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FPSC - COMMISSION CLERK

1301 K Street NW  
Suite 500 East  
Washington, D.C. 20005

**Matthew R. Tuchman**  
954.993.4576  
matthewtuchman@dwt.com

March 1, 2024

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

*Re: Application of Virtu Broadband, LLC for Authority to Provide Telecommunications Service Within the State of Florida*

Dear Mr. Teitzman:

On behalf of *Virtu Broadband, LLC* (“Applicant”), attached for filing is the public version of the above-referenced original Application for Authority to Provide Telecommunications Service. Pursuant to Sections 364.183(1) and 364.183(3), Florida Statutes, Applicant respectfully requests confidential treatment of the proprietary confidential business information provided within **Confidential Exhibits “C” and “E”** to the Application. Applicant, therefore, submits two (2) paper copies of **Confidential Exhibits “C” and “E”** under seal. Pursuant to Florida Administrative Code Section 25-22.006, one (1) copy of **Confidential Exhibit “C”** and one (1) copy of **Confidential Exhibit “E”** have been highlighted to show the specific information that Applicant considers to be privileged and confidential. A check in the amount of \$500.00 is enclosed for the filing fee.

Please acknowledge receipt of the electronic copy and date-stamp the enclosed extra copy of this letter transmitting the filing fee and Confidential Exhibits and return it in the envelope provided. Should you have any questions concerning this filing, please contact the undersigned.

Very truly yours,

/s/ Matthew R. Tuchman

Matthew R. Tuchman  
Thaila Sundaresan

*Counsel for Virtu Broadband, LLC*

# 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

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### 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**

*PUBLIC VERSION*  
**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:

**Virtu Broadband, LLC**

2. The Florida Secretary of State corporate registration number:

**See Exhibit "A" for Applicant's Certificate of Authority to Transact Business in Florida. The Division of Corporations assigned Applicant the following Account Number: M23000012000.**

3. F.E.I. Number: **87-2240225**

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 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: **See Exhibit "A" for Applicant's Certificate of Authority to Transact Business in Florida. The Division of Corporations assigned Applicant the following Account Number: M23000012000.**

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

(a) This application:

Name: Matthew R. Tuchman; Thaila Sundaresan  
Title: Outside counsel at Davis Wright Tremaine, LLP  
Street Address: 1301 K Street NW, Suite 500 East  
Post Office Box: \_\_\_\_\_  
City: Washington  
State: D.C.  
Zip: 20005  
Telephone No.: (954) 993-4576  
Fax No.: (202) 973-4420  
E-Mail Address: matthewtuchman@dwt.com; thailasundaresan@dwt.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: Chris Van Ekelenburg  
Title: Chief Executive Officer, Virtu Broadband LLC  
Street Address: 111 W. Ocean Blvd., Suite 400  
Post Office Box: \_\_\_\_\_  
City: Long Beach  
State: California  
Zip: 90802  
Telephone No.: (805) 248-8413  
Fax No.: N/A  
E-Mail Address: chris@virtubroadband.com  
Company Homepage: http://www.virtubroadband.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: Scott Shafer  
Title: Chief Operations Officer and Executive Vice President  
Street Address: \_\_\_\_\_  
Post Office Box: \_\_\_\_\_  
City: Flower Mound  
State: Texas  
Zip: 75028  
Telephone No.: (214) 681-0444  
Fax No.: N/A  
E-Mail Address: scott@virtubroadband.com

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

Street address: 111 W. Ocean Blvd., Suite 400  
City: Long Beach  
State: California  
Zip: 90802  
Telephone No.: (805) 248-8413  
Fax No.: N/A  
E-Mail Address: chris@virtubroadband.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 yet started operating as a telecommunications company in any state.**

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

**Applicant does not have any applications to be certificated as a telecommunications company pending in any state.**

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

**Applicant has been certificated to operate as a telecommunications company in California (Docket No. 22-05-018) and Wisconsin (Docket No. 11221-NC-100). Please see Exhibit "B."**

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

**Applicant has not been denied requested certification in any jurisdiction.**

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

**Applicant has not incurred any regulatory penalties for violations of telecommunications statutes.**

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

**Applicant has not been involved in civil court proceedings with another telecommunications entity.**

8. The following questions pertain to the officers and directors. Have any been:

PSC 1020 (4/18)

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(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? [REDACTED]

[REDACTED]

(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.

**See Exhibit "D" for the resumes of employees/officers of the Applicant.**

(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.

**See Exhibit "D" for the resumes of employees/officers of the Applicant.**

- (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 was formed in 2021 and therefore does not have three years' historical financial statements. As indicated in Section 7(a), the Applicant has not yet started operating as a telecommunications company in any state. For this reason, Applicant provides, as Confidential Exhibit "E," pro forma financial statements which demonstrate the financial resources available to provide the proposed telecommunications services in Florida. Because Applicant is a privately held company, Applicant requests that the financial information provided as Confidential Exhibit "E" be treated as confidential and proprietary, pursuant to Sections 364.183(1) and 364.183(3), Florida Statutes, and Florida Administrative Code Section 25-22.006(5), and not be made part of the public record. As shown in the financial statements, Applicant is financially qualified to operate within the State of Florida. As Applicant does not have audited financial statements, Confidential Exhibit "E" also includes a signed statement by Applicant's chief executive officer affirming that the financial statements are true and correct.**

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.virtubroadband.net](http://www.virtubroadband.net)

Other –Pleaseprovide 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.

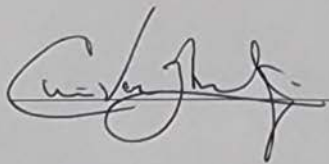
**APPLICANT ACKNOWLEDGEMENT:** By my signature below, I, the undersigned owner or officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical ability, managerial ability, and financial ability to provide telecommunications 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: Chris Van Ekelenburg  
Title: Chief Executive Officer  
Telephone No.: (805) 248-8413  
E-Mail Address: chris@virtubroadband.com

Signature:  Date: 2/29/24

**EXHIBITS**

**Exhibit A – Evidence of Authority to Transact Business**

**Exhibit B – States Where Applicant is Certificated**

**Exhibit C – Response to Item No. 8(a)**

**(*CONFIDENTIAL – FILED UNDER SEAL*)**

**Exhibit D – Managerial and Technical Qualifications of Applicant**

**Exhibit E – Financial Statements**

**(*CONFIDENTIAL – FILED UNDER SEAL*)**

**Certificate of Authority to Transact Business in Florida**

PUBLIC VERSION



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

September 20, 2023

MATTHEW R. TUCHMAN

1301 K. STREET NW, SUITE 500 EAST  
WASHINGTON, DC 20005 US

Qualification documents for VIRTU BROADBAND, LLC were filed on September 18, 2023, and assigned document number M23000012000. 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.

The certification you requested is enclosed.

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, it is the responsibility of the corporation to notify this office.

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

Ariel Jones  
Regulatory Specialist II  
Registration Section  
Division of Corporations

Letter Number: 623A00021720

[www.sunbiz.org](http://www.sunbiz.org)

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 32314



# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by VIRTU BROADBAND, LLC, a Delaware limited liability company, authorized to transact business within the state of Florida on September 18, 2023, as shown by the records of this office.

The document number of this limited liability company is M23000012000.



Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Twentieth day of September, 2023

Cord Byrd  
Secretary of State

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 605.0902, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. Virtu Broadband, LLC
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC.")

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida. The alternate name must include "Limited Liability Company," "L.L.C.," or "LLC.")

2. Delaware (Jurisdiction under the law of which foreign limited liability company is organized)
3. 87-2240225 (FEI number, if applicable)

4. (Date first transacted business in Florida, if prior to registration.) (See sections 605.0904 & 605.0905, F.S. to determine penalty liability)

5. 111 W. Ocean Blvd., Suite 400 (Street Address of Principal Office)
Long Beach, CA 90802
6. 111 W. Ocean Blvd., Suite 400 (Mailing Address)
Long Beach, CA 90802

7. Name and street address of Florida registered agent: (P.O. Box NOT acceptable)

Name: Registered Agents Inc
Office Address: 7901 4th Street N, Suite 300
St. Petersburg, Florida 33702
(City) (Zip code)

FILED
2023 SEP 18 AM 11:51
SECRETARY OF STATE
TALLAHASSEE, FL

Registered agent's acceptance:

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 application, 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 relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

David Jones
(Registered agent's signature)



8. For initial indexing purposes, list names, title or capacity and addresses of the primary members/managers or persons authorized to manage [up to six (6) total]:

<u>Title or Capacity:</u>	<u>Name and Address:</u>	<u>Title or Capacity:</u>	<u>Name and Address:</u>
<input type="checkbox"/> Manager	Name: Chris Van Ekelenburg	<input type="checkbox"/> Manager	Name: _____
<input checked="" type="checkbox"/> Member	Address: 111 W. Ocean Blvd., Suite 400	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	Long Beach, CA	<input type="checkbox"/> Authorized	_____
Person	90802	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Manager	Name: _____	<input type="checkbox"/> Manager	Name: _____
<input type="checkbox"/> Member	Address: _____	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	_____	<input type="checkbox"/> Authorized	_____
Person	_____	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Manager	Name: _____	<input type="checkbox"/> Manager	Name: _____
<input type="checkbox"/> Member	Address: _____	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	_____	<input type="checkbox"/> Authorized	_____
Person	_____	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

**Important Notice:** Use an attachment to report more than six (6). The attachment will be imaged for reporting purposes only. Non-indexed individuals may be added to the index when filing your Florida Department of State Annual Report form.

9. Attached is a certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted)

10. This document is executed in accordance with section 605.0203 (1) (b), Florida Statutes. 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.

  
\_\_\_\_\_  
Signature of an authorized person

Chris Van Ekelenburg  
\_\_\_\_\_  
Typed or printed name of signee

PUBLIC VERSION  
**Delaware**

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "VIRTU BROADBAND, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE ELEVENTH DAY OF AUGUST, A.D. 2023.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "VIRTU BROADBAND, LLC" WAS FORMED ON THE FIFTH DAY OF MAY, A.D. 2021.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



5894454 8300

SR# 20233229835

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203951158

Date: 08-11-23



**Exhibit "B"**

**State Public Utility Commission or Public Service Commission Orders Wherein  
Applicant has been Certificated to Operate as a Telecommunications Company**

**ALJ/KWZ/nd3**

**Date of Issuance 3/1/2023**

**Decision 23-02-028 February 23, 2023**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Application of Virtu Broadband, LLC for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service and interexchange service on a statewide basis.**

**Application 22-05-018**

**DECISION GRANTING VIRTU BROADBAND, LLC  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
IN ORDER TO PROVIDE FULL FACILITIES-BASED AND  
RESOLD COMPETITIVE LOCAL EXCHANGE SERVICES AND  
FULL FACILITIES-BASED AND RESOLD INTEREXCHANGE SERVICES**

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**DECISION GRANTING VIRTU BROADBAND, LLC  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
IN ORDER TO PROVIDE FULL FACILITIES-BASED AND  
RESOLD COMPETITIVE LOCAL EXCHANGE SERVICES AND  
FULL FACILITIES-BASED AND RESOLD INTEREXCHANGE SERVICES**

**Summary**

**Pursuant to Public Utilities Code Section 1001, we grant Virtu Broadband, LLC a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange services, and full facilities-based and resold interexchange services in California subject to the terms and conditions set forth in the Ordering Paragraphs.**

**This proceeding is closed.**

**1. Background**

**On May 20, 2022, Virtu Broadband, LLC (Virtu Broadband), a limited liability corporation registered in the state of Delaware and authorized to do business in California, filed an application for a certificate of public convenience and necessity (CPCN) to provide full facilities based local exchange services and resold interexchange service in California in the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T California), Frontier California Inc. (Frontier California), Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier Communications), and Consolidated Communications of California Company (Consolidated Communications, formerly SureWest Telephone), and full facilities-based and resold interexchange services throughout California. No parties protested the application.**

**Virtu Broadband proposes to provide broadband access services over a fiber network which it will own, operate, manage, and control. Virtu Broadband, in addition to providing broadband Internet access services, will also offer lit**

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**fiber transmission services that will provide its customers the ability to transmit voice and data communications, including telephone calls, between two or more points of their choosing. Such point-to-point competitive access circuits are telephone lines under California law, in accordance with Public Utilities (Pub. Util.) Code Section 233 because they facilitate communication by telephone.**

**Virtu Broadband's principal place of business is located at 111 W. Ocean Boulevard, Suite 400, Long Beach, California 90802.**

**A prehearing conference (PHC) was held remotely on August 5, 2022, during which the assigned Administrative Law Judge (ALJ) and counsel for Virtu Broadband addressed the issues presented by the application, the schedule, and other procedural matters. No party other than Virtu Broadband appeared at the PHC.**

**On August 8, 2022, the assigned ALJ issued a ruling directing Virtu Broadband to file additional information in support of its application and to revise its sworn declaration. Virtu Broadband provided the required documents on September 9, 2022, as directed. Commissioner Shiroma issued the Scoping Memo and Ruling on September 6, 2022. On January 12, 2023, the assigned ALJ issued a ruling directing Virtu Broadband to file additional information in support of its application. In its response dated January 18, 2023, Virtu Broadband attested to its status as a telephone corporation according to California law and as a telecommunications carrier according to federal law.**

## **2. Jurisdiction**

**Pub. Util. Code Section 216(a) defines the term "public utility" to include a "telephone corporation," which in turn is defined in Pub. Util. Code**

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**Section 234(a) as “every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.”**

**Virtu Broadband proposes to provide broadband access services to communities in California over infrastructure such as conduit and dark or lit for the transmission of communications. Virtu Broadband is a telephone corporation and a public utility subject to our jurisdiction.**

**Virtu Broadband expects to operate as telecommunications service provider as defined by Section 153 of the Federal Telecommunications Act of 1996 (Act) eligible to interconnect with the public switched telephone network pursuant to Sections 251-252 of the Act.<sup>1</sup> Virtu Broadband further states, if granted a CPCN, it will operate as a telephone corporation under Pub. Util. Code Section 234(a), and obey the Public Utilities Codes and all California Public Utilities Commission (Commission) rules, decisions, and orders applicable to telephone corporations.**

### **3. California Environmental Quality Act (CEQA)**

**Pursuant to CEQA and Rule 2.4 of the Commission’s Rules of Practice and Procedure (Rules), the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA.**

**In the Proponent’s Environmental Assessment, Virtu Broadband proposed construction activities will generally consist of upgrading existing street light poles and placing subsurface conduit. Virtu Broadband further states that these**

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<sup>1</sup> Virtu Broadband response dated January 18, 2023, to ALJ Ruling Requiring More Information issued January 12, 2023.

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activities would be expected to occur primarily in existing roadways, or other previously developed or disturbed rights-of-way.

These activities fall within the following class of projects that are exempt from CEQA and for which neither an Environmental Impact Report nor a Negative Declaration is required.

**Class 1 Exemption: operation, repair, maintenance, leasing or minor alteration of existing public or private structures and facilities, with negligible or no expansion of an existing use. This includes existing facilities used to provide public utility services. (California Code of Regulations, Title 14, § 15301.)**

Virtu Broadband proposes no construction activities initially. Should Virtu Broadband engage in construction, it anticipates activities that are similar to those undertaken by other carriers that we have decided are categorically exempt from CEQA. (See, e.g., Decision (D.) 06-04-063 (*ClearLinx Network Corporation*); D.06-04-067 (*CA-CLEC LLC*).

Virtu Broadband requests approval to utilize a procedure for expedited review of its projects once it is aware of a specific site(s) in which it plans construction. The proposed procedure tracks the expedited review procedure that we have approved for other carriers. Such a process will expedite CEQA review and is appropriate for the type of construction outlined here, which will be categorically exempt. By establishing this expedited review process, we are able to review the information on a specific project to confirm that it is categorically exempt from CEQA or to explain why further environmental review is required. At the same time, the proposed CEQA review process will enable Virtu Broadband to undertake construction of its projects in an efficient manner without experiencing delays caused by an unnecessarily protracted CEQA review.

Similar to the procedure approved for other carriers, the following procedure will be used to obtain Commission approval of Virtu Broadband's claimed CEQA exemptions for proposed construction projects:

- **Virtu Broadband will provide the Commission's Energy Division with:**
  - **A detailed description of the proposed project, including:**
    - **Customer(s) to be served;**
    - **The precise location of the proposed construction project; and**
    - **Regional and local site maps.**
  - **A description of the environmental setting, to include at a minimum:**
    - **Cultural, historical, and paleontological resources;**
    - **Biological resources; and**
    - **Current land use and zoning.**
  - **A construction workplan, to include:**
    - **Commission Preconstruction Survey Checklist — Archaeological Resources;**
    - **Commission Preconstruction Survey Checklist — Biological Resources;**
    - **A detailed schedule of construction activities, including site restoration activities;**
    - **A description of construction/installation techniques; and**
    - **A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information.**
  - **A list of permits required for the proposed project;**
  - **A statement of the CEQA exemption(s) applicable to the proposed project; and**



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- **Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable.**
- **The Energy Division will review Virtu Broadband's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable; and**
- **Within 21 days from the date of Virtu Broadband's submittal, the Energy Division will issue either:**
  - **A Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research; or**
  - **A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.**

**We have reviewed the application and Exhibit D and find that:**

- **Virtu Broadband's proposed facilities-based project activities are very limited;**
- **These activities would in almost all circumstances be very likely to qualify for an exemption from CEQA; and**
- **The proposed process for reviewing the applicability of CEQA exemptions to Virtu Broadband's facilities-based projects is not only adequate for the Commission's purposes as CEQA Lead Agency, but is also in the public interest because it enables Virtu Broadband to respond in a timely manner to requests for service without the delay or burden of a full CEQA review when such review is unnecessary.**

**We therefore approve Virtu Broadband's proposed process for Commission review of claimed CEQA exemptions for construction projects undertaken pursuant to Virtu Broadband's full facilities-based authority, based on the specific facts of this case with the following modifications related to the**

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**Commission's Energy Division review and approval or disapproval of the proposed exemptions.**

**If the Energy Division disapproves Virtu Broadband's claimed CEQA exemption(s) and issues a letter of denial to Virtu Broadband must either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any construction activities.**

**Virtu Broadband shall not perform any full facilities-based construction activities without first obtaining an NTP from the Energy Division or authorization by the Commission after the requisite environmental review.**

**We have previously determined that the public convenience and necessity require that competition be allowed in the provision of Competitive Local Exchange Carrier (CLEC) service (Rulemaking 95-04-043/ Investigation 95-04-044). Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.**

#### **4. Financial Qualifications**

**To be granted a CPCN, an applicant for authority to provide full facilities-based and resold competitive local exchange services and full facilities-based and resold interexchange services must demonstrate that it has a minimum of \$100,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.<sup>2</sup> The Commission gives applicants**

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<sup>2</sup> The financial requirement for CLECs is contained in D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

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several options to prove their financial fitness.<sup>3</sup> Accordingly, Virtu Broadband provided a letter of guarantee from its qualified affiliate, Platypus Nebula, LLC (Platypus Nebula). Later, in response to an ALJ ruling, Virtu Broadband explained the nature of its affiliation with Platypus Nebula and provided twelve months of bank statements from Platypus Nebula, to support the claim of reasonable liquidity.<sup>4</sup> Since Virtu Broadband has provided documentation that it possesses a minimum of \$100,000 that is reasonably liquid and available, it has demonstrated that it has sufficient funds to meet its start-up expenses and has fulfilled this requirement. The Virtu Broadband financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available.

In addition to demonstrating financial fitness, Virtu Broadband must also demonstrate it has an additional \$25,000 would be available to Virtu Broadband for one year following certification.<sup>5</sup> Virtu Broadband has provided documentation that it has the funds available should a deposit be required by AT&T California, Frontier California, Frontier Communications, and Consolidated Communications.<sup>6</sup> Therefore, no additional resources are required at this time to cover deposits.

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<sup>3</sup> Sections 4-5 of Appendix C to D.95-12-056. The same requirements regarding proof of financial ability are again presented in Item 9 of Attachment B to D.13-05-035 (Ordering Paragraph 14).

<sup>4</sup> Exhibit 3 to Virtu Broadband's Response dated September 9, 2022 to the Ruling Directing the Filing of Additional Information.

<sup>5</sup> The requirement for competitive local carrier applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying Local Exchange Carriers and/or Interexchange Carriers is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

<sup>6</sup> Application 22-05-018 (Application) at 6-7.

## 5. Technical Qualifications

To be granted a CPCN for authority to provide competitive local exchange and interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.<sup>7</sup> Virtu Broadband supplied biographical information on its management in Exhibit G to its application, supplemented by its response on September 9, 2022, to the ALJ Ruling Requiring Additional Information, that demonstrates it has sufficient expertise and training to operate as a telecommunications provider.

In its application, Virtu Broadband verified that no one associated with or employed by Virtu Broadband as an affiliate, officer, director, partner, or owner of more than 10 percent of Virtu Broadband, or anyone acting in a management capacity for Virtu Broadband:

(a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of §§ 17000 *et seq.*, §§ 17200 *et seq.*, or §§ 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any

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<sup>7</sup> D.95-12-056 at Appendix C, Rule 4.A.

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**other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.<sup>8</sup>**

**Also, to the best of Virtu Broadband's knowledge, neither Virtu Broadband, or any affiliate, officer, director, partner, nor owner of more than 10 percent of Virtu Broadband or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications Commission (FCC) or any law enforcement or regulatory agency for failure to comply with any law, rule or order.<sup>9</sup>**

**For the above reasons, we find that Virtu Broadband is in compliance with the requirements of D.13-05-035.**

## **6. Tariffs**

**Virtu Broadband has requested detariffed status and may be exempt from the requirement to file tariffs provided Virtu Broadband complies with the consumer protection rules identified in D.98-08-031. Applicant states that it plans to offer services on a non-discriminatory basis as well as individual case basis contracts.**

**Detariffed status is not available for carriers providing residential local exchange service. Virtu Broadband states it does not intend to provide residential local exchange service at this time and that it would first comply with all tariffing requirements should it plan to offer residential local exchange service in the future.<sup>10</sup> Pursuant to D.12-12-038, Appendix A, Section II, parts a and b,<sup>11</sup>**

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<sup>8</sup> These certifications are required by D.13-05-035, Ordering Paragraph 14.

<sup>9</sup> *Id.*

<sup>10</sup> Application at 8.

<sup>11</sup> D.12-12-038, Appendix A, Section II, parts a-b:

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**basic service must be tariffed or scheduled. In the future, if Virtu Broadband decides to offer services that require a tariff or schedule, such as basic service, Virtu Broadband must submit proposed tariffs and/or user guides to the Commission's Communications Division via Tier 2 Advice Letters using the General Order (GO) 96-B advice letter process at least 30 days before initiation of service.**

#### **7. Map of Service Territory**

**To be granted a CPCN for authority to provide competitive local exchange service, an applicant must provide a map of the service territories it proposes to serve.<sup>12</sup> A map of the location of Virtu Broadband's proposed service territory is provided in Exhibit E to its application, in compliance with this requirement.**

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- a. A basic service provider must file and maintain tariffs or schedules with the Commission by a Tier 2 Advice Letter for its basic service offerings which must include its basic service rates, charges, terms, and conditions; and must make them publicly available. Requirements for customer notice and/or Commission filings for revisions in basic service rates, charges, terms, and/or conditions must be made in accordance with the applicable requirements for tariff filings set forth in General Order 96-B.**
  - b. If a carrier chooses to offer basic service in all or part of its service territory using multiple, different technologies, each type of offering must be tariffed or scheduled with the Commission. This requirement does not extend beyond basic service.**

<sup>12</sup> D.95-12-056 at Appendix C, Rule 4.F.

## 8. Rule 3.1(i) Statement

Rule 3.1(i) sets forth the requirement that a utility filing an application under Pub. Util. Code Section 1001, provide a statement regarding GO 104-A, Section 2. Virtu Broadband states that it is not aware of any reportable matters pursuant to GO 104-A, Section 2.<sup>13</sup> Virtu Broadband, therefore, has nothing to report under this rule.

On a going forward basis, though, Virtu Broadband must file all reports required of a public utility under Commission jurisdiction.

## 9. Expected Customer Base

Virtu Broadband provided its estimated customer base for the first and fifth years of operation in Exhibit E of its application. Therefore, Virtu Broadband has complied with this requirement.

## 10. Safety Considerations and Impacts on Environmental and Social Justice Communities

With the adoption of the *Safety Policy Statement of the California Public Utilities Commission* on July 10, 2014, the Commission has, among other things, heightened its focus on the potential safety implications of every proceeding. We have considered the potential safety implications here. The Commission is satisfied that Virtu Broadband will meet the Commission's minimum safety goals and expectations of CLECs because: (1) Virtu Broadband has taken steps to meet the financial requirements as set forth in this decision for a facilities-based CLEC; and (2) Virtu Broadband is a public utility that is required pursuant to Pub. Util. Code Section 451 to "furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including

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<sup>13</sup> Application at 8.

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telephone facilities... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

This proceeding also considers the issue of impacts on environmental and social justice communities, including the extent to which approving a CPCN for Virtu Broadband impacts achievement of any of the nine goals of the Commission’s Environmental and Social Justice Action Plan.<sup>14</sup> As described in its application, “Virtu seeks to improve broadband access to underserved communities and enhance competition in the telecommunications industry.”<sup>15</sup> The Commission is satisfied with Virtu Broadband’s acknowledgement of the importance of bringing new investment and competitive telecommunications service offerings to underserved communities in California.

## 11. Conclusion

We conclude that the application conforms to our rules for certification as a competitive local exchange and interexchange carrier. Accordingly, we grant Virtu Broadband a CPCN to provide full facilities-based and resold competitive local exchange services in the service territory of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications and full facilities-based and resold interexchange services in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to Virtu Broadband and corresponding obligations. Virtu Broadband receives authority to operate in the prescribed service territory, and this authority enables Virtu Broadband, pursuant to Section 251 of the 1934 Communications Act, as amended by the Act

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<sup>14</sup> Scoping Memo at 2.

<sup>15</sup> Application at 6.



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(47 U.S.C. § 251), to interconnect with telecommunications carriers.<sup>16</sup> This authority also enables Virtu Broadband to obtain access to public rights-of-way in California as set forth in D.98-10-058, and approved in *T-Mobile West LLC v. City and County of San Francisco*, 6 Cal.5th 1107 (2019), subject to the CEQA requirements set forth in this decision.

In return, Virtu Broadband is obligated to comply with all Public Utilities Code provisions, Commission rules, General Orders, and decisions applicable to telephone corporations providing approved services. The applicable statutes, rules, General Orders, and decisions include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, Virtu Broadband is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in the Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code Section 451, which states that every public utility “shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

## 12. Request to File Under Seal

Pursuant to Rule 11.4, Virtu Broadband has filed motions for leave to file Exhibits E-F to the application, as well as Exhibits 2-3 to its response filed on September 9, 2022, containing bank statements and an organizational chart, as confidential materials under seal. Virtu Broadband represents that the

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<sup>16</sup> The California Public Utilities Code uses the term “telephone corporation.” Its counterpart in federal law is a “telecommunications carrier.”

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information is sensitive, and disclosure could harm its ability to compete. We have granted similar requests in the past and do so here.

### **13. Categorization and Need for Hearings**

In Resolution ALJ 176-3510 issued on June 23, 2022 the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. On August 5, 2022, the assigned ALJ held a PHC. On September 6, 2022, the assigned Commissioner issued a scoping memo confirming this as a ratesetting application and that hearings were not necessary.

### **14. Comments on Draft Decision**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code Section 311(g)(2) and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

### **15. Assignment of Proceeding**

Genevieve Shiroma is the assigned Commissioner and Camille Watts-Zagha is the assigned ALJ in this proceeding.

### **Findings of Fact**

- 1. Virtu Broadband is a telephone corporation and a public utility as defined in Pub. Util. Code Section 216(a) and Section 234(a).**
- 2. Virtu Broadband's proposed construction activities appear to fall within one or more CEQA categorical exemptions.**
- 3. Virtu Broadband's authority to provide telecommunications services will not have a significant adverse effect upon the environment.**
- 4. Virtu Broadband has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.**

**5. Virtu Broadband has sufficient additional cash or cash equivalent to cover deposits that may be required by other telephone corporations in order to provide the proposed service.**

**6. Virtu Broadband's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.**

**7. No one associated with or employed by Virtu Broadband as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10 percent of Virtu Broadband, or anyone acting in a management capacity for Virtu Broadband has: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Section 17000 *et seq.*, Section 17200 *et seq.*, or Section 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.**

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**8. To the best of Virtu Broadband's knowledge, neither Virtu Broadband, or any affiliate, officer, director, partner, nor owner of more than 10 percent of Virtu Broadband, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the FCC or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.**

**9. Virtu Broadband requested and is eligible for exemption from tariffing requirements and must observe the consumer protection rules adopted in D.98-08-031.**

**10. Virtu Broadband provided a map of the location of its proposed service territory.**

**11. Virtu Broadband has no information to report under Rule 3.1(i), which requires that a utility filing an application under Pub. Util. Code Section 1001, provide a statement regarding compliance with GO 104-A, Section 2.**

**12. Virtu Broadband provided an estimate of its customer base for the first and fifth year of operation.**

**13. Pursuant to Rule 11.4, Virtu Broadband filed motions for leave to file confidential materials under seal, including Exhibits E-F to the application, as well as Exhibits 2-3 to its response filed on September 9, 2022.**

#### **Conclusions of Law**

**1. Virtu Broadband should be granted a CPCN to full facilities-based and resold competitive local exchange services in the service territories of AT&T California, Frontier California, Frontier Communications, Consolidated Communications and full facilities-based and resold interexchange services in California, subject to the terms and conditions set forth in the Ordering Paragraphs.**

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2. **Virtu Broadband should be allowed to use the Energy Division 21-day CEQA exemption process.**
3. **Once granted a CPCN, Virtu Broadband should be subject to the applicable statutes, rules, General Orders, and decisions that pertain to California public utilities.**
4. **Virtu Broadband should be granted an exemption from the requirement to file tariffs.**
5. **Virtu Broadband's motion to file under seal its Exhibits E-F to the application, as well as Exhibits 2-3 to its response filed on September 9, 2022 to the application, should be granted for three years.**
6. **Virtu Broadband should be granted non-dominant carrier status, subject to Commission rules and regulations as detailed in D.85-01-008 and modified in D.85-07-081 and D.85-11-044.**
7. **This proceeding should be closed.**

**O R D E R**

**IT IS ORDERED that:**

1. **A certificate of public convenience and necessity is granted to Virtu Broadband, LLC to provide full facilities-based and resold competitive local exchange services in the territories of Pacific Bell Telephone Company d/b/a AT&T California, Frontier California Inc., Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California, and Consolidated Communications of California Company, and full facilities-based and resold interexchange services in California, subject to the terms and conditions in this decision.**

**2. The corporate identification number assigned to Virtu Broadband, LLC (U7411C) must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.**

**3. Virtu Broadband, LLC must file, in this docket, a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this decision. Written acceptance filed in this docket does not reopen the proceeding.**

**4. The certificate granted by this decision will expire if not exercised within 12 months of the effective date of this decision.**

**5. Virtu Broadband, LLC must notify the Director of the Communications Division of the California Public Utilities Commission of the date that competitive local exchange service is first rendered to the public, no later than five days after service first begins, by e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov).**

**6. Virtu Broadband, LLC (Virtu Broadband) must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the California Public Utilities Commission (Commission) must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority, Virtu Broadband must submit a Tier 1 Advice Letter (AL) to the Commission's Communications Division, containing a copy of the license holder's executed bond, and submit a Tier 1 AL annually, but not later than March 31 of each year, with a copy of the executed bond.**

**7. Virtu Broadband, LLC must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the California Public Utilities Commission (Commission) may revoke a certificate of**

**public convenience and necessity if a carrier is more than 120 days late in providing the Commission's Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.**

**8. In addition to all the requirements applicable to competitive local exchange carriers and interexchange carriers included in Attachments B-D to this decision, Virtu Broadband, LLC is subject to the Consumer Protection Rules contained in General Order 168, and all applicable statutes, rules, General Orders, and decisions that pertain to California public utilities.**

**9. Virtu Broadband, LLC (Virtu Broadband) must report intrastate revenue and pay the resulting public purpose program surcharges specified in Attachment B monthly, through the California Public Utilities Commission's (Commission) proprietary Telecommunications and User Fee Filing System (TUFFS) even if there are no revenues (\$0) and resulting surcharges to report and remit. The Commission's Communications Division must issue a compliance directive to the Virtu Broadband primary contact, providing directions for reporting and remitting surcharges and the User Fee through the TUFFS system.**

**10. Virtu Broadband, LLC must pay an annual minimum user fee of \$100 or at the standard user fee remittance rate applied to the gross intrastate revenue, whichever is greater. The standard user fee remittance rate is posted on the California Public Utility Commission's webpage. Under Public Utilities Code Section 405, carriers that are in default of reporting and submitting user fees more than 30 days after the quarterly user fee payment due dates of January 15, April 15, July 15, and October 15, or more than 30 days after the January 15 due date for those utilities paying the annual minimum user fee of \$100, will be**

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subject to penalties including suspension or revocation of their authority to operate in California.

11. Prior to initiating service, Virtu Broadband, LLC must provide the California Public Utilities Commission's Consumer Affairs Branch with the name(s), address(es), e-mail address, and telephone number(s) of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name(s), address(es), or telephone number(s) change, or at least annually.

12. Prior to initiating service, Virtu Broadband, LLC must provide the California Public Utilities Commission's Communications Division with the name(s), address(es), e-mail address, and telephone number(s) of its designated regulatory/official contact person(s). This information must be provided electronically, using the "Contact Information Request Update" form at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone> under Service Provider Requirements and Programs. This information must be updated if the name or telephone number changes, or at least annually by June 1 of each calendar year.

13. Virtu Broadband, LLC must submit an affiliate transaction report to the Director of the Communications Division of the California Public Utilities Commission by e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) in compliance with Decision 93-02-019 on a calendar year basis using the form contained in Attachment D.

14. Virtu Broadband, LLC must submit an annual report to the Director of the Communications Division of the California Public Utilities Commission by e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) in compliance with General Order 104-A on



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a calendar-year basis with the information contained in Attachment C to this decision.

15. The staff of the California Public Utilities Commission's Energy Division is authorized to review, process, and act upon Virtu Broadband, LLC's requests for a determination that its full facilities-based construction activities are exempt from the requirements of the California Environmental Quality Act.

16. If Virtu Broadband, LLC (Virtu Broadband) wishes to engage in full facilities-based construction activities and believes that these activities are exempt from California Environmental Quality Act (CEQA), Virtu Broadband shall first apply to the California Public Utilities Commission's (Commission) Energy Division staff for a determination of exemption from CEQA by providing the Energy Division with:

- a. A detailed description of the proposed project, including:
  - i. Customer(s) to be served;
  - ii. The precise location of the proposed construction project; and
  - iii. Regional and local site maps.
- b. A description of the environmental setting, including at a minimum:
  - i. Cultural, historical, and paleontological resources;
  - ii. Biological resources; and
  - iii. Current land use and zoning.
- c. A construction workplan, including:
  - i. Commission Preconstruction Survey Checklist — Archaeological Resources;
  - ii. Commission Preconstruction Survey Checklist — Biological Resources;
  - iii. A detailed schedule of construction activities, including site restoration activities;

- iv. A description of construction/installation techniques;
  - v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
  - vi. A list of permits required for the proposed project.
- d. A statement of the CEQA exemption(s) claimed to apply to the proposed project;
  - e. Documentation supporting the finding of exemption from CEQA; and
  - f. The Energy Division will then review the submittal and notify Virtu Broadband of either its approval or its denial of Virtu Broadband's claim for exemption from CEQA review within 21 days from the time that Virtu Broadband's submittal is complete.

17. If the Energy Division approves Virtu Broadband, LLC's (Virtu Broadband) claimed California Environmental Quality Act (CEQA) exemption (s), the staff shall prepare a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research. If the Energy Division disapproves Virtu Broadband's claimed CEQA exemptions, the staff shall issue to Virtu Broadband a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.

18. If the Energy Division disapproves Virtu Broadband, LLC's (Virtu Broadband) claimed California Environmental Quality Act (CEQA) exemption (s), Virtu Broadband shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the California Public Utilities Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

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**19. Virtu Broadband, LLC's (Virtu Broadband) motion to file under seal its Exhibits E-F to the application, as well as Exhibits 2-3 to its response filed on September 9, 2022 is granted for a period of three years after the date of this decision. During this three-year period, this information shall not be publicly disclosed except on further order from the California Public Utilities Commission or ALJ ruling. If Virtu Broadband believes that it is necessary for this information to remain under seal for longer than three years, Virtu Broadband may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.**

**20. Application 22-05-018 is closed.**

**This decision is effective today.**

**Dated February 23, 2023, at San Francisco, California.**

**ALICE REYNOLDS**

**President**

**GENEVIEVE SHIROMA**

**DARCIE L. HOUCK**

**JOHN REYNOLDS**

**KAREN DOUGLAS**

**Commissioners**

# ATTACHMENT A

*This attachment is intentionally left blank.*

**(END OF ATTACHMENT A)**

# **ATTACHMENT B**

**ATTACHMENT B**

**REQUIREMENTS APPLICABLE TO  
COMPETITIVE LOCAL EXCHANGE CARRIERS  
AND INTEREXCHANGE CARRIERS**

1. Applicant must file, in this docket with reference to this decision number,<sup>1</sup> a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months of the date of this decision.

3. Applicant is subject to the following fees and surcharges that must be regularly remitted. Per the instructions in Exhibit E to Decision (D.) 00-10-028, carriers authorized to operate in California shall report intrastate revenue and remit the resulting public purpose program surcharges specified as follows monthly, through the California Public Utilities Commission's (Commission or CPUC) proprietary Telecommunications and User Fee Filing System (TUFFS) even if there is no intrastate revenue (\$0) and resulting surcharges to report and remit. The Commission's Communications Division shall issue a compliance directive to the carrier's primary contact, providing directions for reporting and remitting surcharges and the User Fee through TUFFS.

- a. The Universal Lifeline Telephone Service Trust Administrative Committee Fund (Public Utilities (Pub. Util.) Code § 277);
- b. The California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073);

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<sup>1</sup> Written acceptance filed in this docket does not reopen the proceeding.

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- c. **The California High Cost Fund-A (Pub. Util. Code § 275.6); D.96-10-066, at 3-4, App. B, Rule 1.C);**
- d. **The California High Cost Fund-B (Pub. Util. Code § 276.5), D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);**
- e. **The California Advanced Services Fund (Pub. Util. Code § 281; D.07-12-054);**
- f. **The California Teleconnect Fund (Pub. Util. Code § 280; D.96-10-066, at 88, App. B, Rule 8.G); and**
- g. **The User Fee provided in Pub. Util. Code Sections 431-435. The minimum annual User Fee is \$100, as set forth in D.13-05-035.**

**Note: These fees change periodically. In compliance with Resolution (Res.) T-16901, December 2, 2004, Applicant must check the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company d/b/a AT&T California and apply the current surcharge and fee amounts in that joint tariff on end-user bills until further revised. Current and historical surcharge rates can be found at:**

**<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/surcharge-rates>.**

- i. **Carriers must report and remit CPUC telephone program surcharges online using the CPUC TUFFS. Information and instructions for online reporting and payment of surcharges are available at: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>. To request a user identification and password for TUFFS online filing and for questions, please e-mail [Telcosurcharge@cpuc.ca.gov](mailto:Telcosurcharge@cpuc.ca.gov).**
- ii. **Carriers must submit and pay the CPUC User Fee (see Item 3.g above) quarterly, through the Commission's TUFFS system within 15 days after the end of each calendar quarter (December 31, March 31, June 30, and September 30) and by the 30th day after the 15-day reporting and payment requirement to avoid a**



**one-time 25 percent penalty. For questions regarding the User Fee, please e-mail [userfees@cpuc.ca.gov](mailto:userfees@cpuc.ca.gov).**

**4. If Applicant is a competitive local exchange carrier, the effectiveness of its future competitive local exchange carrier tariffs is subject to the requirements of General Order (GO) 96-B and the Telecommunications Industry Rules (D.07-09-019).**

**5. If Applicant is a non-dominant interexchange carrier, the effectiveness of its future non-dominant interexchange carrier tariffs is subject to the requirement of GO 96-B and the Telecommunications Industry Rules (D.07-09-019).**

**6. Tariff filings must reflect all fees and surcharges to which Applicant is subject, as reflected in Item 3 above.**

**7. Applicant must obtain a performance bond of at least \$25,000 in accordance with D.13-05-035. The performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity (CPCN) authority, Applicant must submit a Tier 1 Advice Letter (AL) to the Communications Division, containing a copy of the license holder's executed bond, and submit a Tier 1 AL annually, but not later than March 31, with a copy of the executed bond.**

**8. Applicant must not allow its performance bond to lapse during any period of its operation. Pursuant to D.13-05-035, the Commission may revoke a CPCN if a carrier is more than 120 days late in providing the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.**

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9. Applicants providing local exchange service must submit a service area map as part of their initial tariff to the Communications Division.

10. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name(s), address(es), e-mail address(es) and telephone number(s) of its designated contact person(s) for purposes of resolving consumer complaints. This information must be provided electronically, using the "Contact Information Request Update" form found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone> under Service Provider Requirements and Programs. This information must be updated if the name(s), address(es), and telephone number(s) change, or at least annually by June 1 of each calendar year.

11. In addition, Applicant must provide the Commission's Communications Division with the name(s), address(es), and telephone number(s) of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Contact Information Request Update" form found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone> under Service Provider Requirements and Programs. This information must be updated if the name(s), address(es), and telephone number(s) change, or at least annually by June 1 of each calendar year.

12. Applicant must notify the Director of the Communications Division, in writing submitted by e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) no later than five days after service first begins, of the date that local exchange service is first rendered to the public.

13. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.

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14. In the event Applicant's books and records are required for inspection by the Commission or its staff, it must either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

15. Applicant must submit an annual report to the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) in compliance with GO 104-A on a calendar-year basis with the information contained in Attachment C to this decision.

16. Applicant must submit an affiliate transaction report to the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) in compliance with D.93-02-019 on a calendar-year basis using the form contained in Attachment D.

17. Applicant must ensure that its employees comply with the provisions of Pub. Util. Code Section 2889.5 regarding solicitation of customers.

18. Within 60 days of the effective date of this order, Applicant must comply with Pub. Util. Code Section 708 (Employee Identification Cards) and notify the Director of the Communications Division of its compliance in writing, by e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov).

19. If Applicant is 90 days or more late in submitting an annual report, or in remitting the surcharges and fee listed in Item 3 above, and has not received written permission from the Communications Division to file or remit late: the Communications Division must issue a citation pursuant to Res. T-17601. Failure to comply with the issued citation or timely appeal the citation may result in a revocation of the company's operating authority and/or a referral to the CPUC Consumer Protection and Enforcement Division for enforcement action, which could result in additional fines, penalties, or other sanctions.

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**20. Applicant is exempt from Rule 3.1(b) of the Commission's Rules of Practice and Procedure.**

**21. Applicant is exempt from Pub. Util. Code Sections 816-830.**

**22. If Applicant decides to discontinue service or file for bankruptcy, it must immediately notify the Communications Division's Bankruptcy Coordinator.**

**23. Applicant must send a copy of this decision to concerned local permitting agencies no later than 30 days from the date of this order.**

**(END OF ATTACHMENT B)**

# **ATTACHMENT C**

## ATTACHMENT C

### ANNUAL REPORT

In addition to the annual reports requirement pursuant to General Order 104-A, submit the following information electronically via e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) no later than March 31 of the year following the calendar year for which the annual report is submitted.

Failure to submit this information on time may result in a penalty as provided for in Public Utilities Code Sections 2107-2108.

#### Required information:

1. Exact legal name and U # of the reporting utility;
2. Address;
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information;
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept;
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.);  
If incorporated, specify:
  - a. Date of filing articles of incorporation with the Secretary of State; and
  - b. State in which incorporated.
6. Number and date of the Commission decision granting the certificate of public convenience and necessity;
7. Date operations were begun;
8. Description of other business activities in which the utility is engaged;
9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:
  - a. Regulated public utility; or

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**b. Publicly held corporation.**

- 10. Balance sheet as of December 31 of the year for which information is submitted;**
- 11. Income statement for California operations for the calendar year for which information is submitted; and**
- 12. Cash Flow statement as of December 31 of the calendar year for which information is submitted, for California operations only.**

**For any questions concerning this report, please send an e-mail to [cdcompliance@cpuca.ca.gov](mailto:cdcompliance@cpuca.ca.gov) with a subject line that includes: “CD Annual Reports.”**

**(END OF ATTACHMENT C)**



# **ATTACHMENT D**

## ATTACHMENT D

### CALENDAR YEAR AFFILIATE TRANSACTION REPORT

Submit the following information electronically via e-mail to [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) no later than May 1 of the year following the calendar year for which the annual affiliate transaction report is submitted.

1. Each utility must list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the Annual Affiliate Transaction Report.

- Form of organization (e.g., corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the utility (e.g., controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the utility (including type and percent ownership);
- Voting rights held by the utility and percent; and
- Corporate officers.

2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in Item 1 above. The chart must have the controlling corporation (if any) at the top of the chart, the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart, and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary must be clearly noted.

3. For a utility that has individuals who are classified as “controlling corporations” of the competitive utility, the utility must only report under the requirements of Item 1 and Item 2 above any affiliated entity that either: (a) is a public utility; or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (Code

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**of Civil Procedure (C.C.P.) § 2015.5) that the annual report is complete and accurate with no material omissions.**

**5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's Annual Affiliate Transaction Report and verified in accordance with Sections I-F of Decision 93-02-019.**

**6. Utilities that do not have affiliated entities must submit, in lieu of the annual transaction report, an annual statement to the Commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (C.C.P. § 2015.5) that the annual report is complete and accurate with no material omissions.**

**For any questions concerning this report, please send an e-mail to [cdcompliance@cpuca.ca.gov](mailto:cdcompliance@cpuca.ca.gov) with a subject line that includes: "CD Annual Reports."**

**(END OF ATTACHMENT D)**

<b>SERVICE DATE</b> Jun 07, 2023
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PUBLIC VERSION

**PUBLIC SERVICE COMMISSION OF WISCONSIN**Application of Virtu Broadband, LLC for Certification as a Competitive  
Local Exchange Carrier

11221-NC-100

**FINAL DECISION GRANTING CERTIFICATION  
AS A COMPETITIVE LOCAL EXCHANGE CARRIER****Introduction**

On May 25, 2023, Virtu Broadband, LLC (Virtu) filed an application to be certified as a competitive local exchange carrier (CLEC.) ([PSC REF#: 469114.](#)) Virtu, pursuant to Wis. Stat. § 196.203, seeks certification as an alternative telecommunications utility under the “other” category (ATU-other), defined in Wis. Stat. § 196.01(1d)(f), to provide intrastate intralata and interlata toll and local exchange services. A list of parties in this docket may be found in Appendix A.

**Background**

2011 Wisconsin Act 22 (Act 22), also known as the Telecommunications Modernization Act, became effective on June 9, 2011. Act 22 significantly modified Wis. Stat. ch. 196 relating to the regulation of telecommunications utilities and telecommunications services in Wisconsin. Act 22 implements a clear intention to level the regulatory playing field among competitors by imposing similar regulations on competing entities.

In a Final Decision<sup>1</sup> issued July 12, 2011, the Commission granted a recertification to Wisconsin Bell, Inc., d/b/a AT&T Wisconsin that addressed many issues related to the

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<sup>1</sup> See “Final Decision Granting Recertification as an Alternative Telecommunications Utility, *Notice of Wisconsin Bell, Inc., d/b/a AT&T Wisconsin to Terminate Certificate Under Wis. Stat. § 196.50 and Become Certified as an Alternative Telecommunications Utility Under Wis. Stat. § 196.203*, Docket No. 6720-NC-100 (July 12, 2011).

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new recertification process arising from Act 22. Since the AT&T Wisconsin recertification in docket 6720-NC-100 was also as an ATU, the Final Decision in that case addressed the application of the “parity provision” in Wis. Stat. § 196.203(3) (“If the commission imposes a provision of this chapter specified in sub. (4m)(a) on an [ATU] under this subsection, the commission shall impose the same provision at the same level of regulation on all other alternative telecommunications utilities.”). Following on its determinations in docket 6720-NC-100, the Commission also recertified numerous entities, specifically affiliates of CenturyTel, Frontier, and TDS Telecom.<sup>2</sup> Due to the enactment of Act 22 and the above-cited decisions, the Commission will grant this application with a reduced level of regulation subject to the parity provision.

The Commission delegated the issuance of this type of Final Decision to the Administrator of the Division of Digital Access, Consumer and Environmental Affairs based on the guidance provided in previous dockets involving recertification pursuant to the provisions of Act 22.

### **Findings of Fact**

1. Virtu is qualified by the Wisconsin Department of Financial Institutions to do business in Wisconsin.
2. Virtu represents that it has the financial resources, managerial ability, and technical expertise to adequately provide its proposed telecommunications services.

No information to the contrary has come to the Commission’s attention.

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<sup>2</sup> CenturyTel affiliates were recertified ATUs under Wis. Stat. § 196.50(2)(j)1.a., similar to AT&T Wisconsin. Frontier and TDS Telecom affiliates were granted recertification as “telecommunications utilities” pursuant to Wis. Stat. § 196.50(2)(j)1.b.

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3. It is consistent with Wis. Stat. § 196.203(2)(b) to reflect Virtu's certification as statewide in geographical scope.

4. The following statutes must be applied to Virtu: Wis. Stat. §§ 196.01, 196.016, 196.025(6), 196.191, 196.206, and 196.212.

5. The Commission may apply to Virtu's certification a number of statutes: Wis. Stat. §§ 196.02(1), (4), and (5); 196.04; 196.135; 196.14; 196.197(1), (2), and (4); 196.199; 196.207; 196.208; 196.209; 196.218; 196.219(1), (2)(b), (c), and (d); (2r); (3)(a), (d), (j), (m), (n) and (o); 196.25; 196.26; 196.39; 196.395; 196.40; 196.41; 196.43; 196.44; 196.65; 196.66; 196.81; 196.85; 196.858 and 196.859.

6. The Commission finds it in the public interest to impose certain statutes with respect to Virtu's intrastate switched access services, specifically Wis. Stat. §§ 196.03(1) and (6), 196.37 and 196.212; and, with respect to Virtu's wholesale telecommunications services only, Wis. Stat. §§ 196.03(1) and (6), 196.219(4), 196.28, and 196.37.

7. It is not necessary in this Final Decision to determine the application of the parity provisions of Wis. Stat. § 196.203(3) to different types of ATUs.

8. It is not necessary in this Final Decision to interpret the meaning of "switched access service" in Wis. Stat. § 196.01(8e) as that definition relates to Extended Area Service (EAS) and Extended Community Calling (ECC).

9. It is not necessary to address in this Final Decision the potential that historical, informal arrangements with other providers may be changed in light of Act 22.

10. It is reasonable to continue to apply any previous orders, rules, or Commission determinations that are not inconsistent with Act 22.

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### **Conclusions of Law**

1. The Commission concludes it has jurisdiction pursuant to Wis. Stat. §§ 196.02(1), 196.395, and 196.203 to certify Virtu as a competitive local exchange carrier in the ATU-other category. This certification under Wis. Stat. § 196.203(3) and (4m), with the imposition of statutes described above in Findings of Fact Nos. 4, 5, and 6, is in the public interest and complies with applicable law.

2. The Commission has authority under Wis. Stat. § 15.02(4) to delegate to the Administrator of the Division of Digital Access, Consumer and Environmental Affairs those functions vested by law as enumerated above, and has delegated the authority to issue this Final Decision.

3. It is consistent with Wis. Stat. § 196.203(2)(b) in this certification to reflect Virtu's certification as statewide in geographical scope.

4. It is reasonable, in the public interest, and consistent with the Commission's prior decision in docket 6720-NC-100 as applicable here, to act, or refrain from acting, as set forth herein in certifying Virtu under Wis. Stat. § 196.203(2)(a).

### **Opinion**

The Commission concludes that the public interest is best served by imposing on Virtu the same statutes imposed on AT&T Wisconsin in docket 6720-NC-100.

The public interest supports the imposition of the statutes listed in Findings of Fact Nos. 4, 5 and 6. Those statutes contribute to leveling regulation among competitors in the telecommunications service market in this state, thereby removing potentially distorting effects of differential regulation and maximizing competition consistent with Wis. Stat. §§ 133.01 and

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196.03(6)(a). This reduced, “levelized” regulation, when combined with the statewide certification for ATUs effected by Wis. Stat. § 196.203(2)(b), also contributes to the public interest by promoting consumer choice, deployment of telecommunications infrastructure, and efficiency and productivity. *See* Wis. Stat. § 196.03(1) and (6)(b), (e), and (f). Other public interest factors listed in Wis. Stat. § 196.03(6) are either not relevant or outweighed by the foregoing cited factors.

Virtu’s request for certification does not alter some issues identified in docket 6720-NC-100. Specifically, this decision does not resolve the “carry over” issues, or allow for differing treatments, as to the following: (1) the meaning of “switched access service” in Wis. Stat. § 196.01(8e); (2) any changes in treatment or status of historical, informal arrangements between providers in light of Act 22; (3) any application to, or effect on, rights, duties or privileges that Virtu may have under federal law; (4) reservation of a right to seek certificate modifications to continue parity of regulatory treatment; and (5) intended continued application of previous orders, rules or Commission determinations that are not inconsistent with Act 22. *See* Final Decision, docket 6720-NC-100, at 4-5, and 10-11.

The Commission’s issuance of this certification for Virtu is consistent with Wis. Stat. § 196.203, the precedential guidance of the Final Decision in docket 6720-NC-100, and the public interest as framed by Wis. Stat. § 196.03(1) and (6).

### **Order**

1. This Final Decision shall be effective one day after the date of service.
2. Virtu is granted certification as an alternative telecommunications utility as set forth in the certificate below.



Docket 11221-NC-100

196.03(6)(a). This reduced, “levelized” regulation, when combined with the statewide certification for ATUs effected by Wis. Stat. § 196.203(2)(b), also contributes to the public interest by promoting consumer choice, deployment of telecommunications infrastructure, and efficiency and productivity. *See* Wis. Stat. § 196.03(1) and (6)(b), (e), and (f). Other public interest factors listed in Wis. Stat. § 196.03(6) are either not relevant or outweighed by the foregoing cited factors.

Virtu’s request for certification does not alter some issues identified in docket 6720-NC-100. Specifically, this decision does not resolve the “carry over” issues, or allow for differing treatments, as to the following: (1) the meaning of “switched access service” in Wis. Stat. § 196.01(8e); (2) any changes in treatment or status of historical, informal arrangements between providers in light of Act 22; (3) any application to, or effect on, rights, duties or privileges that Virtu may have under federal law; (4) reservation of a right to seek certificate modifications to continue parity of regulatory treatment; and (5) intended continued application of previous orders, rules or Commission determinations that are not inconsistent with Act 22. *See* Final Decision, docket 6720-NC-100, at 4-5, and 10-11.

The Commission’s issuance of this certification for Virtu is consistent with Wis. Stat. § 196.203, the precedential guidance of the Final Decision in docket 6720-NC-100, and the public interest as framed by Wis. Stat. § 196.03(1) and (6).

### **Order**

1. This Final Decision shall be effective one day after the date of service.
2. Virtu is granted certification as an alternative telecommunications utility as set forth in the certificate below.

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3. In the event that future Commission action implicates the parity provisions of Wis. Stat. § 196.203(3) and impacts Virtu's certificate, Virtu shall provide notice to the Commission that it desires to be issued a new certificate reflecting the change in regulation.

4. The Commission retains jurisdiction.

### **Certificate**

Virtu Broadband, LLC, as of the effective date of this Final Decision, is a telecommunications utility per Wis. Stat. § 196.01(10), an ATU per Wis. Stat. § 196.01(1d)(f), certified per Wis. Stat. §§ 196.203(2)(a), and authorized throughout Wisconsin to offer facilities-based and resold intrastate telecommunications services, access services, and all other telecommunications services available for certification.

Virtu Broadband, LLC, shall be subject to the following statutory provisions: Wis. Stat. §§ 196.01; 196.02 (1), (4), and (5); 196.04; 196.016; 196.025(6); 196.135; 196.14; 196.191; 196.197(1), (2) and (4); 196.199; 196.206; 196.207; 196.208; 196.209; 196.212; 196.218; 196.219(1), (2)(b), (c), and (d), (2r), and (3)(a), (d), (j), (m), (n), and (o); 196.25; 196.26; 196.39; 196.395; 196.40; 196.41; 196.43; 196.44; 196.65; 196.66; 196.81; 196.85; 196.858; and 196.859.

With respect to wholesale telecommunications services only, Virtu shall be subject to the following additional provisions of Wis. Stat. ch. 196: Wis. Stat. §§ 196.03(1) and (6), 196.219(4), 196.28, and 196.37.

With respect to its intrastate switched access services only, Virtu shall be subject to the following additional provisions of Wis. Stat. ch. 196: Wis. Stat. §§ 196.03(1) and (6), and 196.37.

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To the extent the Commission later chooses not to impose a provision listed in section Wis. Stat. § 196.203(4m)(a) on any ATU, pursuant to Wis. Stat. § 196.203(3), Virtu shall be provided the same regulatory relief and shall provide notice to the Commission that it desires to be issued a new certificate reflecting that change in regulation.

All regulatory requirements related to Virtu's certification that are not inconsistent with 2011 Wisconsin Act 22 or this certificate, apply to Virtu.

Dated at Madison, Wisconsin, June 7, 2023.

For the Commission:



Joe Fontaine  
Division Administrator  
Division of Digital Access, Consumer, and Environmental Affairs

JF:prj:jac DL:01949539

See attached Notice of Rights

Docket 11221-NC-100

PUBLIC SERVICE COMMISSION OF WISCONSIN  
4822 Madison Yards Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE  
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE  
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. §227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

*PETITION FOR REHEARING*

If this decision is an order following a contested case proceeding as defined in Wis. Stat. §227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

*PETITION FOR JUDICIAL REVIEW*

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.<sup>3</sup> The PublicService Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

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<sup>3</sup> See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

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**APPENDIX A**

The persons listed below are defined by Wis. Admin. Code § PSC 2.02(7), (10), and (12) as parties in this docket and participated therein.

**PUBLIC SERVICE COMMISSION OF WISCONSIN** (not a party but must be served)  
PO BOX 7854  
MADISON WI 53707-7854

**PETER JAHN**  
PUBLIC SERVICE COMMISSION OF WISCONSIN  
PO BOX 7854  
MADISON WI 53707-7854  
PETER.JAHN@WISCONSIN.GOV

**SOPHIA ROGERS**  
PUBLIC SERVICE COMMISSION OF WISCONSIN  
PO BOX 7854  
MADISON WI 53707-7854  
SOPHIA.ROGERS1@WISCONSIN.GOV

**VIRTU BROADBAND, LLC**  
701 PALOMAR AIRPORT ROAD, SUITE 300  
CARLSBAD CA 92011  
CHRIS@VIRTUBROADBAND.COM

*PUBLIC VERSION*

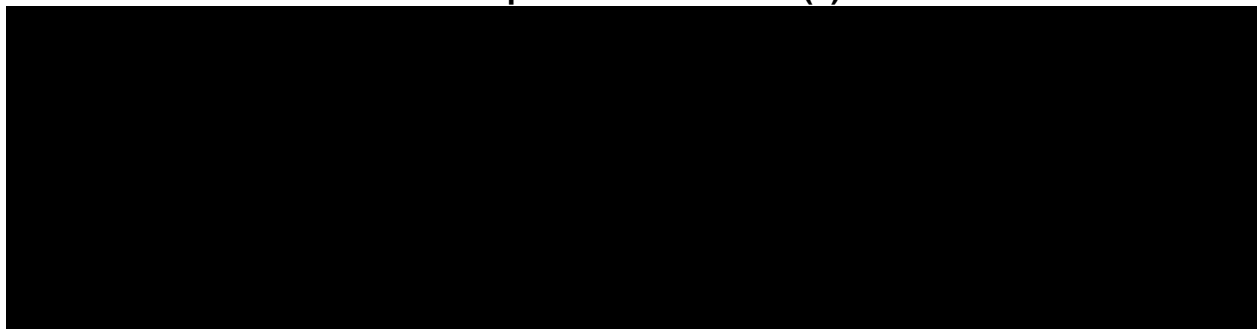
**Confidential Exhibit “C”**

**Response to Item No. 8(a)**

PROPRIETARY CONFIDENTIAL – Filed with Claim of Confidentiality  
Pursuant to FL Stat. § 364.183(3)(f)

**Confidential Exhibit “C”**

**Response to Item No. 8(a)**



## **Managerial and Technical Qualifications of Applicant**

Virtu Broadband, LLC ("Virtu") is well qualified managerially and technically to provide the competitive local exchange and interexchange services for which authority is requested in this Application. Also, Virtu's Board of Advisors include previous or current telecommunications executives whose expertise may be leveraged to ensure the delivery of high quality services. Specific details of the business and technical expertise of Virtu's key officers and management personnel are enclosed in this Exhibit C. This exhibit contains biographies and resumes that describe the business experiences of key management personnel who will be responsible for Virtu's telecommunications services in Florida. As demonstrated by the information contained in this Exhibit, Virtu is managed by persons with extensive experience in the development and facilitation of telecommunications networks. The experience and expertise of Virtu's management team will enable the company's efficient deployment of high-level services for the benefit of Florida consumers.



**Chris Van Ekelenburg**

Oceanside, CA 92056

Phone: (805) 248-8413

Email: [chris@virtubroadband.com](mailto:chris@virtubroadband.com)

**PROFESSIONAL BIOGRAPHY:**

Chris Van Ekelenburg is a proficient telecommunications executive with 15+ years leading fiber optic programs across North America. With an early foundation in engineering outside plant, Mr. Van Ekelenburg successfully managed numerous network deployments for the largest telecommunications providers in the United States. These experiences led Chris to develop a grassroots engineering and consulting business, to support the telecommunications industry.

In 2007, Chris Van Ekelenburg worked as an independent contractor while studying full-time at the University of California, Berkeley. Before graduating with a B.A. in Economics and Political Science, Chris attracted business and mobilized effective teams to engineer telecommunications projects across California. During his tenure at UC Berkeley, Chris joined extra-curricular volunteer programs at Martin Luther King Middle School, where he mentored at-risk youth in the Bay Area. Between his demanding academics and work schedule, Mr. Van Ekelenburg partnered with the San Diego Board of Education to spearhead a gang-prevention volunteer program, Rise Above, to keep less-advantaged high school students from dropping out of school, and subsequently joining gangs in San Diego. A keystone success was overseeing its first mentee get accepted to a 4-year university. This experience underscores Chris' commitment to community and emboldened his vocation to serve the less-fortunate.

By 2014, Chris' experience in the telecommunications industry granted the opportunity to work on a large scale fiber deployment in the Bay Area, where he managed a team of local and international engineering silos. Working cross-functionally in a large corporate environment allowed Chris to make impactful decisions that influenced how the company completed projects. Within six months, the engineering team's permit approval rating skyrocketed, allowing construction to get underway ahead of schedule. Following a successful end of the project, Mr. Van Ekelenburg sought the challenge of having a similar success, but in an unfamiliar jurisdiction.

In 2016, Mr. Van Ekelenburg contracted with the world's largest construction company to hire, train, and develop an engineering staff in North Carolina for a \$MMM fiber deployment. Chris worked with local government, business stakeholders, and internal departments to influence how work was being completed in the state. In 2017, Chris rejected the offer for full-time employment in order to pursue a legal education in Chicago and start his own engineering business.

CalComm Consulting was established in January of 2017 to support fiber optic deployment, and to maintain Chris' aspirations to become a practicing attorney in the telecommunications field. During his 1L studies, Chris sought large engineering projects in California, where his network of employees resided. Inspired by the opportunities 5G would provide, Chris made a decision to leave law school in pursuit of a successful business enterprise.

In 2019, CalComm became an engineering consultant to Merced Irrigation District, a public utility in California's Central Valley. Mr. Van Ekelenburg's company won a bid to engineer a utility-owned fiber optic network, which became the impetus for a larger intent to serve the greater Merced County. In 2021, CalComm was awarded a third phase to further augment MID's network, where the relationship with local jurisdiction continue to thrive. His business grew with more interest in services, and CalComm began onboarding with major ISPs to provide engineering services nationwide. Clients include: Verizon, AT&T, Crown Castle, Sonic, and others.

As an established executive, Chris Van Ekelenburg sought ways to help the world become a more equitable place. He noticed how major ISPs disproportionately invest in network deployment, resulting in increasingly disparate broadband access statistics. As such, there is a societal role to fill in decreasing this gap in access. Subsequently, Mr. Van Ekelenburg developed the brainchild of Virtu Broadband. This company was established in May of 2021, to bridge the broadband access gap and combat the lack of investment in certain communities—where major ISPs fail to prioritize, and where local governments struggle to effectively execute on their own.

**Chris Van Ekelenburg**  
Phone: (805) 248-8413  
Email: Chris@virtubroadband.com

## **EDUCATION**

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**Bachelor of Arts, Economics and Political Science** *May 2014*  
University of California, Berkeley (Berkeley, CA)

## **CERTIFICATIONS**

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Project Management Institute - Project Management Professional (PMP)

## **EXPERIENCE**

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**Co-Founder and CEO – Virtu Broadband, LLC** *2021 - present*

- Based in California, Virtu Broadband was developed to increase broadband access in the less-developed regions of the United States. Currently seeking full facilities-based licensing in California.

**Founder and CEO – CalComm Consulting, LLC** *2017 - present*

- Based in California, our Architecture and Engineering services group is responsible for designing and permitting outside plant applications for major ISPs and local governments. Our internal teams have executed thousands of applications and achieved notable milestones for various fiber programs nationwide. Services include: site survey and analysis, pole loading assessments, make ready engineering, CAD drafting for detailed designs, special permitting, utility relocation and coordination, and construction management.

**Construction Manager – Mastec** *2018 - 2019*

- Based in San Jose, CA. Developed and led a self-perform team, and managed contractors for a large Verizon fiber deployment in the Bay Area. Responsible for deploying hundreds of lateral miles of fiber, with the majority of work being completed on utility poles. Worked with engineering and construction parties to solve complex issues facing a growing department, and managed the third party relationships with local city inspectors to increase approvals.

**Engineering Manager – Bechtel (Google Fiber)** *2016 - 2017*

- Based in Charlotte, NC. Responsible for leading the Engineering department for Google Fiber's program in Charlotte. Directed and coordinated self-performed and subcontracted activities. Performed installation assessments, reviewed designs and as-built drawings. Worked cross-functionally between engineering and construction to resolve field-initiated queries and ensure a cost-effective plant. Oversaw meetings with pole owners, municipalities, and the utility owners regarding engineering standards, designs, and construction requirements. Effectively turned the company from 0% permit approvals to gaining the ability to construct a large fiber optic deployment in under one year.

**Make Ready Engineering Lead – Ericsson (Google Fiber)** *2015 - 2016*

- Based in San Jose, CA. Responsible for performing aerial engineering for Google Fiber's deployment in the Bay Area. Utilized survey data to conduct structural analyses and determine make ready needs for each attachment. Engaged technical knowledge of General

Order 95, National Electric Safety Code (NESC), and local regulations to perform PLA assessments on thousands of poles using O-Calc. Trained and managed the first global business unit in New Delhi.

**Project Manager – AFL Global**

*2014 - 2015*

- Based in California. Managed day-to-day operations of all inspection and design projects for AT&T Pacific West. Initiated first departmental QC process to improve safety and approval ratings to over 400%. Executed all aspects of the bidding process, inclusive of budgetary requirements and tracking thereof. Provided regular written updates on project status to key stakeholders and managed a 20-person team of engineers and surveyors.

**OSP Field Engineer – Engineering Associates**

*2013 - 2014*

- Based in Upland, California. Directly managed AT&T's FTTx, JPA, and ASE projects throughout California. Planned budget, schedule, and resources to execute all design projects. Directed large volume of design scope and responsible for project closeout in Quickbase. Assisted Program Manager to lower overhead by \$90k/month while increasing on-time delivery from under 60% to 98% across all field and design scopes of work.

**Make Ready Engineer / OSPE – Independent Contactor**

*2007 - 2013*

- Based in San Diego, CA. Designed outside plant work orders, including drops and distribution to businesses and residential units. Developed strategy to support FTTH for Verizon FiOS installations. Procured all field information, records, and maps to perform pole loading assessments. Created Make Ready construction packages, and underground construction drawings including: fiber optic cable placement, pedestals, handholes, grounding, etc. Managed the permitting process from design to construction. Worked with numerous service groups to improve quality, and forged meaningful relationships with municipalities to drive value for our clients.

**Scott Shafer**

Flower Mound, TX 75028

Phone: (214) 681-0444

Email: scott@virtubroadband.com

**PROFESSIONAL BIOGRAPHY:**

Scott Shafer serves as Chief Operations Officer and Executive Vice President for Virtu Broadband, LLC.

Scott Shafer is an experienced telecommunications network deployment and operations specialist with a long history of successful fiber deployments all across the country. With a background in fiber engineering and construction management of 15 years, Mr. Shafer has experience working on many of the most successful network deployments of this century.

After starting as a network engineer and autocad drafter in 2007 part time as while attending the University of North Texas, Mr. Shafer transitioned to a full time independent contractor in 2008 to support multiple deployments simultaneously. He put college on hold after completing all coursework to become a high school economics teacher just one semester short of graduating to focus on telecommunications engineering projects. Mr. Shafer would later take night classes to complete his degree in 2017.

As an independent contractor and consultant, Mr. Shafer traveled around the country completing fiber deployment projects in Virginia, California, Texas, Florida, North Carolina and Georgia from 2008 until 2012. During that time, he developed his own engineering programs and software within AutoCAD to expedite the documentation creation processes within the engineering work orders he was contracted to complete. After his time on the road, he developed an affinity for various deployment methodologies and network topologies which allowed him to consult his clients on viable solutions to both routine and complex projects.

In 2013 Mr. Shafer took an internal position with a large cable MSO to understand the operations, budgets, and scaling of outside plant and inside plant systems from a network owner standpoint. During his time with the MSO, Time Warner Cable, he ascended to the role of Texas OSP Lead where he managed all aspects of network deployment, maintenance and documentation. By the end of 2014 he received an opportunity to lead the development of a brand new fiber engineering and construction department within industry giant Ericsson and oversaw their fiber deployment programs on the west coast supporting their large clients; AT&T, CenturyLink, and Google. Mr. Shafer was later brought into Google directly to manage their construction vendors in Texas for their large scale fiber to the home deployments before being headhunted by Black&Veatch to lead their Texas operations for their large fiber to the home deployment contracts with AT&T.

By 2017, Mr. Shafer took his years of experience and started his own company, which consulted to Verizon and AT&T and various other construction companies on fiber based technologies and scaling up large deployments. Mr. Shafer later sold his company to one of his clients and continued to consult with Verizon directly as an independent OSP consultant during this time. Another of Mr. Shafer's clients hired him as a Vice President of Wireline Engineering until Mr. Shafer left the company to pursue goals including Program Management at Quanta Services and development of Virtu Broadband with several former colleagues around the industry.

**SCOTT SHAFER**

Phone: (214) 681-0444

Email: Scott@virtubroadband.com

**EDUCATION**

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**Bachelor of Science, Economics with Education and History**  
*University of North Texas (Denton, TX)*

May 2017

**CERTIFICATIONS**

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Project Management Institute - Project Management Professional (PMP)  
Project Management Institute - Agile Certified Practitioner (PMI-ACP)

**EXPERIENCE**

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**Program Manager - Quanta Services**

2020 - 2022

- Based in Texas, Develop and manage all aspects of fiber deployment including documentation, materials selection, network architecture, processes and training of project management and deployment teams.

**Vice President - WT Group**

2019 - 2020

- Based in Texas, Develop and manage all aspects of fiber deployment including documentation, business development, process development and training of project management and engineering teams.

**OSP Regional Lead - Verizon**

2017 - 2019

- Based in Washington, Develop and manage all aspects of fiber deployment including documentation, materials selection, network architecture, processes and training of project management teams and external deployment vendors while coordinating with internal stakeholders from wireless deployment teams and external stakeholders from municipalities and joint utility pole owners.

**Founder, Owner, and President - Arcturus Telecom, LLC**

2017 - 2019

- Based in Texas, Oversaw all aspects of business development, staff recruiting and training, financial planning, project bidding, workflow management, documentation creation as well as client consulting and vendor onboarding and management. Wrote and negotiated all contracts and scopes of work, as well as built processes, schedules, and quality plans for program delivery. As founder and senior most employee of the organization, I consulted with team leads, but ultimately made every key decision in the best interest of the business needs including sale of company to Hylan, LLC and management post sale.

**Market Operations Lead - Black & Veatch**

2016 - 2017

- Based in Texas, Served as internal subject matter expert for fiber to the home deployments across the state of Texas and Oklahoma. Managed and trained a team of over 30 direct reports to engineer and permit the deployment of 20-30 miles of fiber optic cabling per week.

**OSP Lead - Google Fiber** 2016

- Based in Texas, Manage all aspects of fiber deployment including documentation, materials selection, network architecture changes, process improvements and training of external deployment vendors and collaborating with local municipalities.

**Engineering Lead - Ericsson** 2014 - 2016

- Based in Texas, Manage all aspects of fiber to the home deployments including documentation, process improvements and training project engineering and management teams while interfacing with local municipalities.

**Lead OSP Designer - Time Warner Cable (Now Spectrum)** 2013 - 2014

- Based in Texas, Manage all aspects of fiber deployment and documentation of existing networks, including cell tower backhaul and fiber to the business construction across the state of Texas. Developed processes and managed vendors while coordinating with internal and external stakeholders of all levels.

**OSP Engineer - Nexlink Communications / Wellsco Inc / Various Contracts** 2007 - 2012

- Based in Texas and Virginia and Florida, Manage all aspects of fiber engineering projects including materials selection, permitting, as well as documentation and network database creation. Worked primarily as an independent contractor while designing projects for all outside plant needs.

**Chris Roth**

1439 Newport Avenue, San Jose, CA 95125

Phone: (408) 499-0025

Email: chrisroth408@gmail.com

**PROFESSIONAL BIOGRAPHY:**

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Chris Roth serves as Vice President, Market Development for Virtu Broadband, LLC.

Chris Roth is an experienced legal operations, compliance, and public affairs professional and a former candidate for San Jose City Council in District 6, which includes the neighborhoods of Willow Glen, Rose Garden, and Santana Row. As Legal Operations Lead at Viavi Solutions Inc, a global provider of network and fiber test, monitoring, and assurance solutions and 5G technology, Chris helps oversee corporate social responsibility efforts, information governance, equity compliance, legal technology initiatives, and team development. Prior to his time at Viavi Solutions Inc, Chris served as Senior Paralegal, Government Affairs at Silicon Valley Bank. In addition to his work in the tech industry, Chris is quite passionate about civic engagement and making an impact in the community. During the 2018 election cycle, Chris served on the finance committee of California Governor Gavin Newsom's gubernatorial campaign and has held advisory and fundraising roles on multiple political campaigns and entrepreneurial endeavors in the Bay Area over the last two decades. Chris currently serves as Board Chair of the Willow Glen Community Extended Day Enrichment Program as well as on the Executive Board of the Willow Glen Elementary School PTA. Chris has also recently served as Chair of the San Jose Library and Early Education Commission and as President of the Willow Glen Neighborhood Association.

As candidate for San Jose City Council, Chris received endorsements from California Governor Gavin Newsom, California Treasurer Fiona Ma, Former San Jose Vice Mayor Madison Nguyen, California Board of Equalization Chair Malia Cohen, Former San Francisco Mayor Mark Farrell, and many other civic leaders.



**Chris Roth**

1439 Newport Avenue, San Jose, CA 95125

Phone: (408) 499-0025

Email: chrisroth408@gmail.com

**EXPERIENCE:**

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**Legal Operations Lead, Viavi Solutions Inc.**

**(formerly JDS Uniphase Corp.), San Jose, CA**

*October 2016 - present*

- Manage department technology and process improvement initiatives relating to e-discovery/litigation, e-billing & invoice management, data governance, Board of Directors administration, and other special projects; liaise with IT's senior leadership team and various operational divisions throughout the cross-functional testing and implementation of these efforts
- Provide organizational, operational, and strategic support to the General Counsel to help optimize the legal department for the decade ahead
- Oversee response to and compliance of all service of process and time-sensitive court orders received by the company; also assist with confidential special investigations (HR), regulatory compliance, and litigation/discovery needs
- Lead ongoing and long-term document retention and information governance efforts
- Serve as department liaison with the finance department for the purposes of budget management, financial planning, and equity/stock administration

**Candidate, San Jose City Council – District 6**

*September 2015 - June 2016*

- Ran full-time for local elected office in a district of nearly 100,000 residents in San Jose, California
- Attended multiple public candidate forums and countless endorsement interviews with various interest groups, clubs, and organizations; also knocked on thousands of doors throughout the campaign
- Participated in the District 6 Voter Information Transparency Project, during which I reviewed hundreds of San Jose City Council memos and staff reports over the course of eight months and took positions on 61 actual City Council items ranging from land use to homelessness

**Senior Paralegal, Government Affairs,**

**Silicon Valley Bank, Palo Alto, CA**

*April 2011- October 2015*

- Litigation, Legal Process, Human Resources: oversaw response to and compliance of all corporate legal process (subpoenas, levies, HR disputes, garnishments, court orders, etc.), tracked discovery deadlines, reviewed document productions, facilitated settlement payments, drafted litigation reports
- Intellectual Property, General Paralegal Support, Special Projects: managed domestic and international intellectual property filings and deadlines, oversaw the company's economic development and government incentive agreements and related compliance, coordinated with outside counsel on corporate matters, assisted various departments with regulatory compliance
- Vendor Management, E-Billing, and Financial Planning: served as company administrator of e-billing systems Serengeti (now Thomson Reuters Legal Tracker) and SimpleLegal,

tracked spending trends & analytics, generated legal spend reports, oversaw monthly and quarterly legal spend accruals, assisted with law firm relationship management

- Business Licenses: worked with local municipalities to acquire and renew the company's business licenses at over two dozen locations
- Government Affairs: organized over 50 policy roundtables and fundraisers featuring members of the United States Congress, conducted legislative research, met frequently with federal, state, county, and local elected officials as well as trade organizations to discuss public policy and land use pertinent to the company

**Account Executive, TERIS (now Inventus), Palo Alto, CA**      *December 2008 - March 2011*

- Provided e-discovery and litigation support to dozens of legal professionals throughout Silicon Valley
- Supported the company's highest revenue-producing account manager in all aspects of his daily operations and interaction with clients
- Assisted with the oversight and completion of time-sensitive tasks such as digital productions, database management, e-discovery, document review, and forensic collections

**Assistant Vice President, Corporate Paralegal, United Commercial Bank**

**(now East West Bank), San Francisco, CA**

*September 2005 - November 2008*

- Prepared and submitted SEC disclosure and corporate regulatory filings on behalf of the company; such filings included proxy statements, Section 16 filings, financial disclosures, trademark applications, and annual reports
- Served as contract administrator for the Legal Department
- Managed the company's stock option plan, executive stock ownership reports, insider trading communications, Code of Conduct training, and D&O questionnaires
- Maintained corporate records, subsidiary filings, and international filings
- Researched and responded to various company-wide legal matters affecting various regions of the country

**EDUCATION:**

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University of San Diego, San Diego, CA

- Bachelor of Arts in Philosophy, minor in Spanish
- St. Ignatius College Preparatory, San Francisco, CA

**VOLUNTEER EXPERIENCE & CIVIC INVOLVEMENT:**

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- Candidate, San Jose City Council – District 6 (2015 - 2016)
- Executive Board Member, Willow Glen Elementary PTA (2017 – present)
- Volunteer & Creek Wader, South Bay Clean Creeks Coalition (2013 – present)
- Member, Our Avenue Committee, Willow Glen Business Association (2014 – 2017)
- Chair and Member, San Jose Library and Early Education Commission (2012 – 2017)
- President and Board Member, Willow Glen Neighborhood Association (2012 – 2016)
- Member, Lincoln Avenue Road Diet Working Group (2014 – 2016)
- Member, Government Relations Committee, Transportation Policy Committee, and Working Council, Silicon Valley Leadership Group (2013-2015)

## Eric Thompson

Phone: (407) 301-9841

Email: et.ospe@gmail.com

### SKILLS

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National Level Organization Management

14+ Years experience in Outside Plant

Executive Level Operational Responsibilities

Experienced Business Developer & Client Relations Manager

### EXPERIENCE

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Eric Thompson serves as Executive Vice President, Network Deployment for Virtu Broadband, LLC.

#### **Integra Design Group, LLC, Chicago, IL – Chief Operating Officer** *July 2020 – Present*

- Responsible for day to day operational management for the organization.
- Develop New business opportunities Nationally (US).
- Responsible for sourcing new clients, vendors and both internal & external resources for production.
- Responsible for operations management, P&L, annual budgets and profitability of all business units.
- Responsible for Engineering activities of all vendors
- Responsible for curating strong relationships with customers, vendors, and resources to sustain growth.

#### **Decisive Communications, Ijamsville, MD – Director of Organizational Development**

*February 2019 - July 2020*

- Responsible for developing processes and procedures for all markets and business units
- Develop New business opportunities across the Eastern U.S.
- Responsible for sourcing new clients, vendors and both internal & external resources for production.
- Responsible for operations management, P&L, annual budgets and profitability of several business units.
- Responsible for Engineering activities of all vendors
- Responsible for lowering total cost of turn-key OSP & ISP services through efficiency and process improvement

#### **Hylan Group, Holmdel, NJ – Vice President of Engineering** *January 2018 - February 2019*

- Responsible for all Engineering & Design activities for domestic and global markets
- Develop Engineering teams in New Jersey, Chicago, Dallas, Florida and Arizona
- Responsible for Hiring, Training, Directing and garnering production from team of Managers, Supervisors and production staff (30+ as of August 2018)
- Responsible for all Business Development team for U.S. opportunities
- Responsible for operations management, P&L, annual budgets and profitability of team

- Responsible for Engineering activities for all Hylan subsidiary companies
- Responsible for lowering total cost of turn-key Engineering services through efficiency and process improvement

**Ledcor Group, Austin, TX – Director of U.S. Engineering** *July 2017 – January 2018*

- Responsible for all Engineering & Design activities for domestic U.S. Markets
- Establishment of Engineering Team in Austin, Chicago & Kentucky
- Responsible for Hiring, Training, Directing and garnering production from team of Managers, Supervisors and production staff (20+)
- Integral part of Business Development team for U.S. opportunities
- Responsible for operations management, P&L, annual budgets and profitability of team

**B2 Innovation, Cartersville, GA – Vice President of Engineering** *January 2016 - July 2017*

- Oversee Design & Engineering Operations across all clients in the company portfolio
- Create efficiency in the Production Workflow to maximize output and minimize costs
- Perform process and procedure updates to better synchronize all team members and managers
- Head up Client Servicing for existing customers with focus on building long term relationships
- Establish new business opportunities through networking and demonstration
- Implemented Quality Control methodologies to improve overall product
- Establish and maintain system of metrics tracking and analysis

**Summit Broadband, Orlando, FL – Fiber Design Manager** *January 2015 - January 2016*

- Spearheaded development of Quality Control and Design Procedures
- Reverse Engineered existing network to provide full documentation
- Planned infrastructure routes for greatest efficiency
- Converted existing paper records into Bentley V8i system
- Introduced new design procedures, saving 17-22% in construction costs
- Engineered a distribution network to cut materials and labor costs for greater productivity and lower operational expense
- Managed 5-8 employees & contractors at any given time

**Hylan Datacom & Electrical, Maspeth, NY – Director of Design**

*August 2013 - December 2014*

- Built design department from the ground up, including sourcing talent, providing training and establishing quality control procedures
- Oversaw the design and Engineering of a Fiber overbuild in Manhattan, NY
- Created and documented detailed customer specifications for construction and engineering
- Undercut estimated design costs by approximately 27% in 2014
- Conducted client meetings as needed

**QualiSource, LLC, Kissimmee, FL – Owner / Founder**

*February 2012 - August 2013*

- Owned and operated design and engineering startup subcontracting firm

- Provided fiber optic design, quality control, training and consulting services for the OSP/CATV/Telecommunications markets
- Full working knowledge of Fiber Distribution architectures (FTTn, Fttx, EPON, GPON, HFC, FTTcs)
- Standardized deliverables for client cost benefit
- Managed team of up to 40 employees and contractors

**Rainbow Design Services, Jeffersontown, KY – Fiber Design Manager**

*January 2011 - January 2012*

- Operated fiber production group for FTTn network documentation projects
- Worked closely with clients on all projects to maintain specifications
- Hired, Trained and Managed team of 8-10 employees
- Developed documentation for splicing and field notation
- Microstation/Bentley v8i, AutoCAD, Vizio

**AT&T, Blue Island, IL – Fiber Designer**

*October 2007 - December 2011*

- Design and Drafting for AT&T U-Verse Project (FTTN)
- Designed locations, cable routing and fiber splicing details for new OSP Equipment and required construction
- Full working knowledge of telecom OSP principles and design implementation
- Worked closely with up to 14 Engineers and Managers on various projects
- Developed templates standardized formatting for permit submissions to improve overall turn-around on city projects
- Selected to design special projects by management, including new approaches for placing and mounting fiber cabinets, unusual terminal placements and long-lead time permit designs

**REFERENCES**

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- Available upon Request.

**David Rottmayer**

Phone: (870) 656-9825

Email: drottmay08@gmail.com

**PROFESSIONAL BIOGRAPHY:**

David Rottmayer serves as Vice President, Construction for Virtu Broadband, LLC

Mr. Rottmayer has been in the telecommunications industry for 43+ years and has designed, built, and operated wireline & wireless globally. He is a recognized trainer and expert in FTTx design and deployment, having been an early leader in deploying these technologies. His background lends to quickly understanding not only the technical but also, the business – financial and product - needs within telecommunications. While not only understanding the wireline side but also how to create hybrid environments that complement the business needs.

Mr. Rottmayer has written and published several articles on the subject of FTTH as well as having designed, deployed, and operated FTTH and other telecommunications networks worldwide.

**David Rottmayer**

(870) 656 9825

drottmayer08@gmail.com

**SKILLS:**

- International Level Organization Management
- 43+ Years' experience in Telecommunications
- 30+ Years' Executive Level Operational Responsibilities

**EXPERIENCE:**

David Rottmayer serves as Vice President, Construction for Virtu Broadband, LLC

**Telenest LLC, Lead Hill, Arkansas — Consultant**

April 2021 - Present

- Developing Broadband strategies for State Level US Treasury and USDA grant / loan programs
- Developing High Level and Low-Level designs for various outside plant and wireless customers
- Developing training materials and hands-on labs for major MSO

**NATCO Communications, Flippin, Arkansas — Director of Operations**

June 2019 – April 2021

- Responsible for the construction, replacement, removal, and maintenance of approximately 1,507 miles of copper and 494 miles of fiber aerial and underground plant with over 4,172 Active Broadband Customers and 4,298 access lines covering over 763 square miles. Overseeing (6) central offices and (51) active remote wiring centers.
- Responsible for the design and installation of all major and minor fiber programs enabling a continued roll out of advance broadband services to our customer base, inclusive of Fiber to the Home (FTTH). Responsible for the design and installation of the copper cable plant, enabling supplying Asymmetrical Digital Subscriber Line (ADSL2+) and Vector Digital Subscriber Line (VDSL) to our customer base.
- Responsible for development of annual Operations capital budgets, on average \$3.6-\$5.2M, inclusive of new builds, maintenance programs, central office, switching, transport, access, IT, facilities, and fleet. Developing all construction and central office budgets for new build programs both general fund and government grants.
- Responsible for the successful award for NATCO ReConnect 2 grant as well as AR-CARES grants, inclusive of identifying, creating budget, engineering, and build program.
- Responsible for engineering, construction, project management, and budgeting for RUS Loan projects.
- Responsible for the company voice network, inclusive of Session Initiation Protocol (SIP), Voice over IP (VoIP), and Circuit switched. Responsible for the circuit switch

OCx/DSx circuits, leased circuits, special circuits, and System Signaling 7 (SS7) services.

- Responsible for the company Internet connectivity platforms and Direct Internet Access (DIA) circuits and services.
- Responsible for all company Central Office Equipment (COE), customer premises equipment, inclusive of Broadband WiFi services within their premises.
- Responsible for the project management and planning for all network infrastructure upgrade programs.
- Responsible for ensuring compliance with Rural Utility Service (RUS) codes and bulletins, safety specifications, and corrective/preventative maintenance programs for all Plant, COE, and facilities.
- Responsible for all Plant, Construction, Engineering, Central Office, Information Technology, Facilities, and Fleet personnel and budgets.
- Responsible for development and maintenance of records to allow references, analysis, and monitoring of plant components and equipment.
- Responsible for preparing the forecast and purchasing of network growth requirements, equipment, tools, fleet, and supplies

**Surflin Communications Limited (Ghana), Accra Ghana — *CEO***

October 2017 – October 2018 (Contract)

- Responsible for the first LTE network in Ghana
- Full P&L responsibility; oversaw team of 175, technical, accounting, sales, and human resources.
- Design and deployed over 272 eNodeB (Nokia (ALU)/Huawei); ALU EPC;
- Providing wireless broadband to a base of 1.6Million with approximately 5% penetration

**Unicorn Communications, Inc. Tulsa Oklahoma — *Consultant***

October 2016 – October 2017

- Consulted with Belize Telemedia Limited (BTL) on their nationwide (8,867 square miles) Broadband Fiber to the X (FTTX) deployment, nationwide transport fiber optical network with dense wave division multiplexing (DWDM) upgrade, and placement of submarine fiber optic cable to interconnect mainland and islands
- Conducted Telecommunications Project Management training with Triangle Communications in Harve Montana.
- Conducted numerous training courses on Broadband technologies (FTTx, Fixed Wireless, and LTE), Project Management, and Outside / Inside Plant Engineering in USA, Singapore, Nigeria, Ghana, Uganda, Pakistan, India, Maldives, Fiji, Malaysia, Egypt, Saudi Arabia, Bahrain, UAE, and South Africa.
- Consultant to ECFiber (Vermont) on their broadband fiber to the home deployment

**Ericsson, Plano Tx/San Jose CA/ Stockholm Sweden — *Director of Operations***

August 2014 – October 2016

- Responsible for setting up from scratch Ericsson Fiber and Outside Plant program support team



- Costing and capturing of several OSP Broadband programs worth more than USD1Billion
- Establishing, hiring, and execution of OSP Fiber program for Google Fiber in San Jose Metro area; P&L responsibility for total of 725Million program; All engineering, permitting, purchasing, and construction of over 4,000 miles of Broadband FTTH fiber network infrastructure (representing over 550K HHP)
- Development of new techniques, standing for a cost reduction for program execution, inclusive of LiDAR, GPR, and GIS

**Unicorn Communications, Clearwater Florida — Consultant**

August 1997 – August 2014

- As principal owner, had full P&L responsibility for the company, turning it into a \$30M annual revenue company. Sold company to Ericsson (Sweden) in 8/14.
- Responsible for the bidding and capturing all major projects for the company.
- Development and execution of Business & Marketing plans for various USA and Global Telecommunications and Broadband companies, inclusive of Business Plans, Marketing Plans, Costing Models, and Operational Delivery Models
- Corrected jeopardy project for Windstream/KDL Arkansas fiber-to-the-tower for Verizon program
- Took over several jeopardies build programs and companies, correcting them and turning over for standard day-on-day operations with various companies.
- Ran many COE, OSP, and Wireless build programs for AT&T, LUS, WorldCom, Telfort, Nortel, Ericsson, Lucent, US Wired, MCI, BT, Cable & Wireless, Winstar, Teleglobe, ARINC, Swisscom, and federal government (DoS, DoD, DoE, DoJ, etc.)
- Acted as Contract COO for Winstar NDMO Asia Pacific, while designing and building fixed wireless network within Hong Kong, Tokyo, Singapore, and Bangkok
- Developed a Broadband Fixed Wireless feasibility study and later set up and operated as COO, the Broadband Fixed Wireless company in Port Harcourt, Nigeria
- Developed a TDA Feasibility study for placement of a broadband and transport fiber optic network in Afghanistan, inclusive of engineering, financials, and market analysis.

**Fibernet Telecom Group, New York, New York — CTO**

June 1996 – July 1997 (Contract)

- Start-up company – engaged to design and build the network as well as establish the operations for the company.
- Designed, build, and operation of broadband fiber optic network within downtown Manhattan and various high rises for a Start Up Capacity Access Provider (CAP)
- Identification and selection of all technology and equipment within company (data, transmission, OSS/BSS, NOC, Corporate Finance, Engineering, Survey, etc.)
- Establishment and management of NOC, Field Services, Engineering, Operations, Customer Services and Corporate Services

**Cignal Global Communications, Cambridge MA — CTO**

May 1995 – June 1996

- Start-up company – engaged to design and build the network as well as establish the operations for the company.

- Using patented advanced algorithms over ATM for transmission of voice and data globally (USA – MA, NY, IL, CA); London; Amsterdam; Bangalore India; Hong Kong; Tokyo

**Pacer International, Del Ray Beach, Florida** — *Vice President – Engineering and Network Deployment*

March 1992 – April 1995

- Various broadband fiber optic programs within the USA and Europe

**Saudi Aramco, Dharan Saudi Arabia** — *Program Director*

July 1989 – March 1992

- Design and deployment of broadband fiber optic systems within the Eastern Province, Riyadh, and Jizan of Saudi Arabia

## **REFERENCES:**

Available upon Request.

**ROBERT THOMPSON**

Oak Lawn, IL

60453 Phone:

(708) 267-1327

Email: rthompson@virtubroadband.com

**PROFESSIONAL BIOGRAPHY:**

Robert Thompson currently serves as President and Founder of Progressive Financial Planning Services, Inc., a private financial planning and asset management firm in the suburbs of Chicago, IL. His 40 years of experience in the financial sector include tenures with MB Financial as Vice President of Institutional Trust, Union Bank of California, Head of Institutional Trust for LaSalle Bank, N.A., Department Head of the Public and Taft-Hartley Funds Division at Northern Trust Company, and as a Trust Officer in the Bond Trustee Division at Continental Bank and Trust.

Mr. Thompson earned a BS in Accounting from the University of Illinois and an MBA in Finance from Keller Graduate School of Management.

Bob is a member of the Institute of Certified Bankers and holds the Certified Retirement Services Professional (CRSP) designation as well as the Certified Financial Planner (CFP) designation with the Certified Financial Planner Board of Standards. In addition, Bob is an Accredited Investment Fiduciary (AIF).

**POSITION:**

Robert Thompson serves as Chief Financial Officer for Virtu Broadband, LLC

**JACOB BOTHA**

Port Elizabeth, South

Africa

Email: [jbotha@virtubroadband.com](mailto:jbotha@virtubroadband.com)

**PROFESSIONAL BIOGRAPHY:**

Jacob Botha is a high-spirited entrepreneur, inventor and product manufacturer. He's a strategic thinker and problem solver with over 24 years of global experience in the telecommunications industry.

Jacob is a co-owner in Keltech Network Innovations, a deployer of hybrid communications and low voltage DC networks, and Netul Projects, a manufacturer of telecommunications network equipment. Jacob is a patent holder for innovating products from both organizations, and has used his wealth of knowledge in network deployment and low voltage power systems to develop modern solutions for the increasing demand of broadband services in the United States.

Mr. Botha is currently pursuing a degree in Psychology at Open University UK

**POSITION:**

Jacob Botha serves as Director of Network Technology for Virtu Broadband, LLC

**Anthony Ortolani**

Gainesville, GA 30501

Phone: (404) 909-7587

Email: aortolani@virtubroadband.com

**PROFESSIONAL BIOGRAPHY:**

Anthony is presently Vice President of Business Development North & South America for WaveTech Group, a provider of backup battery power & active monitoring systems.

He has over 25 years experience in the telecommunications industry working in the infrastructurespace as well on the operator side. With a background in cellular tower site ownership and operations, Mr. Ortolani has experience negotiating contract terms and agreements for network deployments. His knowledge of tower site management and generation of revenue streams from neutral host business models is a welcome addition to Virtu Broadband.

Mr. Ortolani has held C level positions in both and as an entrepreneur with several tower companies in the US and Asia, and has prior experience in Capital Fundraising through various ventures. Having personally created and sold several successful companies in the telecommunications space, Anthony Ortolani will guide the Virtu Broadband team towards strong valuations.

**POSITION:**

Anthony Ortolani serves as Director of Investor Relations for Virtu Broadband, LLC

**TAMARA OSTRANDER**

Flower Mound, TX 75028

Phone: (214) 244-9492

Email: tamaramai1517@gmail.com

**PROFESSIONAL BIOGRAPHY:**

Tamara Ostrander serves as Director, Community and Education for Virtu Broadband, LLC.

Tamara Ostrander is an accomplished and award-winning educator. Tamara has spent 13 years in education in the Lewisville Independent School District in Lewisville, Texas. Ms. Ostrander has also worked in the telecommunications industry since 2020 with Sirius Technical Services as a Project Manager and GIS Designer.

A Native of Lewisville, Texas, Ms. Ostrander graduated from Lewisville High School. She earned her Bachelor of Music Education and Mathematics degree with Magna Cum Laude from Texas Tech University in Lubbock, Texas. While at TTU School of Music, Ostrander performed with the Symphonic Wind Ensemble, Jazz Band 1 and TTU's premier saxophone quartet. Her quartet performed in many saxophone conferences around the country and was a finalist in the prestigious Coleman Chamber Ensemble Competition in Pasadena, CA in 2008. She also received the Texas Music Educators Association's Student Teaching Scholarship in 2009. She completed her Masters Degree in Education from University of Texas at Arlington in 2019 in Educational Leadership and Policy, Summa Cum Laude.

As an educator, Tamara not only was a classroom teacher for 13 years, but worked as a Department Chair, New Teacher Mentor, and District Curriculum Writer for Mathematics. Tamara created and facilitated a myriad of community events for her campus and district. The "Block Party" that she started in 2015 became the blueprint for the district for community outreach for the beginning of the school year. It became the way to connect the school with their community in supplying translators for Chin/Burmese and Spanish speaking families, information for clubs and organizations, connection to free school services, set up for family and parent services including night school sign-ups for GED programs for parents, clothing and food services for underserved families, and free community dinner and pep rally. Ms. Ostrander helped create the College and Career Week on her campus that connected community members with students at her Title 1 campus. Tamara also served as the first site coordinator in her district for the St. Jude Math-a-thon raising thousands of dollars for St. Jude Children's Research Hospital in their first year.

In June 2018, Tamara was awarded the FC Dallas and CoServ Teacher of the Month for the Dallas-Fort Worth Area. Tamara was the Teacher of the Year on her home campus in 2018-2019 and a finalist for Lewisville ISD that same year. In 2019, Ms. Ostrander was awarded the Texas PTA Secondary Teacher of the Year for her work with her local community, school, and PTA.

**TAMARA OSTRANDER**

2908 Trailwood Lane, Flower Mound, TX 75028

Phone: (214) 244-9492

Email: tamaramai1517@gmail.com

**EDUCATION**

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**Masters in Educational Leadership and Policy** Dec 2020

*University of Texas at Arlington* (Arlington, TX)

GPA 4.00

**Bachelor of Music Degree, Music Education** May 2009

*Texas Tech University* (Lubbock, TX)

*Magna Cum Laude*- GPA 3.834/4.00

- Saxophone Concentration
- Minor in Mathematics
- Honors Endowed Scholarship
- Wind Studies Music Scholarship

**CERTIFICATIONS**

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PRINCIPAL AS AN INSTRUCTIONAL LEADER EC - 12

MATHEMATICS 7-12

ESL Supplemental EC -12

MUSIC EC-12

**TEACHING EXPERIENCE**

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**HUFFINES MIDDLE SCHOOL (Lewisville ISD)** August 2014 - January 2022

- Math Teacher (7th PAP, 8th grade on-level, 8th grade Math Lab, Algebra 1 Pre-AP)
- Math Department Chair
- New to Campus Teacher Mentor
- National Junior Honor Society Co-Sponsor
- 8th grade Math Lewisville ISD Curriculum Writer
- Block Party Facilitator
- St. Jude Math-a-thon Site Facilitator

**FORESTWOOD MIDDLE SCHOOL (Lewisville ISD)** August 2009 – June 2014

Associate Band Director

**HONORS AND ACHIEVEMENTS**

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Texas PTA Secondary Teacher of the Year, 2019

Lewisville ISD Secondary Teacher of the Year Finalist, 2018-2019

Teacher of the Year, Huffines Middle School, 2018-2019

FC Dallas and CoServ Teacher of the Month, June 2018

Teacher of the Month, Huffines Middle School, May 2018

Teacher of the Month, Huffines Middle School, January 2016

Teacher of the Year Finalist, Huffines Middle School, 2016-2017

Texas Music Educators Association, Student Teacher Scholarship, 2009

**TELECOMMUNICATIONS EXPERIENCE**

**SIRIUS TECHNICAL SERVICES**

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Project Manager / GIS Designer

February 2020 - Present



*PUBLIC VERSION*  
**Confidential Exhibit “E”**

**Financial Statements**

PROPRIETARY CONFIDENTIAL – Filed with Claim of Confidentiality  
Pursuant to FL Stat. § 364.183

**Confidential Exhibit E**

**Financial Statements**

Applicant affirms that it has sufficient financial resources and qualifications to operate and render telecommunications service in the State of Florida and provides, as this Confidential Exhibit "E," pro forma financial documentation demonstrating Applicant's financial ability to do the same.

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

VIRTU BROADBAND, LLC  
Application for Certificate to Provide  
Telecommunication Service in Florida

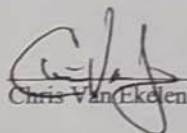
February 21, 2024

AFFIDAVIT of  
CHRIS VAN EKELENBURG

I, Chris Van Ekelenburg, do hereby attest to the following:

1. My name is Chris Van Ekelenburg, and I am the Chief Executive Officer of Virtu Broadband, LLC. I have served in the role of Chief Executive Officer since the company's formation in 2021.
2. Virtu Broadband, LLC does not possess audited financial statements to include with its Application for Certificate to Provide Telecommunication Service in Florida.
3. In lieu of audited financials, I am submitting this affidavit that the attached financials were reviewed and prepared by Edna Thompson.
4. To the best of my knowledge, the financial statements and all information provided in the financial statements are accurate, true, and complete.

Signature of Affiant

  
Chris Van Ekelenburg

Date

3/1/24

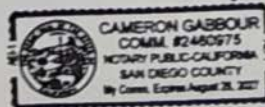
Notary Public

  
Signature of Notary Public

Printed Name of Notary Public

Notary Public, State of California

My Commission expires: August 26, 2027



***PUBLIC VERSION***

**Virtu Broadband LLC**

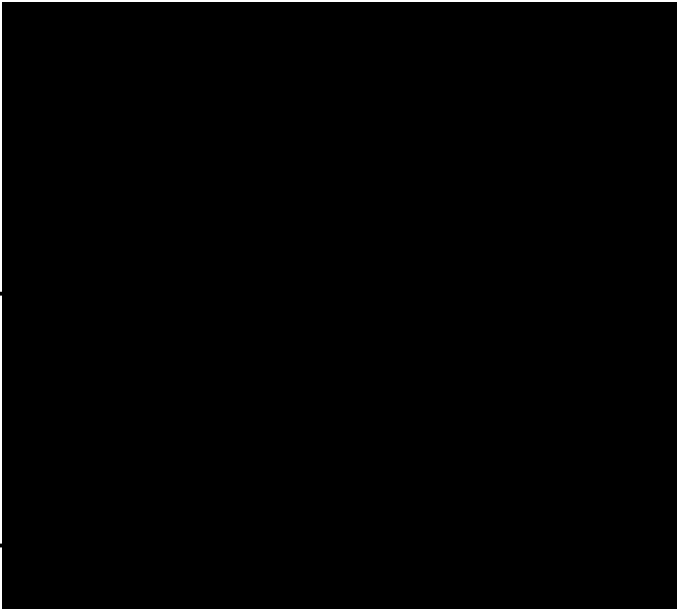
**PRO FORMA FINANCIAL STATEMENTS**

All currency figures denoted in USD000\$s unless stated otherwise.

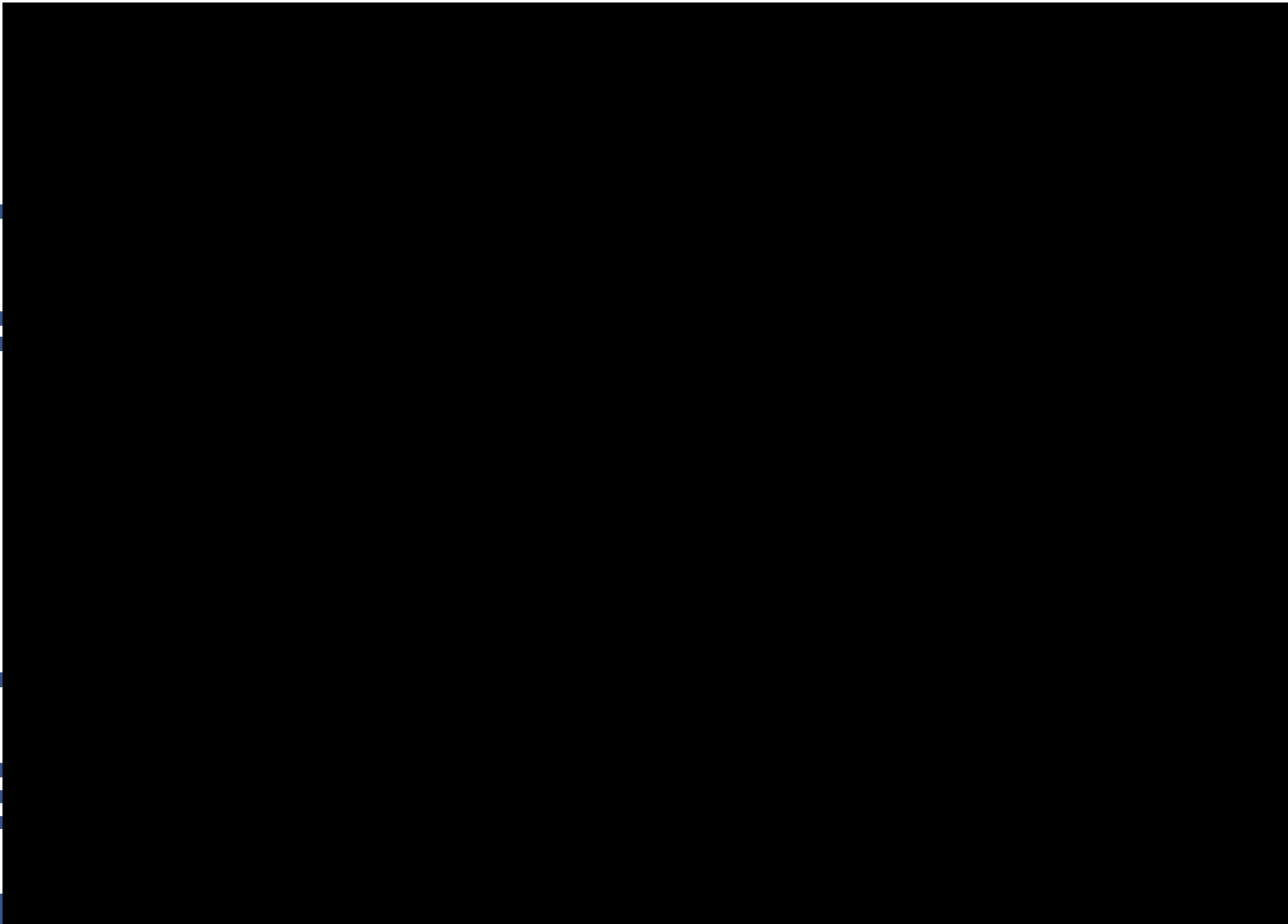
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**STATEMENT OF OPERATIONS AND COMPREHENSIVE INCOME**

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	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<b>Revenue</b>				
Costs and Expenses:				
Operating (Excluding depreciation and amortization)				
Selling, general, and administrative				
Depreciation and amortization				
<b>Total Cost and Expenses</b>				
Income from Operations:				
Interest, expense				
Income Tax				
<b>Net Income</b>				

<b>OPERATING REVENUE</b>
RESIDENTIAL CIRCUITS
BUSINESS (NON-ENTERPRISE)-PREMISES
NON-RECURRING REVENUE
<b>TOTAL OPERATING REVENUE</b>
CONSTRUCTION CAPITAL
<b>CONSTRUCTION CAPITAL</b>
<b>OPERATING REVENUE and FUNDING PROCEEDS</b>
<b>OPERATING EXPENSES</b>
<b>INFRASTRUCTURE/ASSET EXPENSES</b>
DarkFiber Backhaul
Data Center Colocation Costs
SPS Fees
OPS Team Costs/month
Legal / CLEC Costs
Insurance Costs
Infrastructure Reserve
Contingency (Other Exp)
<b>INFRASTRUCTURE MAINTENANCE RESERVE</b>
<b>NETWORK MANAGEMENT</b>
Network Operations OSS/
BSS Costs Marketing/
Awareness Other Expenses
<b>PREMISE ACTIVATION COSTS</b>
<b>PREMISE ACTIVATION COSTS</b>
<b>CONSTRUCTION COSTS</b>
<b>Income less Operating Expenses</b>



**OPERATING REVENUE**  
RESIDENTIAL CIRCUITS

BUSINESS (NON-ENTERPRISE)-PREMISES

NON-RECURRING REVENUE

**TOTAL OPERATING REVENUE**

CONSTRUCTION CAPITAL

**CONSTRUCTION CAPITAL**

**OPERATING REVENUE and FUNDING P**

**OPERATING EXPENSES**  
**INFRASTRUCTURE/ASSET EXPENSES**  
DarkFiber Backhaul  
Data Center Colocation Costs  
SPS Fees  
OPS Team Costs/month  
Legal / CLEC Costs  
Insurance Costs  
Infrastructure Reserve  
Contingency (Other Exp)

**INFRASTRUCTURE MAINTENANCE RESERVE**

**NETWORK MANAGEMENT**  
Network Operations OSS/  
BSS Costs Marketing/  
Awareness Other Expenses

**PREMISE ACTIVATION COSTS**

**PREMISE ACTIVATION COSTS**

**CONSTRUCTION COSTS**

**Income less Operating Expenses**

**OPERATING REVENUE**  
**RESIDENTIAL CIRCUITS**

**NON-RECURRING REVENUE**  
Resi- Prem

**TOTAL OPERATING REVENUE**

**OPERATING EXPENSES**

**INFRASTRUCTURE/ASSET**  
DarkFiber Backhaul

Data Center Colocation Co

SPS Fees

OPS Team Costs/month

Legal / CLEC Costs

Insurance Costs

Infrastructure Reserve

Contingency (Other Exp)

**NETWORK MANAGEMENT**  
Network Operations

OSS/BSS Costs

Other Expenses

**PREMISE ACTIVATION**  
ONT

**TOTAL OPERATING EXPENSES**

**TOTAL OPERATING EXPENSES**

**NET OPERATING INCOME**

