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LA Public Service Commission

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

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| _____ |) | |
| In the Matter of |) | |
| |) | |
| Uniti Fiber GulfCo LLC |) | |
| |) | Docket No. _____ |
| Application for a Certificate of Authority |) | |
| To Provide Telecommunications Services |) | |
| In the State of Louisiana |) | |
| _____ |) | |

APPLICATION OF UNITI FIBER GULFCO LLC

Uniti Fiber GulfCo LLC ("Applicant") hereby submits this Application for a Certificate of Authority to provide resold and facilities-based local exchange and interexchange telecommunications and competitive access services in the State of Louisiana.

In accordance with Section 301(E) of the Commission's Regulations for Competition in the Local Telecommunications Market, Applicant states the following:

Section 301 (E)(1). Legal name, and name under which the applicant intends to do business, mailing and physical addresses of the applicant, and telephone number where the applicant can be reached by the Commission.

The Applicant's legal name is "Uniti Fiber GulfCo LLC." The Applicant's mailing and physical address is:

Uniti Fiber GulfCo LLC
2101 Riverfront Drive
Suite A
Little Rock, AR 72202
877-652-2321

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| ROUTE TO | | ROUTE FF |
| DEPT. <u>Bull</u> | DATE <u>4/24</u> | DEPT. _____ |
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For purposes of this Application, Applicant's contacts are:

Edward H. Bergin
C. Parker Kilgore
Lauren Foshee Morrison
Jones Walker LLP
Suite 800
445 North Blvd
Baton Rouge, LA 70802
Tel: 225-248-2000
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lfoshee@joneswalker.com

with a copy to:

and:

Ronald W. Del Sesto
Brett P. Ferenchak
Morgan Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004-2541
Tel: 202-739-3000
ronald.delsesto@morganlewis.com

Kelly McGriff
Vice President, Deputy General Counsel
Uniti Group Inc.
2101 Riverfront Drive, Suite A
Little Rock, AR 72202
kelly.mcgriff@uniti.com

724-72918

brett.ferenchak@morganlewis.com

Section 301(E)(2). The names and addresses of the applicant's principal corporate officers.

The names of Applicant's principal corporate officers are as follows:

| | |
|----------------------|---|
| Kenneth Gunderman | Chief Executive Officer |
| Paul Bullington | Senior Vice President – Chief Financial Officer and Treasurer |
| Daniel Heard | Executive Vice President – General Counsel and Secretary |
| Mike Friloux | Executive Vice President – Chief Technology Officer |
| Jennifer Ragsdale | Senior Vice President – Chief Administrative Officer |
| Ron Mudry | Senior Vice President – Chief Revenue Officer |
| Ricky Chura | Senior Vice President – Chief Information Officer |
| Jennifer Ragsdale | Senior Vice President – Chief Administrative Officer |
| Cathleen De La Garza | Senior Vice President – Chief Development Officer |

All officers can be reached through Applicant's place of business listed above.

Section 301(E)(3). If different from (2) above, the names and addresses of all officers and corporate officers in Louisiana, and the names and addresses of employees responsible for Louisiana operations.

Applicant's officers as named above will be responsible for its Louisiana operations.

Section 301(E)(4). Information about the structure of the business organization, and, where applicable, a copy of any articles of incorporation, partnership agreement or by-laws of the applicant. An applicant shall also disclose all affiliate entities offering and/or providing telecommunications services in Louisiana.

Applicant is a limited liability company organized under the laws of the State of Delaware.

A copy of its formation documents is attached hereto as Exhibit 1. For purposes of the inspection and supervision fee registration, Applicant provides its FEIN: 99-0656309.

Applicants' affiliates that offer service in Louisiana include:

- Contact Network, LLC (d/b/a InLine) is authorized as a Competitive Local Exchange and Long Distance Carrier pursuant to Certificate No. TSP00707;
- Hunt Telecommunications, LLC is authorized as a Competitive Local Exchange Carrier pursuant to Certificate No. TSP00526;
- Nexus Systems, LLC is authorized as a Competitive Local Exchange Carrier pursuant to Certificate No. TSP00528;
- PEG Bandwidth LA, LLC is authorized as a Competitive Access Provider pursuant to Certificate No. TSP00689; and
- Southern Light, LLC is authorized as a Competitive Local Exchange and Long Distance Carrier pursuant to Certificate No. TSP00554-B.

Section 301(E)(5). A certified copy of the applicant's authorization to do business in Louisiana issued by the Secretary of State.

Attached as Exhibit 2 is a copy of Applicant's Certificate of Authority to Transact Business in Louisiana.

Section 301(E)(6). The name, address and telephone number of the applicant's Louisiana agent for service of process.

Corporation Service Company
450 Laurel Street, 8th Floor.
Baton Rouge, LA 70804
800-927-9800

Section 301(E)(7). Documentation demonstrating managerial, financial and technical abilities, including but not limited to, the following:

(a) To demonstrate financial ability, each applicant shall provide a copy of its most recent stockholders annual report and its most recent SEC 10K, or, if the applicant is not publicly traded, its most recent financial statements. If the applicant does not have separate financial reports, it may submit applicable financial statements of an affiliate with explanation to demonstrate the financial ability of the applicant.

This Application is being filed in connection with certain financing arrangements pursuant to which certain of Applicant's affiliates are expected to assign to Applicant certain assets including communications optical fiber, customer contracts, rights in third party fibers, and associated telecommunications equipment used to provision services or facilities to the affected customers (the "*Pro Forma Asset Transfer*"). While Applicant is a newly formed company with no historical financial statements of its own, upon completion of the *Pro Forma Asset Transfer* Applicant will have both assets and cash flow associated with the asset it will be assigned. The financial statements provided as Confidential Exhibit 3 include an unaudited balance sheet as of March 1, 2024, and a *pro forma* income statement and *pro forma* statement of cash flows, both for the next three years

Pursuant to Rule 12.1 of the Commission's Rules of Practices and Procedures, Applicant requests that Confidential Exhibit 3 be found by the Commission to contain trade secret, proprietary, or confidential information, and not necessary to be disclosed to the public. Applicant's financial statements provided as Confidential Exhibit 3 are not generally available to the public. Further, due to the highly competitive nature of the telecommunications industry, Applicant deems Confidential Exhibit 3 to be confidential and proprietary. Therefore, the Commission should treat Confidential Exhibit 3 as confidential and not release it to the public.

(b) To demonstrate managerial ability, each applicant shall attach a brief description of its history of providing telecommunications services and shall list the geographic areas in which it has been and is currently providing telecommunications. Newly created

applicants shall list the experience of each principal officer in order to show its ability to provide service.

Applicant is a newly-formed entity that will be managed by the management team of its parent company, Uniti Group Inc., which will provide extensive telecommunications business, technical, and managerial expertise to Applicant. Applicant's operations will be overseen by this well-qualified management team, which has substantial telecommunications experience and technical expertise. The management team can be reached through Applicant's principal place of business at 2101 Riverfront Drive, Suite A, Little Rock, AR 72202. Biographies of key management personnel of Applicant, which demonstrate the extensive telecommunications experience of Applicant's management team, are provided as Exhibit 4.

(c) Technical ability shall be indicated by a description of the applicant's experience in providing telecommunications services, or in the case of newly created companies, the applicant may provide other documentation which supports its technical ability.

Applicant will be managed by the management team of its ultimate parent company, Uniti Group Inc., which will provide extensive telecommunications business, technical, and managerial expertise to Applicant. Applicant's operations will be overseen by this well-qualified management team, which has substantial telecommunications experience and technical expertise including the management of Applicant's affiliates that provide telecommunications service in Louisiana identified above. The management team can be reached through Applicant's principal place of business. Biographies of key management personnel of Applicant, which demonstrate the extensive telecommunications experience of Applicant's management team, are provided as Exhibit 4.

Section 301(E)(8). A description of the services proposed to be offered, the proposed exact geographic areas in which the services shall be offered and a map thereof.

Applicant seeks authority to provide resold and facilities-based local exchange and interexchange telecommunications services. Applicant will primarily serve enterprise and carrier customers, and it will provide service on a non-discriminatory basis and at competitive rates primarily through individual case basis contracts. The company may sell such capacity from the network owned by its affiliates. Applicant anticipates primarily providing point-to-point telecommunications services (i.e., private line, Ethernet, and Wavelength), but also plans to provide voice and other telecommunications services or other arrangements depending on market demand.

Applicant will offer non-switched local exchange (non-voice) and interexchange telecommunications services and competitive access services statewide. Applicant seeks authority to provide switched local exchange (voice) services in all areas that are currently open, or become open in the future, to competition so that it may expand into other services as warranted by market conditions.

Section 301(E)(9). Repair and maintenance information, including the name, address and telephone number of a Louisiana contact person responsible for and knowledgeable about the applicant's operations.

Applicant's parent company, Uniti Group Inc., operates a 24-hour network operations center that manages all customer outage, billing, repair and maintenance, and other related issues. It is open every hour of the day, every day of the year. The number is 1-877-652-2321 and can also be reached by email at NOC@uniti.com. For inquiries regarding the ongoing operations of the Company, the contact information is:

Kelly McGriff
2101 Riverfront Drive
Suite A
Little Rock, AR 72202
kelly.mcgriff@uniti.com

Section 301(E)(10). A list of other states where the applicant has applied to operate as a telecommunications services provider and/or to offer telecommunications services, a list of other states where the applicant is authorized to operate, and a list of those states which have denied any requested authority.

As a newly-formed entity, Applicant is not currently licensed to operate as a telecommunications services provider or offer telecommunications services in any state. Applicant is seeking authority to operate as a telecommunications provider in the following states: Alabama, Florida, Georgia, Mississippi, and Tennessee.

One or more affiliates of Applicant are authorized to provide service in Alabama, Arkansas, Arizona, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Affiliates of Applicant also are authorized by the Federal Communications Commission to provide interstate and international telecommunications services and point-to-point fixed wireless services.

Neither Applicant nor its affiliates have been denied requested certification in any jurisdiction, nor has any permit, license, or certificate been revoked by any authority.

Section 301(E)(11). Illustrative tariffs in compliance with the requirements set forth in Section 401.

Applicant's proposed tariff is included as **Exhibit 5** to this Application.

As required by Rule 13 (D) (5) of the Commission's Rules of Practices and Procedures, Uniti Fiber may call any of the individuals listed in this application and attached exhibits in the event of an oral hearing:

WHEREFORE, Uniti Fiber GulfCo LLC respectfully requests that the Commission grant this Application, approve the tariff filed herewith, and grant such other relief as the Commission deems appropriate.

Respectfully submitted,



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Counsel for Uniti Fiber GulfCo LLC

Dated: April 11, 2024