

Morgan Lewis

Frank G. Lamancusa

Brett P. Ferenchak

Tanya Tiwari

Frank.lamancusa@morganlewis.com

brett.ferenchak@morganlewis.com

tanya.tiwari@morganlewis.com

June 8, 2022

Via E-Filing & Federal Express

Adam Teitzman, Commission Clerk
Florida Public Service Commission
Gerald Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

**Re: Application of Accelecom GA LLC for Authority to Provide
Telecommunications Services Within the State of Florida**

Dear Mr. Teitzman:

On behalf of Accelecom GA LLC ("Accelecom" or "Applicant"), attached for filing is the public version of the above-referenced Original Application for Authority to Provide Telecommunications Services. Pursuant to Sections 364.183(1) and 364.183(3), Florida Statutes, Applicant respectfully requests confidential treatment of the financial statements provided as **Confidential Exhibit C** to the Application. Applicant, therefore, submits two (2) paper copies of **Confidential Exhibit C** under seal. Pursuant to FL Admin Code Section 25-22.006, one copy of **Confidential Exhibit C** has been highlighted to show the specific information that Applicant considers to be Privileged and Confidential. A check in the amount of \$500 is enclosed for the required filing fee.

Please acknowledge receipt of the electronic copy and date-stamp the enclosed extra copy this letter transmitting the filing fee and Confidential Exhibit and return it in the envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact the undersigned at (202) 739-3000.

Respectfully submitted,



Frank G. Lamancusa

Brett P. Ferenchak

Tanya Tiwari

Counsel for Accelecom GA LLC

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW
Washington, DC 20004
United States

T +1.202.739.3000
F +1.202.739.3001

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF INDUSTRY DEVELOPMENT AND MARKET ANALYSIS

APPLICATION FOR ORIGINAL AUTHORITY OR TRANSFER OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICE IN THE STATE OF FLORIDA

INSTRUCTIONS

This form should be used as the application for an original certificate and transfer of an existing certificate (from a Florida certificated company to a non-certificated company). In the case of a transfer, the information shall be provided by the transferee. If you have other questions about completing the form, call **(850) 413-6600**.

Print or type all responses to each item requested in the application. If an item is not applicable, please explain. All questions must be answered. If unable to answer the question in the allotted space, please continue on a separate sheet.

Once completed, submit the **original and one copy** of this form along with a **non-refundable** fee of **\$500.00** to:

**Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

APPLICATION

This is an application for (check one):

Original certificate (new company)

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate rather than apply for a new certificate.

Please provide the following:

1. Full name of company, including fictitious name(s), that must match identically with name(s) on file with the Florida Department of State, Division of Corporations registration:

Accelecom GA LLC

2. The Florida Secretary of State corporate registration number: **M22000007897**
Please see EXHIBIT A for evidence of Applicant's authority to transact business in Florida.

3. F.E.I. Number: **88-2521302**

4. Structure of organization:

The company will be operating as a:
(Check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> General Partnership |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Sole Proprietorship | <input checked="" type="checkbox"/> Other, please specify below: |

Foreign (Delaware) Limited Liability Company

If a partnership, provide a copy of the partnership agreement.

If a foreign limited partnership, proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS). The Florida registration number is:

5. Who will serve as point of contact to the Commission in regard to the following?

(a) This application:

Name: **Rosemary Watkins**
Title: **Controller**
Street Address: **1700 Eastpoint Parkway, Suite 230**
Post Office Box:
City: **Louisville**
State: **Kentucky**
Zip: **40223**
Telephone No.: **502-586-7600**
Fax No.:
E-Mail Address: Rosemary.Watkins@openfiberky.com

(b) Ongoing operations of the company:

(This company liaison will be the point of contact for FPSC correspondence. This point of contact can be updated if a change is necessary but this must be completed at the time the application is filed).

Name: **David Flessas**
Title: **CEO**
Street Address: **1700 Eastpoint Parkway, Suite 230**
Post Office Box:
City: **Louisville**
State: **Kentucky**
Zip: **40223**
Telephone No.: **502-586-7600**
Fax No.:
E-Mail Address: David.Flessas@openfiberky.com
Company Homepage: www.accelecom.net

(c) Optional secondary point of contact or liaison:

(This point of contact will not receive FPSC correspondence but will be on file with the FPSC).

Name: **Rosemary Watkins**
Title: **Controller**
Street Address: **1700 Eastpoint Parkway, Suite 230**
Post Office Box:
City: **Louisville**
State: **Kentucky**
Zip: **40223**
Telephone No.: **502-586-7600**
Fax No.:
E-Mail Address: Rosemary.Watkins@openfiberky.com

6. Physical address for the applicant that will do business in Florida:

Street address: 1700 Eastpoint Parkway, Suite 230
City: Louisville
State: Kentucky
Zip: 40223
Telephone No.: 502-586-7600
Fax No.: _____
E-Mail Address: Rosemary.Watkins@openfiberky.com

7. List the state(s), and accompanying docket number(s), in which the applicant has:

(a) **operated** as a telecommunications company.

Applicant has not operated as a telecommunications company in any state. Applicant's affiliate, OpenFiber Kentucky, LLC d/b/a Accelecom, provides intrastate telecommunications services in the states of Ohio (Certificate No. 90-6444 issued in Case No. 21-0484-TP-ACE) and Kentucky (Utility ID 5057990).

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

Pursuant to the Asset Purchase Agreement dated April 29, 2022, Applicant will acquire certain assets of Georgia Public Web, Inc. ("GPW")¹ including, along with other things, GPW's fiber assets, certain customer contracts, rights in third party fiber, and associated telecommunications equipment used to provision services or facilities to the affected customers (the "Asset Transfer"). In connection with the Asset Transfer, Applicant is seeking authority to provide intrastate telecommunications services in Alabama and Georgia. In addition, Applicant intends to acquire GPW's authorization to provide intrastate telecommunications service in Tennessee.

(c) **been certificated** to operate as a telecommunications company.

None. See responses to Items 7(a) and 7(b).

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

Applicant has not been denied authority in any jurisdiction to operate as a telecommunications company.

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

Applicant has not been subject to regulatory penalties imposed for violations of telecommunications statutes in any jurisdiction.

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

Applicant has not been involved in any civil court proceedings with another

¹ **GPW (TX618) holds Certificate No. 7986 issued by the Commission.**

telecommunications company.

8. The following questions pertain to the officers and directors. Have any 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)? Granted Denied Neither

If granted provide explanation and list the certificate holder and certificate number.

If denied provide explanation.

(c) an officer, director, and partner in any other Florida certificated telecommunications company? Yes No

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

9. Florida Statute 364.335(1)(a) requires a company seeking a certificate of authority to demonstrate its managerial, technical, and financial ability to provide telecommunications service.

Note: *It is the applicant's burden to demonstrate that it possesses adequate managerial ability, technical ability, and financial ability. Additional supporting information may be supplied at the discretion of the applicant. For the purposes of this application, financial statements MUST contain the balance sheet, income statement, and statement of retained earnings.*

(a) **Managerial ability:** An applicant must provide 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.

(b) **Technical ability:** An applicant must provide 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.

- (c) **Financial ability:** An applicant must provide financial statements demonstrating financial ability by submitting a balance sheet, income statement, and retained earnings statement. An applicant that has audited financial statements for the most recent three years must provide those financial statements. If a full three years' historical data is not available, the application must include both historical financial data and pro forma data to supplement. An applicant of a newly established company must provide three years' pro forma data. If the applicant does not have audited financial statements, it must be so stated and signed by either the applicant's chief executive officer or chief financial officer affirming that the financial statements are true and correct.

Applicant provides the following to demonstrate its managerial, technical, and financial ability to provide telecommunications service, pursuant to Florida Statute 364.335(1)(a):

To support Applicant's managerial and technical qualifications, as requested in Questions 9(a)-(b), biographies of Applicant's management team are provided as EXHIBIT B.

As a newly-formed company, Applicant does not have historical financial statements of its own. For purposes of demonstrating Applicant's financial ability, therefore, consolidated financial statements of Accelecom Holdings, LLC are enclosed as CONFIDENTIAL EXHIBIT C. The financial statements in Confidential Exhibit C demonstrate that Applicant has sufficient financial resources to initiate and maintain the services and related operations in Florida as proposed in this Application. Accelecom Holdings, LLC also is a newly-formed company that does not have historical financial statements.

Because Applicant is a privately held company, Applicant requests that the financial statements provided as Confidential Exhibit C be treated as confidential and proprietary, pursuant to Rule 25-22.006(5), and not be made part of the public record.

- 10. Where will you officially designate as your place of publicly publishing your schedule a/k/a tariffs or price lists)? (Tariffs or price lists MUST be publicly published to comply with Florida Statute 364.04).**

Florida Public Service Commission

Website – Please provide Website address: www.accelecom.net

Other – Please provide address: _____

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telecommunications companies must pay a regulatory assessment fee. A minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I understand the Florida Public Service Commission's rules, orders, and laws relating to the provisioning of telecommunications company service in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned owner or officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical ability, managerial ability, and financial ability 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 have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules, orders and laws.

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 or her 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: David Flessas
Title: CEO
Telephone No.: 502-586-7600
E-Mail Address: David.Flessas@openfiberky.com

Signature: _____



Date: _____

May 27, 2022

EXHIBIT A

Authority to Transact Business in Florida



FLORIDA DEPARTMENT OF STATE
Division of Corporations

May 20, 2022

CSC
ALEXXIS WEILAND

Qualification documents for ACCELECOM GA LLC were filed on May 19, 2022, and assigned document number M22000007897. Please refer to this number whenever corresponding with this office.

Your limited liability company is authorized to transact business in Florida as of the file date.

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.

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 notify this office if the limited liability company address changes.

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

Karen A Saly
Regulatory Specialist II
Regulatory/Qualification Section
Division of Corporations

Letter Number: 622A00011559

Account number: I20000000195

Amount charged: 125.00

EXHIBIT B

Managerial and Technical Ability

Applicant's management team is experienced in local wireline, wireless and cable operations, as well as regulatory, planning, engineering, service delivery and service assurance. See below for the experience of key officers.

David Flessas – CEO

Mr. David Flessas is the CEO of Accelecom GA LLC and has 38 years in the telecommunications industry. Previously, Mr. Flessas was a Senior Vice President of Network Operations and Planning at Time Warner Cable and also an officer of Time Warner Cable Business LLC. In that role Mr. Flessas was responsible for operations planning, methods, and procedures, the Global Network Operations Center in Herndon, VA and OSS development.

Mr. Flessas joined Time Warner Cable in October 2008 after 17 years at Sprint in various Senior and executive level positions in operations and engineering roles, including capital planning, customer service, installation and repair, engineering standards, broadband local networks, and wireline and wireless network management.

Mr. Flessas started his career in 1983 in regulatory and finance management at Wisconsin Telephone.

He is a graduate of the University of Wisconsin and Marquette University.

Rosemary Watkins CPA – Controller

Ms. Watkins leads finance and Human Resources of the company. Ms. Watkins is a former Army Officer and has more than 20 years of accounting experience, beginning in Public Accounting.

Subsequently, Rosemary was the CFO of the Detroit Zoo and the CFO of Social Security Disability Services in Michigan. She also spent several years leading the Finance Team for Clinical Engineering at Trinity Health for over 90 hospitals in 21 states.

Ms. Watkins holds a B.S. in Economics from University of South Alabama and completed Master's Degree in Accounting at Indiana University.

Rich Lockard – Chief Revenue Officer

Rich Lockard is Chief Revenue Officer at Accelecom, where for the last 2 years he has lead the sales, marketing, product and business development efforts for the company across the Commonwealth. Prior to Accelecom, Rich was VP-Sales at Altice Cable, responsible for large teams and double-digit growth across 16 markets across the US. His 30 - plus year career also includes senior sales roles at Suddenlink, Cablevision, and BellSouth. In addition to a long track record of early-stage sales success, Rich brings energy and passion to sustain important relationships and motivate his team toward critical business goals. Rich has a bachelor's degree in Economics from Washington University in St. Louis.

Mike Johnson – VP – Engineering and Planning

Mike Johnson has been VP – Engineering and Planning at Accelecom for the past year. In that role, he is responsible for the evolution and continued growth of our state-of-the-art network, and the engineering back office that allows for rapid service provisioning and delivery. Prior to joining

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Accelecom, Mike lead the digital evolution of Papa John's retail store environment, modernizing stores, call centers, network design and systems. In his 30 year career, Mike has also held engineering leadership positions at Bluegrass Cellular, Bluegrass Networks, LLC Lightyear, Intermedia Communications, and WilTel. He holds a Bachelor of Science in electrical engineering from Texas A&M University.

John Binkley – Director of Service Delivery

John Binkley is Director of Service Delivery at Accelecom. In that role, he is responsible for providing timely, high speed connectivity to enthusiastic customers across Accelecom's service area. John has been in the communications industry for over thirty years, specializing in site development, outside plant and construction. Prior to joining Accelecom almost 2 years ago, he held leadership positions at Dycom Industries and Crown Castle, as well as a long and successful stint running his independent construction business. John attended the University of Southern California.

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CONFIDENTIAL EXHIBIT C

Financial Ability

CONFIDENTIAL - FILED UNDER SEAL

Attachment 1 to CONFIDENTIAL EXHIBIT C

Chief Executive Officer Statement

I, David Flessas, am the Chief Executive Officer of Acelecom GA LLC and, by my signature below, certify and acknowledge that the financial statements contained in this application are, to the best of my knowledge, true and correct. I confirm that Applicant, which is a newly formed entity, does not have audited financial statements.

Signature: David Flessas Date: May 27, 2022