

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 18, 2024

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: *PMM* Penny Mallow, Public Utility Analyst II, Office of Industry Development & Market Analysis

RE: Docket No. 20240029-TX-Application for certificate to provide local telecommunications service, by CBN - Volusia.

Attached are the requested updates to the application and financial documents. Please update the docket title to reflect the corrected name and add documents to the docket file. If you have questions please contact me at 413-6586.

RECEIVED-FPSC
2024 MAR 18 AM 10:02
COMMISSION CLERK

Penny Mallow

From: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Sent: Friday, March 15, 2024 12:33 PM
To: Penny Mallow
Cc: Hans Eysenbach; Geoffrey Why
Subject: RE: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication
Attachments: CBN-Volusia - FL Filing Cover Letter (3.14.24).pdf; CBN-V PSC Application (2.13.24).pdf; CBN-Volusia Retained Earning.pdf; CBN Balance Sheet 2021.pdf; CBN Balance Sheet 2022.pdf; CBN Balance Sheet 2023.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Penny,

I have attached a revised cover letter and application that reflects the correct name (CBN-Volusia, Inc.), and question 8(b) on the application is completed. Additionally, three years of retained earning statements and balance sheets are attached to satisfy question 9(c) of the application.

Please let me know if you have any questions.

Thank you!
Brody

Brody J. Haverly-Johndro ATTORNEY

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One Portland Square
Portland, ME 04101-4054
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C (207) 341-6108

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Verrill

in

From: Penny Mallow <pmallow@psc.state.fl.us>
Sent: Thursday, March 14, 2024 11:21 AM
To: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: RE: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

Brody,

I have attached the original email sent to Paul Reynolds detailing the documentation required.

Unfortunately, what you have provide is not sufficient and does not bring the application into compliance. Below is a detail of what is needed to continue reviewing the application:

- The company name in the cover letter is "CBN Volusia, Inc."; in the application the company name is "CBN-Volusia" and in the Florida Department of State, Division of Corporations, the name is "CBN-Volusia, Inc." The name must be the same on the application and cover letter as it is with the FL Division of Corporations. Please revise either your cover letter and application or how the company appears on the FL Division of Corporations website, www.sunbiz.org.
- Question 8 (b) of the application was left blank. Please revise the application to reflect the correct answer to this question.
- Please provide three-years of both the Balance Sheet and Retained Earnings Statement.

You may send the requested documentation directly to me via reply email or confidentially through the PSC Clerk.

Once the application documents are received and if deemed sufficient for approval the recommendation is sent to the Commission Agenda. The recommendation for the April agenda is due to the Commissioners by March 19th. Please keep in mind, once the documents are received, it does take time to analyze them and make recommendations. Due to the delay in receiving the documents, the docket may have to be pushed to the May Commission Agenda.

Penny Mallow	Public Utility Analyst
Office of Industry Development & Market Analysis	
 FLORIDA PUBLIC SERVICE COMMISSION	
2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6586	

From: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Sent: Thursday, March 14, 2024 9:41 AM
To: Penny Mallow <pmallow@psc.state.fl.us>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: RE: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

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Hi Penny,

Happy Thursday! As a follow-up to our earlier correspondence, I have attached CBN-Volusia's financial records for its application. Please let me know if you have any questions or need any additional information.

Also, do you have a timeframe as to when we can expect a decision by the Commission once you issue your recommendation?

Many thanks,
Brody

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in

From: Penny Mallow <pmallow@psc.state.fl.us>
Sent: Friday, February 23, 2024 12:20 PM
To: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: Re: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

Brody,

Yes, that would be sufficient.

Thank you,
Penny

Get [Outlook for iOS](#)

From: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Sent: Friday, February 23, 2024 12:08:46 PM
To: Penny Mallow <pmallow@psc.state.fl.us>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: RE: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

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Hi Penny,

Happy Friday! I reviewed financial records on the Commission's website of other companies seeking certification, including the attached document. Our client plans to have an accountant draft similar financial records as the attached for CBN-Volusia, Inc., but I wanted to seek clarification from you prior to taking that step.

In the attached, Nextera Energy is the parent company of FPL Energy Services, Inc. As I mentioned, CBN-Volusia, Inc. is a new company without the required financial data, but is affiliated with CBN. However, CBN is not technically CBN-Volusia, Inc.'s parent company. Thus, I wanted to ensure that there would no issue with CBN-Volusia, Inc. utilizing financial information related to its affiliation with CBN to demonstrate CBN-Volusia, Inc.'s financial ability.

If you could advise, it would be greatly appreciated.

Many thanks,
Brody

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verrill-law.com/brody-j-haverly-johndro



From: Penny Mallow <pmallow@psc.state.fl.us>
Sent: Thursday, February 15, 2024 10:41 AM
To: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: RE: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

Brody,

For the financial statements, please follow Generally Accepted Accounting Principles.

You may view applications and documents from other companies seeking certification on our website by following this link <https://www.floridapsc.com/dockets>.

Thank you,

Penny Mallow	Public Utility Analyst
Office of Industry Development & Market Analysis  FLORIDA PUBLIC SERVICE COMMISSION 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6586	

From: Brody Haverly-Johndro <bhaverly-johndro@verrill-law.com>
Sent: Tuesday, February 13, 2024 12:31 PM
To: Penny Mallow <pmallow@psc.state.fl.us>
Cc: Hans Eysenbach <heysenbach@verrill-law.com>; Geoffrey Why <gwhy@verrill-law.com>
Subject: Docket No. 20240029-TX - Application for Original Authority to Provide Telecommunication

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Hi Penny,

Thanks so much for returning my call earlier and providing helpful clarification regarding the required financial records in the above-captioned matter. The three-years of profits and loss records that we provided with the application are what we have for financial records for the company. However, as you mentioned, CBN-Volusia, Inc. can provide three-years of pro-forma data. Are you able to provide a sample pro forma balance sheet, income statement, and retained earnings statement that other companies have filed to satisfy this requirement?

Many thanks, and I appreciate your assistance with this application.

Best,
Brody

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GEOFFREY G. WHY
PARTNER
gwhy@verrill-law.com
(617) 292-2854

Verrill Dana LLP
One Federal Street, 20th Floor
Boston, MA 02110
Main (617) 309-2600

March 14, 2024

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

RE: CBN-Volusia, Inc., Application for Original Authority to Provide
Telecommunications Service in the State of Florida

Dear Commission Clerk:

Please find attached CBN-Volusia, Inc.'s ("CBN-Volusia" or "Applicant") completed application for original authority to provide telecommunication service in the State of Florida. Pursuant to Sections 364.183(1) and 364.183(3), Florida Statutes, CBN-Volusia respectfully requests confidential treatment of the financial documents provided as CONFIDENTIAL Attachment A to the Application. CBN-Volusia, therefore, submits a paper copy of CONFIDENTIAL Attachment A under seal. Pursuant to FL Admin Code Section 25-22.006, two copies of Attachment A, labeled as "Public Redacted Attachment A-1, A-2," have been redacted. Another copy, labeled as "CONFIDENTIAL Attachment A", has highlighted the specific information that CBN-Volusia considers to be Confidential.

Briefly, CBN-Volusia is a telecommunications provider that provides broadband and voice, using voice over internet protocol ("VoIP"), services to communities across Volusia County. CBN-Volusia currently offers service in Edgewater and Oak Hill, Florida, and is developing infrastructure to provide service in the communities of Scottsmoor and Mims, Florida, which currently do not have broadband services. Additionally, CBN-Volusia offers a variety of service plans for both residential and business customers.

CBN-Volusia also benefits from its affiliation with an experienced Florida broadband provider, Community Broadband Networks ("CBN"). CBN and its affiliates have provided broadband services to over 3,270 customers in Florida and New York for nine years, including services to low-income customers that are subsidized by the FCC's Affordable Connectivity Program. CBN-Volusia will leverage those broadband service provision experiences as well as the technical and management capabilities of CBN. That affiliation and technical and management experiences of CBN provides further support for the Commission granting CBN-Volusia authority to provide telecommunication services.

As part of its complete application, CBN-Volusia has enclosed the following documents:

- Application for original authority to provide telecommunication service in the State of Florida
- Attachments A, A-1, A-2, Three years of unaudited financial records (two redacted copies and one highlighted copy)
- Attachment B, Pricing List
- Affidavit regarding financial records
- Resume of Paul Reynolds, President
- Resume of Joseph Buck, VP of Engineering
- Resume of Johannes Olivier, CEO
- Resume of Hano Coetsre, CFO
- A check in the amount of \$500 for the filing fee

Pursuant to Florida statute 364.335(1)(A) and section 9(C) of the Commission's application, CBN-Volusia has enclosed three years of pro forma data to demonstrate its financial ability to provide telecommunications service. In addition, CBN-Volusia has enclosed an affidavit executed by its president affirming that the unaudited financial statements are true and correct.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Geoffrey G. Why
Brody J. Haverly-Johndro
Attorneys for CBN-Volusia, Inc.

Enc.

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:

~~Compass BroadBank~~ CBN - Volusia, Inc. _____

2. The Florida Secretary of State corporate registration number:

P 22000039095 _____

3. F.E.I. Number: 88 - 2425194 _____

4. Structure of organization:

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

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

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

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

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

(a) This application:

Name: Paul Reynolds
Title: CEO
Street Address: 333 Night Fire Ln
Post Office Box: P O Box 554 Alpharetta GA 30009
City: Dawsonville
State: GA
Zip: 30534
Telephone No.: 386 871 2403
Fax No.: 470 545 3495
E-Mail Address: Paul.Reynolds@CBN-Network

(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: Joe Duck
Title: VP Operations
Street Address: 113 Emerald Circle
Post Office Box: _____
City: Ormond Beach
State: FL
Zip: 32124
Telephone No.: _____
Fax No.: _____
E-Mail Address: Joe@CBN-Network
Company Homepage: CBN-Network

(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: Attorney (Geoffrey Why)
Title: _____
Street Address: _____
Post Office Box: _____
City: _____
State: _____
Zip: _____
Telephone No.: _____
Fax No.: _____
E-Mail Address: _____

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

Street address: 4265 US Hwy 1
City: Edgewater
State: FL
Zip: 32141
Telephone No.: _____
Fax No.: _____
E-Mail Address: _____

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

(a) **operated** as a telecommunications company. N/A

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

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

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

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

?

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

If denied provide explanation.

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

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

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

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

- (a) **Managerial ability:** An applicant must provide resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (b) **Technical ability:** An applicant must provide resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (c) **Financial ability:** An applicant must provide financial statements demonstrating financial ability by submitting a balance sheet, income statement, and retained earnings statement. An applicant that has audited financial statements for the most recent three years must provide those financial statements. If a full three years' historical data is not available, the application must include both historical financial data and pro forma data to supplement. An applicant of a newly established company must provide three years' pro forma data. If the applicant does not have audited financial statements, it must be so stated and signed by either the applicant's chief executive officer or chief financial officer affirming that the financial statements are true and correct.

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: _____

Other – Please provide address: See Attachment B _____

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: Paul Reynolds
Title: CEO
Telephone No.: 386 871 2403
E-Mail Address: Paul.Reynolds@CBN.Network

Signature:  Date: 11/20/23

CERTIFICATE TRANSFER

As current holder of Florida Public Service Commission Certificate Number _____,
I have reviewed this application and join in the petitioner's request for a transfer of the
certificate.

COMPANY OWNER OR OFFICER

Print Name: _____

Title: _____

Street/Post Office Box: _____

City: _____

State: _____

Zip: _____

Telephone No.: _____

Fax No.: _____

E-Mail Address: _____

Signature: _____ Date: _____