events were handled with the utilization of the TALO water heater devices.

He stated that the TALO program was successful because of the dedicated participation of a myriad of BrightRidge departments, including Customer Service, Information Technology, Service, Account Services, Marketing, and AMI.

Matt Health, AMI Department Manager, spoke to the Board about his involvement with the Mid-South Electric Metering Association. He moved from attending the annual metering school, to instructing classes, to holding offices as Sergeant at Arms, Secretary/Treasurer, Second Vice President, First Vice President, President (for two years) and a multi-year stint on the organization's Executive Committee.

The association was founded as a 501 (c) (3) non-profit corporation in 1950 comprised of volunteer members from across the electric utility industry. MSEMA hosts an annual meter school in May for members, and partners with Pellissippi State Community College to offer Continuing Education credits for the classes.

The 2022 school, held in Murfreesboro, Tennessee, hosted 209 students, with over 4,300 Continuing Education credit hours earned by participants. Courses are divided into 5 tracks: Group 1 – introductory, for those new to metering; Group 2 – intermediate, expanding upon Group 1 metering knowledge; Group 3 – advanced, with a good foundation for those who seek to become expert in the field; Group 4 – for vendors, to allow showcasing of the vendors and new products; and Group 5 – a substation course designed for substation technicians.

Stacy Evans, Chief Broadband and Technology Officer, delivered an update regarding the broadband project. At the time of the Board meeting, the Broadband Division has a total of 8,083 active customers, 9.7% of which are business or commercial entities.

The current broadband customer base is as follows:

Jonesborough Fiber:	1,018
Johnson City Fiber:	3,976
Piney Flats Fiber:	9
Telford Fiber:	166
Limestone Fiber:	250
Gray Fiber:	2,314
Kingsport Fiber:	156
Fall Branch Fiber:	27
Fixed Wireless:	167
Managed Wi-Fi:	5,191 (72.1% average "take rate")
IPTV Video:	1,269
Telephone VoIP:	1,014

Linear weekly customer adds are exceeding the budgeted goal of 61. As of the time of the Board meeting, the Broadband Division's customers are trending 66 customers above the linear budget line.

Mr. Evans discussed broadband trouble tickets over the past three months. Most were residential in nature and were resolved by tech support.

Work continues on Phase 5 of the broadband project, with five cabinets now complete. Planned work for FY 2022-2023 includes completion of Phase 5 and most of Phase 6 aerial build areas.

Mr. Evans advised the Board that while BrightRidge was not awarded a grant under the first round of the Tennessee ECD – Emergency Broadband grants, that other opportunities would be available, and that BrightRidge would make application when those opportunities became available.

Mr. Evans announced that customers could now apply for broadband internet service through the BrightRidge Smarthub application.

CEO Jeff Dykes mentioned that Washington County had signed up for the upcoming solar offerings workshops. East Tennessee State University is considering

same, as are the Johnson City School System and the four Sullivan County schools on the BrightRidge system.

Mr. Dykes reminded Board members of the annual employee golf tournament on August 20th. He also stated that the “Meet the Mountains” festival would be held on August 19th and 20th, and that BrightRidge would have a booth at the festival to promote broadband service and other programs and activities offered by the company.

Outgoing Board Chairman James Smith presented the gavel to incoming Chairman Gary Mabrey. CEO Jeff Dykes presented Mr. Smith with a plaque honoring his service as Chairman. Mr. Mabrey thanked Mr. Smith for his service as Board member and Chairman, citing his core leadership values and his always taking the “high road” in his management of the Board. Ms. Brock commended both Mr. Smith and Mr. Mabrey for their leadership, stating that she was looking forward to their continuing service as Board member and Chair.

BrightRidge Broadband Service Copyright Infringement Policy

Notice and Procedure for Making Copyright Infringement Claims

Copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner. If you believe that any material on the BrightRidge (“Company”) website(s) has infringed your copyrighted material or that we are the hosting service provider and should be notified of a potential copyright infringement, please follow the procedure set forth below to make your claim. This procedure should only be used for making claims of copyright infringement. This information does not take the place of advice from your legal counsel. We provide this information to you and your Users for informational purposes only.

Rejection/Removal

COMPANY reserves the right to reject or remove any material residing on or transmitted to or through the Services that the Company, in its sole discretion, believes to be unacceptable or in violation of the law, the Company AUP, and/or the Terms and Conditions of the service provided. The Company may immediately remove content if we believe such content is unlawful, violates the AUP and/or Terms and Conditions, or such removal is done pursuant to the Digital Millennium Copyright Act (or “DMCA”). Upon the Company’s request, Users shall terminate service to any third-party user or agent who, in our sole discretion, has violated the AUP, Terms and Conditions, or applicable law or regulations.

Reporting Other Suspected Violations of Use

To report other violations of use please contact the DMCA Agent using the information below. To report a child exploitation incident involving the Internet contact law enforcement immediately.

Notification of Copyright Claim

If you believe that a Web page is hosted by COMPANY and is violating your rights under U.S. copyright law, you may file a complaint of such claimed infringement with the COMPANY designated agent as described below:

Contact	Brian Bolling, CFO & Chief Customer Officer
Mail	BrightRidge Attn: Broadband Regulatory P.O. Box 1636 Johnson City, TN 37605
E-mail	Regulatory@brightridge.com

In compliance with Section 512(c)(3) of the U.S. Copyright Act DMCA Complaints must be in writing and contain the following information

1. A physical or electronic signature of a person authorized to act on behalf of the copyright owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Company to locate the material;
4. Information reasonably sufficient to permit Company to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted;

5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law;
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Be aware that anyone who makes false claims or misrepresentations concerning copyright infringement may be liable for damages under the DMCA.

BrightRidge Response to Infringement Claims

Upon receipt of a compliant infringement notification we will respond within ten (10) business days confirming the receipt of the notification. Within an additional ten (10) business days we shall notify the alleged infringing party of receipt of the notification and will render a cease and desist letter inclusive of the counter-notification options described below.

Counter-Notification in Response to Claim of Copyright Infringement

In compliance with Section 512(g)(3) of the U.S. Copyright Act if a notice of copyright infringement has been wrongly filed against you and you would like to submit a counter-notice, please forward your counter-notice to the BrightRidge designated agent at the address noted above. This process will invoke a dispute between you and the complaining party. Your counter-notification must be in writing and contain the following information:

1. A physical or electronic signature of an authorized person;
2. Identification of the material that was removed or access to which was disabled and the location at which material appeared before it was removed or access to it was disabled;
3. A statement under penalty of perjury that the alleged infringer has a good faith belief that the material was removed or disabled as a result of mistake or misidentification;
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the federal district court for the federal district in which you are located and that you will accept service of process from the complainant

You should be aware that substantial penalties under U.S. law apply for a false counter-notice filed in response to a notice of copyright infringement.

System and Network Security

Users are prohibited from violating or attempting to violate the security of COMPANY, including, without limitation, (a) accessing data not intended for such User or logging into a server or account which such User is not authorized to access, (b) attempting to probe, scan or test the vulnerability of a system or network or to breach security or authentication measures without proper authorization, (c) attempting to interfere with, disrupt or disable service to any user, host or network, including, without limitation, via means of overloading, flooding, mail bombing or crashing, (d) forging any packet header or any part of the header information in any E-mail or newsgroup posting, or (e) taking any action in order to obtain services to which such User is not entitled. Violations of system or network security may result in civil or criminal liability. We may investigate occurrences that may involve such violations, and we may involve and cooperate with law enforcement authorities in prosecuting Users who are alleged to be involved in such violations.

Suspension or Termination

Any User which the Company determines, in its sole discretion, to have violated any element of this Acceptable Use Policy shall receive a written warning, and may be subject at our discretion to a temporary suspension of service pending such User's agreement in writing to refrain from any further violations; provided that Company may immediately suspend or terminate such User's service without issuing such a warning if Company, in its sole discretion deems such action necessary. If we determine that a User has committed a second violation of any element of this Acceptable Use Policy, such User shall be subject to immediate suspension or termination of service without further notice, and we may take such further action as we determine to be appropriate under the circumstances to eliminate or preclude such violation. COMPANY shall not

be liable for any damages of any nature suffered by any customer, User, or any third party resulting in whole or in part from Company's exercise of its rights under this Policy.

Service Monitoring

Company has no obligation to monitor the services, but may do so and disclose information regarding the use of the services for any reason if we, in our sole discretion, believe that it is reasonable to do so, including to satisfy laws, regulations, or other governmental or legal requirements or requests; to operate the services properly, or to protect itself and its subscribers.

Privacy

Any User interacting with our site and providing Company with name, address, telephone number, E-mail address, domain name or URL or any other personally identifiable information permits Company to use such information for commercial purposes of its own, including contacting Users about products and services which may be of interest. All information concerning our users shall be kept in accordance with the Company then-applicable Privacy Policy and the requirements of applicable law. Company reserves the right to modify this Acceptable Use Policy at any time in its sole and absolute discretion. Changes and modifications will be effective when posted and any use of the Services after the posting of any changes will be considered acceptance of those changes.

No Waiver/Severability

Any failure of COMPANY to enforce this Policy shall not be construed as a waiver of any right to do so at any time. If any portion of this Policy is held invalid or unenforceable, that portion will be construed consistent with applicable law, and any remaining portions will remain in full force and effect.

COMPANY reserves the right to modify this *DMCA Copyright Infringement Policy* at any time. We will notify you of any material changes via written, electronic, or other means permitted by law, including by posting it on our website. If you find the changes unacceptable, you have the right to cancel the Services. If you continue to use the Services after receiving notice of such changes, we will consider that as your acceptance of the changes.

Effective August 1, 2022