

PUBLIC VERSION - CONFIDENTIAL INFORMATION REDACTED

Morgan Lewis

Joshua M. Bobeck

Patricia Cave

Leetal Weiss

joshua.bobek@morganlewis.com

patricia.cave@morganlewis.com

leetal.weiss@morganlewis.com

April 10, 2025

Via Overnight Delivery

REDACTED

Adam Teitzman, Director
Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

Re: Application of PB Florida Asset Entity, LLC for Authority to Provide Telecommunications Services Within the State of Florida

Dear Mr. Teitzman:

Attached for filing with the Commission are the original and one copy of the public version of the above-referenced Application of PB Florida Asset Entity, LLC ("Applicant" or "Point Broadband").

Pursuant to Sections 364.183(1) and 364.183(3), Florida Statutes, Applicant respectfully requests confidential treatment of the financial information provided as **Confidential Exhibit B** to the Application. The attached sealed envelope contains two copies of **Confidential Exhibit B**, one of which has been highlighted to show the specific information that Applicant considers to be proprietary confidential business information pursuant to Fla. Admin. Code Section 25-22.006(5). A check in the amount of \$500 is enclosed for the filing fee.

Please acknowledge receipt by date-stamping the enclosed extra copy of this letter and returning 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,

/s/ Joshua Bobeck

Joshua M. Bobeck

Patricia Cave

Leetal Weiss

COM _____ Counsel for PB Florida Asset Entity, LLC

AFD _____

APA _____

ECO _____

ENG _____

GCL _____

IDM _____

CLK _____

1 copy of Application packet

Check received with filing and returned to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

JLS
4-11-25

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW
Washington, DC 20004
United States

① +1.202.739.3000
② +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:

PB Florida Asset Entity, LLC ("Applicant")

2. The Florida Secretary of State corporate registration number:

M25000005023

3. F.E.I. Number: 33-4511265

4. Structure of organization:

The company will be operating as a:

(Check all that apply): **Foreign Limited Liability Company**

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

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: Joshua M. Bobeck
 Patricia Cave
 Leetal Weiss
 Title: Counsel to Applicant
 Street Address: Morgan, Lewis & Bockius, LLP
 1111 Pennsylvania Ave, NW
 Post Office Box:
 City: Washington
 State: District of Columbia
 Zip: 20004
 Telephone No.: (202) 739-3000
 Fax No.: (202) 7390-3001
 E-Mail Address: joshua.bobek@morganlewis.com
patricia.cave@morganlewis.com
leetal.weiss@morganlewis.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: John Kemp
 Title: Deputy General Counsel
 Street Address: 2901 Society Hill Road
 Post Office Box:
 City: Opelika
 State: Alabama
 Zip: 36804
 Telephone No.: (334) 524-0335
 Fax No.: Not applicable
 E-Mail Address: john.kemp@point-broadband.com
 Company Homepage: <https://www.point-broadband.com/>

(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: Chad Wachter
 Title: Chief General Counsel
 Street Address: 2901 Society Hill Road
 Post Office Box:
 City: Opelika
 State: Alabama
 Zip: 36804

Telephone No.: (706) 773-2663
 Fax No.: Not applicable
 E-Mail Address: Chad.Wachter@point-broadband.com

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

Street address: 2901 Society Hill Road
 City: Opelika
 State: Alabama
 Zip: 36801
 Telephone No.: (844) 407-6468
 Fax No.: Not applicable
 E-Mail Address: john.kemp@point-broadband.com

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

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

None.

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

None.

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

None. However, Applicant's affiliate Point Broadband Fiber Holding, LLC ("Point Broadband Fiber") currently is authorized to provide telecommunications services in Alabama, Florida, Georgia, Maryland, Michigan, New York, Ohio, Tennessee, and Texas. In Florida, Point Broadband Fiber is authorized to operate as a telecommunications company pursuant to the Commission's Order No. PSC-2023-0187-PAA-TX issued in Docket No. 20230051-TX.

Applicant's affiliates Sunset Fiber, LLC and Sunset Digital Communications, LLC also each are authorized to operate as telecommunications companies in Virginia. Sunset Fiber, LLC is authorized to provide telecommunications services: (1) as a local exchange carrier pursuant to Certificate No. T-759; and (2) as an interexchange carrier pursuant to Certificate No. TT-301A, which certificates were granted in Case No. PUR-2018-00094 on August 15, 2018. Sunset Digital Communications, LLC is authorized to provide telecommunications services: (1) as a local exchange carrier pursuant to Certificate No. T-758; and (2) as an interexchange carrier pursuant to Certificate No. TT-300A, which certificates were granted in Case No. PUR-2018-00093 on August 15, 2018.

Moreover, the following affiliates of Applicant are expected to obtain authorization to provide intrastate telecommunications services:

- PB Alabama Asset Entity, LLC in Alabama.
- PB Georgia Asset Entity, LLC in Georgia.
- PB Maryland Asset Entity, LLC in Maryland.
- PB Michigan Fiber Asset Entity, LLC in Michigan.
- PB New York Asset Entity, LLC in New York.
- PB Ohio Fiber Asset Entity, LLC in Ohio.
- PB Texas Fiber Asset Entity, LLC in Texas.
- PB Tennessee Asset Entity, LLC in Tennessee.

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

None.

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

None.

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

None.

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.

N/A.

(b) granted or denied a certificate in the State of Florida (this includes active and canceled certificates)? ☐ Granted ☐ Denied ☒ Neither

N/A.

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.

As described above, Applicant's affiliate, Point Broadband Fiber, is a certificated telecommunications company in Florida. Applicant shares officers and directors with Point Broadband Fiber. Please see Exhibit A for relevant information concerning officers, directors, and other personnel Applicant shares with Point Broadband Fiber.

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.

Please see Exhibit A.

- (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.

Please see Exhibit A.

- (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 is a newly formed entity without historical financial statements. Applicant's financial reporting is consolidated with its indirect parent company, Point Broadband Acquisition, LLC. Provided as CONFIDENTIAL Exhibit B are the audited financial statements of Point Broadband Acquisition,

LLC for 2021, 2022, and 2023, to demonstrate Applicant's qualifications. The financial information provided in **CONFIDENTIAL Exhibit B** demonstrates that Applicant, through its parent, possesses the requisite financial resources to provide telecommunications services in the State of Florida.

Because Point Broadband Acquisition, LLC and its subsidiaries are privately held, Applicant's financial statements are not publicly available. Therefore, Applicant requests that the financial statements provided as **CONFIDENTIAL Exhibit B** 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: <https://www.point-broadband.com/legal>

☐ 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:	<u>Chad Wachter</u>
Title:	<u>EVP, Chief General Counsel, Secretary</u>
Telephone No.:	<u>(706) 773-2663</u>
E-Mail Address:	<u>chad.wachter@point-broadband.com</u>

Signature: _____



Date: April 8, 2025

EXHIBIT A

Managerial & Technical Abilities

Point Broadband's managerial approach is rooted in a strong, collaborative leadership structure designed to ensure operational efficiency, strategic alignment, and the successful execution of all projects. The team's collective expertise, with over decades of telecommunications network industry experience, and clear division of responsibilities create a healthy framework to address the dynamic needs of broadband deployment and operations. Below is an overview of the roles and responsibilities of the key personnel who drive Point Broadband's success:

Patricia Martin – Chief Executive Officer (CEO)

As CEO, Patricia leverages more than 20 years of experience in the telecommunications industry to provide strategic vision and overall leadership for Point Broadband. She is dedicated to ensuring the company upholds its mission to deliver high-quality broadband services to underserved and rural communities, bridging the digital divide and fostering connectivity for all.

Chad Wachter – Chief General Counsel

Chad leads Business Development and oversees all legal and regulatory matters. With expertise in compliance, business strategy, and legal oversight, he ensures the company effectively navigates complex legal landscapes while maintaining regulatory integrity and supporting sustainable growth.

Nick DeWeese – Chief Financial Officer (CFO)

Nick oversees the financial strategy and operations, providing leadership that supports the organization's growth and ensures financial stability. His expertise ensures compliance with grant-specific requirements and plays a pivotal role in driving strategic decisions that align with the company's long-term objectives and success.

Nicholas DiPonzio – Chief Construction Officer (CCO)

Nick leads operations and the construction and deployment of broadband network infrastructure. With a focus on efficiency, safety, and scalability, he ensures that projects are completed on time, within budget, and meet the highest quality standards to support the company's long-term growth and expansion goals.

JoAnn Shumard – Chief Network Officer (CNO)

JoAnn leads the technical operations at Point Broadband, overseeing network design, optimization, and scalability. She ensures the infrastructure meets both current and future demands while maintaining the highest standards of reliability and quality for our customers.

Zenita Henderson – Chief Marketing Officer (CMO)

Zenita focuses on developing and executing Point Broadband's marketing and communication strategies. She enhances brand awareness and ensures clear messaging about the company's services and community impact.

Kathy Fox – Chief Project Officer (CPO)

Kathy oversees project management, ensuring that all initiatives are delivered on time, within scope, and within budget. She tracks progress, manages resources, and mitigates risks throughout the lifecycle of each project. Kathy's leadership ensures a high level of accountability and transparency.

Joseph Puckett – Vice President, Government Affairs and Development

Joe leads the company's engagement with federal, state, and local policymakers to drive broadband expansion initiatives. He plays a critical key role in securing grant funding for network development, fostering strategic partnerships, and ensuring projects align with community needs to enhance broadband accessibility.

Casey Calloway – Vice President and Corporate Controller

Casey manages the company's financial statements, treasury functions, and audit compliance of Point Broadband. His leadership provides clear visibility into the company's financial health and compliance, supporting long-term stability and strategic growth.

John Kemp – Deputy General Counsel

John manages Point Broadband's legal and regulatory operations, ensuring compliance with all applicable laws and industry regulations. His leadership supports the organization's adherence to evolving legal requirements while mitigating risk and safeguarding business integrity.

Kevin Webster – Senior Director, Network Planning and Design

Kevin leads Point Broadband's engineering team, overseeing all facets of fiber network design. He ensures that infrastructure designs are reliable, scalable, and future-proof, aligning with the company's long-term growth objectives while meeting the evolving needs of the communities we serve.

The leadership and management teams work collaboratively to ensure that Point Broadband remains an industry leader in broadband deployment and service. Each member brings specialized expertise to their role, enabling the organization to tackle complex challenges effectively. Through strategic planning, operational oversight, and a shared commitment to excellence, the Point Broadband leadership team ensures that the company fulfills its mission of connecting communities and enhancing lives. Point Broadband is committed to maintaining robust management resources.

CONFIDENTIAL EXHIBIT B

Financial Statements

[REDACTED FOR PUBLIC INSPECTION]