

**Virginia State Corporation Commission  
eFiling CASE Document Cover Sheet**

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**Case Number (if already assigned)** PUR-2020-00143

**Case Name (if known)** Petition of Sunset Digital Communications (DE) LLC  
(Used in VA by: Sunset Digital Communications, LLC),  
D/B/A Point Broadband for Injunctive Relief Against  
Powell Valley Electric Cooperative

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November 25, 2020

## Via Electronic Filing

Mr. Bernard Logan  
 Interim Clerk  
 Document Control Center  
 State Corporation Commission  
 1300 East Main Street - 1<sup>st</sup> Floor  
 Richmond, VA 23219

**Re: Petition of Sunset Digital Communications (DE), LLC (USED IN VA BY:  
 Sunset Digital Communications, LLC), d/b/a Point Broadband  
 For injunctive relief against Powell Valley Electric Cooperative  
 SCC Case No. PUR-2020-00143**

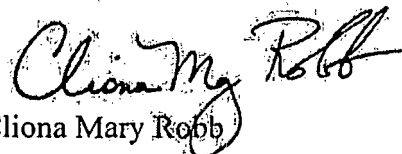
Dear Mr. Logan:

On behalf of Sunset Digital Communications (DE), LLC (USED IN VA BY: Sunset Digital Communications, LLC), d/b/a Point Broadband and Powell Valley Electric Cooperative, enclosed for filing is the *Joint Status Report*, in the above-referenced matter.

The Commission's acknowledgment of this filing should be e-mailed to me at [crobb@t-mlaw.com](mailto:crobb@t-mlaw.com). Should you have any questions regarding this filing, please contact me at 804 799 4128.

Thank you for your attention to this matter.

Sincerely,



Cliona Mary Robb

Enclosures

cc: Service List (via email)

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

PETITION OF

SUNSET DIGITAL COMMUNICATIONS (DE) LLC  
(USED IN VA BY: SUNSET DIGITAL  
COMMUNICATIONS, LLC),  
D/B/A POINT BROADBAND

CASE NO. PUR-2020-00143

For injunctive relief against  
Powell Valley Electric Cooperative

**JOINT STATUS REPORT**

In accordance with the Order Implementing Virginia Statutory Requirements ("Order") issued by the State Corporation Commission ("Commission") in this proceeding on August 21, 2020, Sunset Digital Communications (DE), LLC (USED IN VA BY: Sunset Digital Communications, LLC), d/b/a Point Broadband ("Point") and Powell Valley Electric Cooperative ("PVEC" or "Cooperative") (together with Point, "Parties"), by their respective counsel, submit the following joint report on the status of the Parties' negotiations toward a new pole attachment agreement. The Parties state as follows:

1. After the Commission issued its Order on August 21, 2020, the Parties promptly began negotiations. That day, Point sent to PVEC a marked-up version of the prior Joint Use Pole Agreement between PVEC and Sunset Digital Communications, Inc. ("Prior Agreement") entered into on January 1, 2017. The marked-up version included Point's proposed revisions to the Prior Agreement.

2. On August 27, 2020, the Parties met by conference call to discuss numerous issues and potential ways to address the points of dispute between the parties in a future pole

attachment agreement. The parties agreed that PVEC would incorporate its proposals to address these points of dispute along with its other proposed revisions to the Prior Agreement.

3. On September 1, 2020, PVEC sent to Point a revised draft pole attachment agreement that included its proposals to address the points of dispute between the parties as well as other revisions that PVEC determined should be addressed in an agreement between PVEC and Point for pole attachments.

4. During the August 27 conference call, PVEC requested that Point provide certain information regarding Point's compliance with the terms of the Prior Agreement consistent with the Order, and in particular its compliance with the requirement (in Section 1) to use journeyman electric linemen in performing work in PVEC's power space and the requirement (in Section 17) to maintain insurance coverage protecting PVEC from liability for injury or property damage. PVEC received certain information from Point responsive to these requests on September 2, 2020 and indicated that it intended to provide additional responsive information as soon as possible. Point provided additional responsive information on September 3, 2020.

5. On September 3, 2020, counsel for PVEC and Point conducted a conference call to discuss the state of negotiations, the exchange of information and the course of conduct going forward.

6. On September 10, 2020, Point sent to PVEC a revised draft pole attachment agreement that included Point's proposals to address the points of dispute between the parties as well as other revisions that Point determined should be addressed in an agreement between PVEC and Point for pole attachments.

7. On September 15, 2020, counsel for PVEC and Point conducted a conference call to discuss the revised draft pole attachment agreement that Point sent to PVEC on September 10,

2020, and various open issues between the parties, the state of negotiations, the exchange of information and the course of conduct going forward. At the conclusion of the call, counsel agreed that PVEC would draft and send a revised pole attachment agreement to counsel for Point, and that counsel would confer after Point received the forthcoming revised draft.

8. On September 21, 2020, PVEC sent to Point a revised draft pole attachment agreement that included PVEC's proposals to address the points of dispute between the parties as well as other revisions that PVEC determined should be addressed in an agreement between PVEC and Point for pole attachments.

9. On September 28, 2020, Point sent to PVEC a revised draft pole attachment agreement that included Point's proposals to address the points of dispute between the parties as well as other revisions that Point determined should be addressed in an agreement between PVEC and Point for pole attachments.

10. On October 1, 2020, counsel for PVEC and Point conducted a conference call to discuss the revised draft pole attachment agreement that Point sent to PVEC on September 28, 2020, and various open issues between the parties, the state of negotiations, the exchange of information and the course of conduct going forward. At the conclusion of the call, counsel agreed that Point would provide clarification on certain issues and PVEC would draft and send a revised pole attachment agreement to counsel for Point. Counsel discussed and agreed that the document revision process is progressing sufficiently such that a meeting of the parties, (including operational personnel to address more technical issues), either in person or by video conference, may be productive.

11. On October 5, 2020, Point's counsel sent PVEC's counsel a mark-up of the September 28, 2020 draft with comments based on the feedback requested by PVEC's counsel during the October 1, 2020 call with Point's counsel and PVEC's counsel.

12. On October 7, 2020, Point's counsel and PVEC's counsel discussed the October 5, 2020 comments.

13. On October 15, 2020, PVEC's counsel sent Point's counsel a revised draft pole attachment agreement that included PVEC's proposals to address the points of dispute between the parties, and PVEC's counsel and Point's counsel exchanged email communications regarding setting dates for a meeting between the Parties to discuss outstanding differences, with such meeting to be preceded by Point's response to the October 15, 2020 draft of the pole attachment agreement and by a conference call between the appropriate technical people at Point and PVEC to discuss the remaining issues related to the communications space.

14. The Parties met in person on Thursday, November 5, 2020, in Knoxville, Tennessee, to negotiate the remaining open items regarding a replacement pole attachment agreement. Although not all issues were resolved, there was considerable progress made, and agreement was reached on the majority of the outstanding issues.

15. On November 19, 2020, PVEC's counsel sent Point's counsel a revised draft pole attachment agreement for Point's consideration. The Parties are continuing to negotiate the few remaining open issues.

16. PVEC and Point believe that additional time is warranted for Point to review and provide any necessary revisions to the draft pole attachment agreement and continue negotiations on the few remaining open issues between the Parties. On or before two weeks from the date of this filing, the Parties will submit a supplemental joint report on the status of the negotiations.

Respectfully submitted,

POWELL VALLEY  
ELECTRIC COOPERATIVE

By: /s/ Lonnie D. Nunley, III  
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Dated: November 25, 2020

201140132

# CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2020, a true copy of the foregoing was sent by electronic mail to Raymond L. Doggett, Jr. (Raymond.Doggett@scc.virginia.gov) and Frederick D. Ochsenhirt (Frederick.Ochsenhirt@scc.virginia.gov), Office of General Counsel, State Corporation Commission, 1300 East Main Street, Tenth Floor, Richmond, VA 23219.

Chloria My Robb