

Holland & Knight

315 South Calhoun Street, Suite 600 | Tallahassee, FL 32301 | T 850.224.7000 | F 850.224.8832
Holland & Knight LLP | www.hklaw.com

D. Bruce May, Jr.
+1 850-425-5607
bruce.may@hklaw.com

August 1, 2022

Via Hand Delivery

Adam Teitzman
Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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

Initials of person who forwarded check

JS

REDACTED

COMMISSION CLERK

2022 AUG -1 PM 3:19

RECEIVED-FPSC

Re: Application by Cablevision Lightpath, LLC for Original Authority to Provide Telecommunications Service in the State of Florida and Request for Confidentiality

Dear Mr. Teitzman:

Enclosed for filing with the Commission please find the redacted version of the referenced Application of Cablevision Lightpath, LLC ("Lightpath"), and a check in the amount of \$500 for the filing fee.

Request for Confidentiality

Pursuant to section 364.183, Florida Statutes, Lightpath respectfully requests confidential classification of portions of the financial statements provided as Confidential Exhibit B to the Application. The financial statements contain proprietary confidential business information the public disclosure of which would cause harm to Lightpath's competitive business operations. As required in rule 25-22.006(5), Florida Administrative Code, enclosed is one sealed copy of Confidential Exhibit B with the confidential information highlighted. This sealed copy should be kept confidential and exempt from public disclosure. Also enclosed pursuant to rule 25-22.006(5) are two redacted copies of Confidential Exhibit B that can be made available for public inspection.

- COM _____
- AFD _____
- APA _____
- ECO _____
- ENG _____
- GCL _____
- IDM** _____
- CLK _____

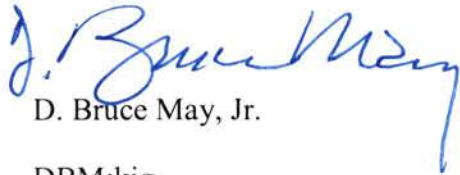
1 Exh "B" - redacted

Adam Teitzman
August 1, 2022
Page 2

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter.
Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, appearing to read "D. Bruce May, Jr.", is written over the printed name.

D. Bruce May, Jr.

DBM:kjg
Enclosures

cc: George Salimbas
Christopher Yost

FLORIDA PUBLIC SERVICE COMMISSION
OFFICE OF INDUSTRY DEVELOPMENT
AND MARKET ANALYSIS

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

INSTRUCTIONS

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

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

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

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

APPLICATION

This is an application for (check one):

Original certificate (new company)

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

Please provide the following:

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

Cablevision Lightpath LLC

2. The Florida Secretary of State corporate registration number:

M22000009953

3. F.E.I. Number: 11-3052355

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. **Not applicable**

If a foreign limited partnership, proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS). The Florida registration number is: Not applicable

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

(a) This application:

Name: George Salimbas
Title: Deputy General Counsel
Street Address: 1111 Stewart Avenue
Post Office Box: _____
City: Bethpage
State: New York
Zip: 11714
Telephone No.: (877) 544-4872
Fax No.: _____
E-Mail Address: george.salimbas@lightpathfiber.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: George Salimbas
Title: Deputy General Counsel
Street Address: 1111 Stewart Avenue
Post Office Box: _____
City: Bethpage
State: New York
Zip: 11714
Telephone No.: (877) 544-4872
Fax No.: _____
E-Mail Address: george.salimbas@lightpathfiber.com
Company Homepage: https://lightpathfiber.com

(c) Optional secondary point of contact or liaison:

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

Name: Christopher Yost
Title: General Counsel
Street Address: 1111 Stewart Avenue
Post Office Box: _____
City: Bethpage
State: New York
Zip: 11714
Telephone No.: (877) 544-4872
Fax No.: _____
E-Mail Address: christopher.yost@lightpathfiber.com

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

Street address: 1111 Stewart Avenue
City: Bethpage
State: New York
Zip: 11714
Telephone No.: (877) 544-4872
Fax No.: _____
E-Mail Address: legal@lightpathfiber.com

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

- (a) **operated** as a telecommunications company. New York
- (b) **applications pending** to be certificated as a telecommunications company. None
- (c) **been certificated** to operate as a telecommunications company. New York
- (d) **been denied authority** to operate as a telecommunications company and the circumstances involved. None
- (e) **had regulatory penalties imposed** for violations of telecommunications statutes and the circumstances involved. None
- (f) **been involved in civil court proceedings** with another telecommunications entity, and the circumstances involved. None

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

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

If yes, provide explanation.

Not applicable

(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.

Not applicable

If denied provide explanation.

Not applicable

(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.

Not applicable

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

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

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

Please see Exhibit A attached hereto.

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

Please see Exhibit A attached hereto.

(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's financial ability is demonstrated by the consolidated balance sheet, income statement and other financial information for Cablevision Lightpath LLC and Subsidiaries in Confidential Exhibit B attached hereto.

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

Florida Public Service Commission

Website – Please provide Website address: <https://lightpathfiber.com/tariffs>

Other – Please provide address: _____

THIS PAGE MUST BE COMPLETED AND SIGNED

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

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

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

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

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

COMPANY OWNER OR OFFICER

Print Name:	<u>Christopher Yost</u>
Title:	<u>General Counsel</u>
Telephone No.:	<u>(877) 544-4872</u>
E-Mail Address:	<u>christopher.yost@lightpathfiber.com</u>

Signature: DocuSigned by:
Christopher Yost
69E19E90AAD148E... Date: 7/20/2022

CERTIFICATE TRANSFER

As current holder of Florida Public Service Commission Certificate Number Not applicable, I have reviewed this application and join in the petitioner's request for a transfer of the certificate.

COMPANY OWNER OR OFFICER **(Not applicable)**

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

Signature: _____ Date: _____

EXHIBIT A



Chris Morley was appointed our Chief Executive Officer (CEO) in January 2021. Prior to becoming our CEO, Mr. Morley served as Chief Operating Officer (COO) for Zayo Group. Mr. Morley studied at University of Denver and holds a BSBA degree in Finance.



Chris Yost was appointed our General Counsel in February 2021. In this role, he oversees the Company's legal and regulatory matters as well as human resources. Mr. Yost previously served as General Counsel and other leadership roles at Bandwidth Infrastructure Group, Zayo Group, and Level 3 Communications (now Lumen). Earlier in his career he was an associate in litigation and labor and employment at the global law firm Akin, Gump, Strauss, Hauer & Feld in the firm's Washington D.C. office. Mr. Yost earned his bachelor's degree from Western Michigan University and his law degree from Catholic University.



Eric Swanholm was appointed our Executive Vice President of Finance in April 2021. Mr. Swanholm previously served in senior finance roles for the Fiber Services division of Crown Castle, Lightower Fiber Networks and Conversent Communications. Mr. Swanholm studied at the University of Rhode Island, holds a Bachelor of Science degree in Accounting and is a Certified Public Accountant.



Phil Olivero was appointed our Chief Technology Officer (CTO) in March 2021. Prior to becoming our CTO, Mr. Olivero served as Chief Technology Officer for the Fiber Services division of Crown Castle and also served as CTO at Lightower Fiber Networks. Mr. Olivero studied at University of Waterloo, and holds a Bachelor of Applied Science in Electrical Engineering.

CONFIDENTIAL EXHIBIT B

(REDACTED - PUBLIC VERSION)

**CABLEVISION LIGHTPATH LLC AND SUBSIDIARIES
 CONSOLIDATED BALANCE SHEETS
 (In thousands, except share amounts)**

	December 31,	
	2021	2020
ASSETS		
Current Assets:		
Cash and cash equivalents		
Accounts receivable, trade (less allowance for doubtful accounts of [REDACTED] and [REDACTED])		
Prepaid expenses and other current assets		
Amounts due from affiliates		
Total current assets		
Property, plant and equipment, net of accumulated depreciation of [REDACTED] and [REDACTED]		
Right-of-use operating lease assets		
Other assets		
Amortizable intangibles, net of accumulated amortization of [REDACTED] and [REDACTED]		
Indefinite-lived franchise costs		
Goodwill		
Total assets		
LIABILITIES AND MEMBER'S DEFICIENCY		
Current Liabilities:		
Accounts payable		
Interest payable		
Accrued employee related costs		
Accounts payable to affiliates		
Deferred revenue		
Right-of-use operating lease liability		
Debt		
Other current liabilities		
Total current liabilities		
Other liabilities		
Right-of-use operating lease liability		
Deferred tax liability, net		
Long-term debt, net of current maturities		
Total liabilities		
Commitments and contingencies (Note 12)		
Total deficiency:		
Member's deficiency		

See accompanying notes to consolidated financial statements.

CABLEVISION LIGHTPATH LLC AND SUBSIDIARIES
CONSOLIDATED STATEMENTS OF OPERATIONS AND COMPREHENSIVE INCOME
(In thousands)

	Years ended December 31,	
	2021	2020
Revenue (including revenue from affiliates of █████ and █████ respectively. See Note 11)		
Operating expenses:		
Direct costs (including charges from affiliates of █████ and █████, respectively. See Note 11)		
Other operating expenses (including charges from affiliates of █████ and █████ respectively. See Note 11)		
Restructuring and other expense		
Depreciation and amortization		
Operating income		
Other income (expense):		
Interest expense (including charges from affiliates of █████ in 2020. See Note 11)		
Interest income		
Other income (expense) (See Note 11)		
Income before income taxes		
Income tax benefit		
Net income		
Comprehensive income		

See accompanying notes to consolidated financial statements.

CABLEVISION LIGHTPATH LLC AND SUBSIDIARIES
CONSOLIDATED STATEMENTS OF TOTAL EQUITY (DEFICIENCY)
(In thousands)

	Common Stock	Paid-in Capital	Accumulated Deficit	Member's Deficiency	Total Equity (Deficiency)
Balance at December 31, 2019	\$ —	—	—	\$ —	—
Net income	—	—	—	—	—
Share-based compensation expense	—	—	—	—	—
Redeemable equity vested	—	—	—	—	—
Change in redeemable equity	—	—	—	—	—
Distributions to Altice USA	—	—	—	—	—
Non-cash contribution - forgiveness of note payable and accrued interest to affiliate	—	—	—	—	—
Balance prior to the Legal Entity Conversion	—	—	—	—	—
Legal Entity Conversion (See Note 1)	—	—	—	—	—
Net income	—	—	—	—	—
Share-based compensation expense	—	—	—	—	—
Change in redeemable equity	—	—	—	—	—
Contributions from its parent entity	—	—	—	—	—
Distributions to Altice USA	—	—	—	—	—
Balance at December 31, 2020	—	—	—	—	—
Net income	—	—	—	—	—
Share-based compensation expense	—	—	—	—	—
Contributions from its parent entity	—	—	—	—	—
Non-cash contribution from its parent entity	—	—	—	—	—
Balance at December 31, 2021	\$ —	\$ —	\$ —	—	—

See accompanying notes to consolidated financial statements.

CABLEVISION LIGHTPATH LLC AND SUBSIDIARIES
CONSOLIDATED STATEMENTS OF CASH FLOWS
(In thousands)

	Years Ended December 31,	
	2021	2020
Cash flows from operating activities:		
Net income		
Adjustments to reconcile net income to net cash provided by operating activities:		
Depreciation and amortization		
Share-based compensation expense		
Deferred income taxes		
Right-of-use asset		
Amortization of deferred financing costs and discounts on indebtedness		
Provision for doubtful accounts		
Change in assets and liabilities:		
Accounts receivable, trade		
Prepaid expenses and other assets		
Amounts due to affiliates		
Accounts payable		
Accrued liabilities		
Deferred revenue		
Net cash provided by operating activities		
Cash flows from investing activities:		
Capital expenditures		
Payment for acquisitions, net of cash acquired		
Other		
Net cash used in investing activities		
Cash flows from financing activities:		
Repayment of credit facility debt		
Distributions to Altice USA		
Proceeds from long-term debt	—	
Additions to deferred financing costs	—	
Contributions from parent entity	—	
Net cash provided by (used in) financing activities		
Net increase in cash and cash equivalents		
Cash and cash equivalents at beginning of year		
Cash and cash equivalents at end of year		

See accompanying notes to consolidated financial statements.