



FILED JAN 25, 2017 DOCUMENT NO. 00862-17 FPSC - COMMISSION CLERK

January 24, 2017

<u>Via e-filing</u> Carlotta Stauffer, Commission Clerk Office of the Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Application to Provide Telecommunications Company Service in Florida

Dear Ms. Stauffer:

Please see enclosed an original and one copy of Real Fast Networks LLC's Application to Provide Telecommunications Company Service in Florida and associated exhibits. A check in the amount of \$500 for the application fee is being submitted by the Applicant.

If you have any questions, please contact me via email at kris@lokt.net or by phone at 202 681-1850.

Respectfully submitted,

Kristopher E. Twomey Counsel to Real Fast Networks LLC

Law Office of Kristopher E. Twomey, P.C. 1725 I Street, NW, Suite 300 Washington, DC 20006 Phone: 202 681-1850/Fax: 202 517-9175 kris@lokt.net **1.** This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: <u>Example</u>, a non-certificated company purchases an existing company and desires to retain the original certificate of authority rather that apply for a new certificate.

- 2. Name of company: Real Fast Networks LLC
- Name under which applicant will do business (fictitious name, etc.): N/A
- **4.** Official mailing address:

| Street/Post Office Box: | 148 Citizens Blvd |
|-------------------------|-------------------|
| City:                   | Simpsonville      |
| State:                  | KY                |
| Zip:                    | 40067             |

5. Florida address:

| Street/Post Office Box: | Real Fast Networks c/o Business Filings Incorporated |  |
|-------------------------|--|--|
| City:                   | 1200 South Pine Island Road                          |  |
| State:                  | Plantation   |  |
| Zip:                    | 33324  |  |

- 6. Structure of organization:
  - Individual
    Foreign Corporation
    General Partnership
    Other, please specify:
    Corporation
    Corporation
    Foreign Partnership
    Limited Partnership

**Domestic Limited Liability Corporation** 

FORM PSC/TEL 162 (12/12) Application to Provide Telecommunications Company Service Within the State of Florida - Commission Rule No. 25-4.004, F.A.C.

#### If individual, provide:

- If incorporated in Florida, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: H16000250398. See Exhibit 1.
- 8. <u>If foreign corporation</u>, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: N/A
- **9.** <u>If using fictitious name (d/b/a)</u>, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is: N/A
- **10.** <u>If a limited liability partnership</u>, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: N/A
- **11.** <u>If a partnership</u>, provide name, title and address of all partners and a copy of the partnership agreement.

| Name:                   |  |
|-------------------------|--|
| Title:                  |  |
| Street/Post Office Box: |  |
| City:                   |  |
| State:                  |  |
| Zip:                    |  |
| Telephone No.:          |  |
| Fax No.:                |  |
| E-Mail Address:         |  |
| Website Address:        |  |

**12.** <u>If a foreign limited partnership</u>, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

#### 13. Provide <u>F.E.I. Number</u>: L16000187581, See Exhibit 1

- 14. Who will serve as liaison to the Commission in regard to the following?
  - (a) The application:

| Law Office of Kristopher E. Twomey, P.C. |  |
|--|--|
| Counsel to Real Fast Networks LLC        |  |
| 1725 I Street, NW Suite 300              |  |
|  |  |
| Washington                               |  |
| DC                                       |  |
| 20006                                    |  |
| 202 681-1850                             |  |
| 202 517-9175                             |  |
| kris@lokt.net                            |  |
| www.lokt.net                             |  |
|  |  |

(b) Official point of contact for the ongoing operations of the company:

| Chuck Hogg         |
|--------------------|
| Managing Member    |
| 148 Citizens Blvd  |
|                    |
| Simpsonville       |
| Kentucky           |
| 33634              |
| 502 722-9292       |
|                    |
| chuck@shelbybb.com |
| In development     |
|                    |

(c) Where will you officially designate as your place of publicly publishing your schedule (a/k/a tariffs or price lists)?

Florida Public Service Commission

Website – Website address

Other – *Please provide address*:

**15.** List the states in which the applicant:

(a) has operated as a telecommunications company.

N/A

(b) has applications pending to be certificated as a telecommunications company.

N/A

(c) is certificated to operate as a telecommunications company.

N/A

(d) has been denied authority to operate as a telecommunications company and the circumstances involved.

None

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

None

(f) has been involved in civil court proceedings with another telecommunications entity, and the circumstances involved.

None

**16.** Have any of the officers, directors, or any of the ten largest stockholders previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. Yes No

If yes, provide explanation.

(b) granted or denied a certificate in the State of Florida (this includes active and canceled certificates).  $\Box$  Yes  $\boxtimes$  No

If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company.  $\Box$  Yes  $\boxtimes$  No

If yes, give name of company and relationship. If no longer associated with company, give reason why not.

**17.** Submit the following:

(a) <u>Managerial capability</u>: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.

See Exhibit 2

(b) <u>Technical capability</u>: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.

See Exhibit 2

(c) <u>Financial Capability</u>: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

- 1. the balance sheet,
- 2. income statement, and
- 3. statement of retained earnings.

See Exhibit 3. Applicant is a brand new start-up founded by experienced telecommunications executives. As such, Applicant does not have any financial statements available. Applicant has established a bank account to begin operations and a copy of the statement is attached.

#### **EXHIBIT 1**

#### ARTICLES OF ORGANIZATION AND FEDERAL EMPLOYER IDENTIFICATION NUMBER

REAL FAST NETWORKS LLC 148 CITIZENS BLVD SIMPSONVILLE, KY 40067

October 11, 2016

The Articles of Organization for REAL FAST NETWORKS LLC were filed on October 10, 2016, and assigned document number L16000187581. Please refer to this number whenever corresponding with this office.

The certification you requested is enclosed. To be official, the certification for a certified copy must be attached to the original document number that was electronically submitted and filed under FAX audit number H16000250398.

To maintain "active" status with the Division of Corporations, an annual report must be filed yearly between January 1st and May 1st beginning in the year following the file date or effective date indicated above. If the annual report is not filed by May 1st, a \$400 late fee will be added. It is your responsibility to remember to file your annual report in a timely manner.

A Federal Employer Identification Number (FEI/EIN) will be required when this report is filed. Apply today with the IRS online at:

https://sa.www4.irs.gov/modiein/individual/index.jsp.

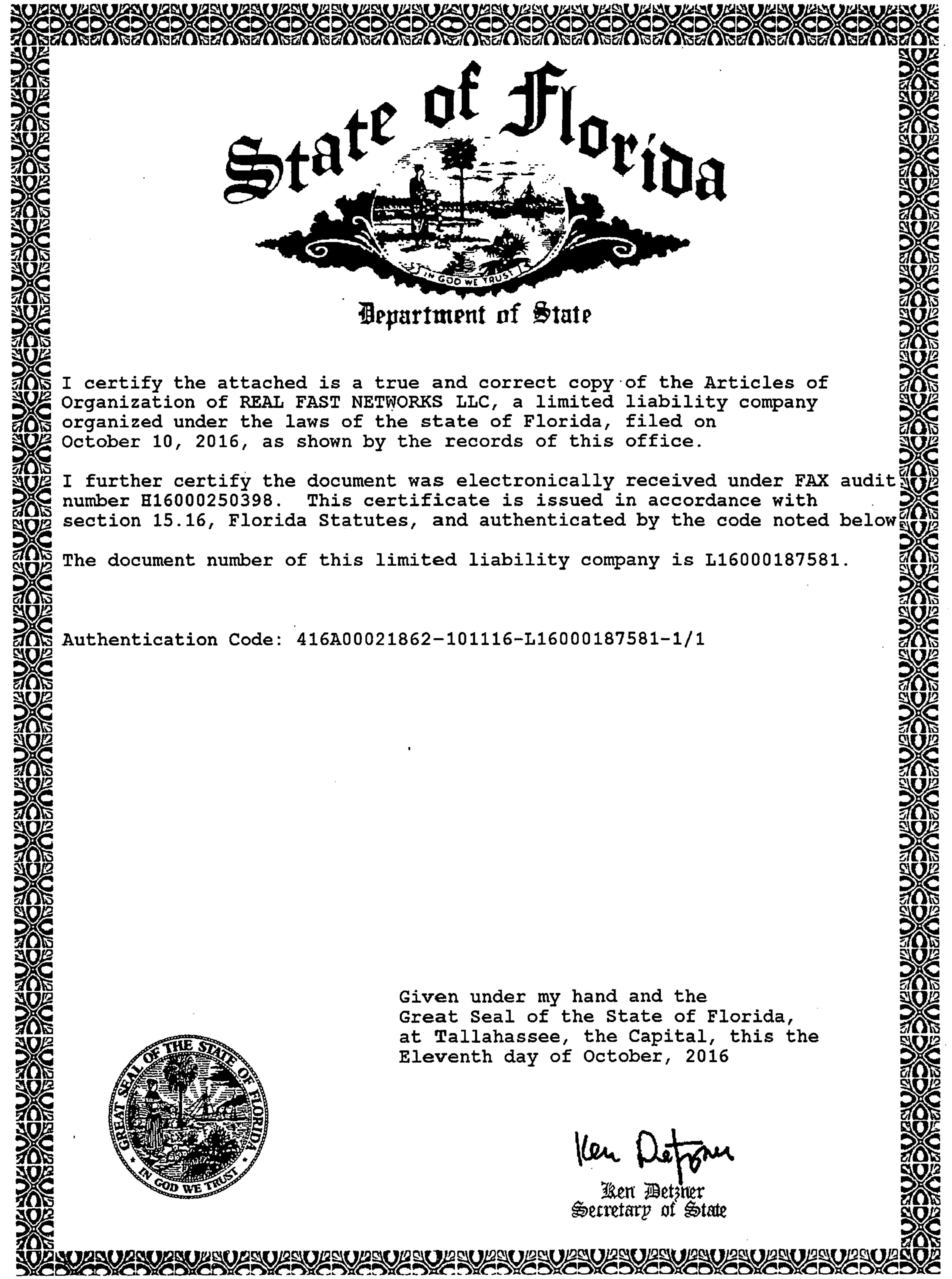
Please be aware if the limited liability company address changes, it is the responsibility of the limited liability to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Matthew T Moon Regulatory Specialist II

## New Filing Section Division of Corporations

### Letter Number: 416A00021862



H110002503983 FAX AUDIT #

# ARTICLES OF ORGANIZATION OF Real Fast Networks LLC

## ARTICLE I NAME

The name of the limited liability company is: Real Fast Networks LLC

ARTICLE II ADDRESS

The principal place of business and mailing address of this Limited Liability Company shall be: 148 Citizens Blvd, Simpsonville, Kentucky 40067.

# ARTICLE III INITIAL REGISTERED AGENT & STREET ADDRESS

The name and address of the registered agent are: Business Filings Incorporated, 1200 South Pine Island Road, Plantation, Florida 33324. Located in the County of Broward.

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 605, F.S.



Signature:

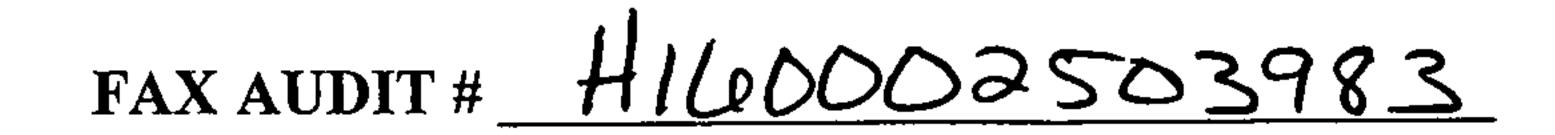
Date: October 10, 2016

Mark Williams, A.V.P. Business Filings Incorporated

# ARTICLE IV MANAGERS/MEMBERS

The management of the limited liability company is reserved for the members and the names and addresses of the members of the Limited Liability Company are:

Charles Hogg, 148 Citizens Blvd, Simpsonville, Kentucky 40067 David Anderson, 148 Citizens Blvd, Simpsonville, Kentucky 40067 Brian Young, 27 Equestrian Way, Lemont, Illinois 60439 Gerard Dupont, 148 Citizens Blvd, Simpsonville, Kentucky 40067



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# FAX AUDIT # H/LOOOD 503983

## ARTICLE V DURATION

The duration for the limited liability company shall be: Perpetual.

Charles Hogg, Organizer

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# Authorized Representative

(In accordance with section 605.0203 (1) (b), Florida Statutes, the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.)



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#### EXHIBIT 2

#### MANAGERIAL BIOGRAPHIES DEMONSTARTING MANAGERIAL AND TECHNICAL CAPABILITY

#### **Chuck Hogg - President/Co-Founder**

Chuck received his Business Degree in Information Systems at Xavier University in 2000. Upon receiving his degree, Chuck started FatHosting, a Web Site Hosting Company. He then joined an Internet Company, Mail.com where he maintained a pool of over 100 servers. Chuck also worked at Construction Zone and Humana. In 2002 Chuck joined media agency, VIA Internet Studio, as a Partner. At this time, Chuck began creating his own online real estate, and created a new company with Gerard in 2005. In 2006, Chuck and Gerard started Shelby Broadband, an ISP covering the rural areas of Kentucky from Louisville to Lexington along the I-64 corridor. In 2008 Chuck joined the Wireless Internet Service Providers Association (WISPA), and became a Board Member in 2011. Chuck served as its President from 2013-2015 and has also served as it's Treasurer and Vice President. Chuck's leadership in deploying FTTH networks in Kentucky and for the industry as a whole will be beneficial to Real Fast Networks.

#### **Gerard Dupont – VP IT/Co-Founder**

Gerard began operating BBS's at the age of 12. In 1995 Gerard worked at a small computer store before taking on the job of System Administrator of an Internet Service Provider in 1997. In late 1999 Gerard designed and built one of the first city wide wireless networks in Louisiana for SkyCom1.com. In 2001 he joined a computer distributor as Lead Technician. In 2002 Gerard and Chuck began working on Internet projects together, started an Advertising company in 2004 and joined Chuck with Avolutia in January of 2005. Being a transplant from New Orleans, Gerard moved to Simpsonville in August 2005, narrowly missing Hurricane Katrina. In 2006, Chuck and Gerard started Shelby Broadband, an ISP covering the rural areas of Kentucky from Louisville to Lexington along the I-64 corridor.

#### **Brian Young – VP Business Development/Co-Founder**

Brian has over 20 years of technology experience and has served as CIO and CTO of both public and private companies including a \$400 million Fortune 100 service provider in healthcare and service provider spaces. He specializes in development, management, integration and implementation of wireless and wired IT infrastructure and business strategy across all levels of organizations. His extensive background in technology, change management and operations is combined with a high level of technical expertise and knowledge in IT Infrastructure including, Security, ERP, CRM, systems architecture, operating systems and IP networks. Brian has served on several trade associations boards and committees and currently serves on the Board of Directors of the Wireless ISP Association (WISPA).

#### **DJ** Anderson – VP Operations/Co-Founder

DJ Anderson, a native of Shelbyville KY, has been involved in ISP operations Since 2009. DJ graduated from the Morehead State School of Business and has been managing the ISP daily operations and network. While DJ attended Shelby County High School, he was employed by Shelby Broadband as an intern. DJ has been managing Shelby Broadband's construction and wireless operations for the past 3 years, implementing the fiber plans for the Shelby Broadband. DJ's expertise in operations and management of construction projects are essential to Real Fast Networks' success.

#### **EXHIBIT 3**

#### INITITAL CHECKING ACCOUNT STATEMENT



REAL FAST NETWORKS LLC

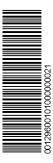
SIMPSONVILLE KY 40067-6547

148 CITIZENS BLVD

00012960 DRE 034 211 00117 NNNNNNNNN 1 00000000 64 0000 December 23, 2016 through December 30, 2016 Account Number: 00000909211802

#### **CUSTOMER SERVICE INFORMATION**

| Web site:                 | Chase.com      |
|---------------------------|----------------|
| Service Center:           | 1-800-242-7338 |
| Deaf and Hard of Hearing: | 1-800-242-7383 |
| Para Espanol:             | 1-888-622-4273 |
| International Calls:      | 1-713-262-1679 |



#### **CHECKING SUMMARY**

Chase Total Business Checking

| Beginning Balance      | INSTANCES | AMOUNT<br><b>\$0.00</b> |
|------------------------|-----------|-------------------------|
| Deposits and Additions | 4         | 7,600.00                |
| Ending Balance         | 4         | \$7,600.00              |

#### **DEPOSITS AND ADDITIONS**

| Total Deposits and Additions |  | \$7,600.00 |
|------------------------------|--|------------|
| 12/27                        | Chase Quickpay Electronic Transfer 5889686177 From Brian A Young | 500.00     |
| 12/23                        | Chase Quickpay Electronic Transfer 5887670667 From Brian A Young | 2,000.00   |
| 12/23                        | Chase Quickpay Electronic Transfer 5887800898 From Avolutia LLC  | 5,000.00   |
| 12/23                        | Deposit 1658873007   | \$100.00   |
| DATE                         | DESCRIPTION  | AMOUNT     |

#### Total Deposits and Additions

#### DAILY ENDING BALANCE

| DATE  | AMOUNT     |  |
|-------|------------|--|
| 12/23 | \$7,100.00 |  |
| 12/27 | 7,600.00   |  |

#### SERVICE CHARGE SUMMARY

| TRANSACTIONS FOR SERVICE FEE CALCULATION | NUMBER OF TRANSACTIONS |
|--|------------------------|
| Checks Paid / Debits                     | 0                      |
| Deposits / Credits                       | 1                      |
| Deposited Items                          | 0                      |
| Transaction Total                        | 1                      |
| SERVICE FEE CALCULATION                  | AMOUNT                 |
| Service Fee                              | \$0.00                 |
| Service Fee Credit                       | \$0.00                 |
| Net Service Fee                          | \$0.00                 |
| Excessive Transaction Fees (Above 200)   | \$0.00                 |
| Total Service Fees                       | \$0.00                 |



IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS: Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error

 A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.
 We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation

IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS: Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JPMorgan Chase Bank, N.A. Member FDIC

#### Exhibit 4

#### OFFICER ACKNOWLEDGEMENT

#### THIS PAGE MUST BE COMPLETED AND SIGNED

**REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

**RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of telecommunications company service in Florida.

**APPLICANT ACKNOWLEDGEMENT:** By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide telecommunications company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

I understand that any false statements can result in being denied a certificate of authority in Florida.

#### COMPANY OWNER OR OFFICER

Print Name:Chuck HoggTitle:Managing MemberTelephone No.:502 722-9292E-Mail Address:chuck@shelbybb.com

Signature: Chus Hogg

1/24/17 Date: