

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In The Matter of the Application of)
)
Arcadian Infracom 1, LLC) Docket No. _____
)
For Certificate of Public) APPLICATION
Convenience and Necessity)
to Provide Interexchange)
Telecommunications Services)
within the State of Utah)

APPLICATION

Arcadian Infracom 1, LLC (“Applicant”) pursuant to Chapter 8b of Title 54 of the Utah Code, Utah Admin Code. R 746-349-1 et seq., and the Utah Public Service Commission (“Commission”) Rules of Practice and Procedure, hereby respectfully applies for a Certificate of Public Convenience and Necessity (“CPCN”) to provide interexchange telecommunications services in the State of Utah within the CenturyLink service territory. Applicant seeks certification to provide point-to-point, private line, non-switched transport services.

Applicant is a subsidiary of Arcadian Infracom, Inc, which was granted a CPCN by this Commission on May 7, 2020 in Docket No. 20-2616-01. The Arcadian entities now anticipate that Applicant and its parent company Arcadian Infracom, Inc. will both be involved in providing interexchange telecommunications services in Utah. Therefore, Applicant seeks a CPCN to ensure that both Arcadian entities are authorized to provide services in Utah.

Applicant submits the following information in support of its application:

1. Applicant’s legal name is Arcadian Infracom 1, LLC. Its corporate office is located at:

4579 Laclede Avenue, #341
St. Louis, MO 63108

2. Questions concerning Applicant's ongoing operations and regulatory compliance should be directed to:

Brandon Porter
Arcadian Infracom 1, LLC
4579 Laclede Avenue, #341
St. Louis, MO 63108
Tel: (314) 792-4307
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Questions or communications pertaining to this application should be directed to:

Hannah M. Oakes, #17471
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3. Applicant is a limited liability company under the laws of the state of Delaware. A copy of Arcadian's Delaware Certificate of Good Standing is attached as Attachment 1.

4. R746-349-3(A)(1) Technical, Financial, and Managerial Abilities: Applicant has sufficient managerial and technical capability to ensure that it can provide the services for which it seeks certification. Applicant's management team includes individuals with extensive experience in successfully developing and operating communications businesses. Accordingly, Applicant possesses the internal managerial resources to support operations in Utah. Biographies of its officers and key personnel are attached as Attachment 2.

5. R746-349-3(A)(2) Proof of Bond in the Amount of \$100,000: Unless otherwise specified on an individual customer basis, Applicant does not plan to collect customer deposits or offer any prepaid services in the State of Utah. Furthermore, Applicant does not currently have plans to provide services to residential Utah customers. Accordingly, Applicant hereby respectfully requests a waiver of this bond requirement.

6. R746-349-3(A)(3) Construction or Acquisition of Facilities: Applicant does not currently own facilities or property in the State of Utah, but will expect to construct facilities to provide its service offerings upon receiving a Certificate of Public Convenience and Necessity; however, the timing and location(s) of such commencement will depend largely on customer demand. Applicant will establish resale agreements with various existing telecom providers when building fiber is not cost effective. Applicant will acquire wholesale service contracts with these additional service providers as needed.

7. R746-349-3(A)(4) Services to be Offered: Applicant seeks to be a facilities-based provider of dark and lit fiber networks to enterprise customers. Applicant builds dark fiber networks and lit fiber based intrastate and interstate telecommunications facilities for the purpose of point-to-point high capacity transport services. Applicant also intends to provide resold intrastate and interstate access services on other service provider's networks for the purposes of point-to-point services in the event building those same facilities is not an option. As such, Applicant seeks authority to provide point-to-point, private line, non-switched transport services within the CenturyLink service territory in Utah. The services will utilize optical technology, including multi-wavelength optical technology, over dedicated fiber facilities to connect customer-provided equipment to customer-provided and/or Applicant-provided equipment at various locations. Optical conversion equipment will be used to enable bi-directional conversion between

optical signals so communications can be received and transmitted at endpoints. Applicant's customer base will consist solely of business and enterprise customers, and no residential customers.

8. R746-349-3(A)(5) Standard Services: Applicant will not be providing traditional switched local exchange services within Utah. Applicant will provide services to sophisticated enterprise customers with a need for point-to-point high capacity transport services. Therefore, Applicant will not have any interaction with emergency services such as 911 or enhanced 911, operator services, directory assistance, and telecommunications relay services.

9. R746-349-3(A)(6) and R746-349-3(A)(13) Implementation Schedule: Pursuant to Section 252(c)(3) of the Telecommunications Act of 1996, 47 U.S.C. § 252(c)(3), Applicant intends to initiate its operations in the State of Utah upon receipt of authority from the Commission and upon expression of customer interest.

10. R746-349-3(A)(7) Managerial Personnel: Applicant does not plan to operate an office within the State of Utah. Responsibility for Utah operations will be handled by Applicant's management team from its place of business in St. Louis, Missouri. The management team includes individuals with extensive experience in successfully developing and operating communications businesses. To further demonstrate managerial and technical ability, Applicant advises that the biographies of its officers and key personnel are attached as Attachment 2.

11. R746-349-3(A)(8) Organizational Chart: Applicant will have maintenance and operations employees in Utah during and following construction of its facilities. Specific personnel have not yet been identified for these roles. An employee organizational chart is attached as Attachment 3.

12. R746-349-3(A)(9) Chart of Accounts: Applicant does not yet operate or offer services in Utah. It, therefore, does not have any accounts in the State.

13. R746-349-3(A)(10) Financial Statements: Applicant is financially qualified to offer the telecommunications services for which authority is sought. Applicant is a “disregarded entity” for taxation purposes and is a wholly owned subsidiary of its parent company, Arcadian Infracom, Inc. Applicant does not separately report its financial results from its parent company. Arcadian Infracom, Inc. stands ready to provide any required financial backing for Applicant, and Arcadian Infracom Inc.’s financial statements demonstrate it is well qualified to support Applicant’s operations. *See Attachment 4* which includes the most recent balance sheet, income statement, and cash flow statement of Arcadian Infracom, Inc.

14. R746-349-3(A)(11) Bond Requirement: Unless otherwise specified on an individual customer basis, Applicant will not request customer deposits for the provision of interexchange service. Furthermore, Applicant does not currently have plans to provide services to residential Utah customers. Accordingly, Applicant respectfully requests a waiver of this bond requirement.

15. R746-349-3(A)(12) Five-Year Projection of Expected Operations.

a. R746-349-2(A)(12)(a) Pro Forma Income and Cash Flow Statements: *See Attachment 4* for a copy of Applicant’s parent company’s most recent annual financial results, which include Applicant’s parent company’s balance sheet, income statements, and cash flow statements.

b. R746-349-3(A)(12)(b) Types of Technology to be Deployed: Applicant seeks to be a facilities-based provider of dark and lit fiber networks to enterprise customers. Applicant proposes to offer point-to-point, private

line, non-switched transport services on a wholesale basis. Applicant's services will utilize optical technology, including multi-wavelength optical technology, over dedicated fiber facilities to connect customer-provided equipment to customer-provided and/or Applicant-provided equipment at various locations. Optical conversion equipment will be used to enable bi-directional conversation between optical signals so communications can be received and transmitted at endpoints.

- c. R746-349-3(A)(12)(c) Proposed Locations of Facilities: Applicant expects to commence construction facilities to provide its service offerings upon receiving a Certificate of Public Convenience and Necessity; however, the timing and location(s) of such commencement will depend largely on customer demand. While Applicant seeks authority to serve customers only within the CenturyLink service territory, Applicant's facilities may be constructed throughout the State in order to provide connections for its customers. Applicant may establish resale agreements with various existing telecom providers when building fiber is not cost effective. Applicant may acquire wholesale service contracts with these additional service providers as needed.

16. R746-349-3(A)(14) Managerial and Technical Experience: Applicant has sufficient managerial and technical capability to ensure that it can provide the interexchange services for which it seeks certification. Applicant's management teams include individuals with extensive experience in successfully developing and operating communications businesses. To

further demonstrate managerial and technical ability, biographies of its officers and key personal are attached as Attachment 2.

- a. R746-349-3(A)(14)(a) Proof of Certification: Although it plans to in the future, Applicant does not currently provide services in any other state similar to the services Applicant intends to provide in Utah. Applicant is in the process of applying or already has applications pending for certificates of convenience and necessity (or similar certificates) in nearby states, including Arizona, Colorado, and New Mexico. Additionally, Applicant's parent company Arcadian Infracom, Inc. has been awarded certificates in Colorado, New Mexico, Texas, and Utah and has applications for certificates of convenience and necessity pending in Arizona and California.

17. R746-349-3(A)(15) Public Interest: Applicant's expansion of services into the Utah marketplace would be in the public interest. Because Applicant may be routing its new fiber builds through areas previously unserved or underserved by fiber providers, these routes will provide increased internet coverage, increased network capacity, lower latency, and improved broadband access. Through purposeful use of these facilities and services to meet the business goals and Applicant's customers' needs for high capacity fiber transport, Applicant and its customers will help spur economic development throughout Utah, as well as financial stability and long-term sustainability in communities across Utah.

18. R746-349-3(A)(16) Authority to Transact Business: Applicant has received its Authority to Transact Business in Utah. Applicant's Certificate of Good Existence in Utah is included as Attachment 5.

19. R746-349-3(A)(17) Unauthorized Switching: Applicant will not be providing switched long-distance services for which unauthorized switching (“slamming”) is of concern. To the best of Applicant’s knowledge, no complaints have been made nor has any investigation been taken against Applicant for slamming.

20. R746-349-3(A)(18) Customer Solicitation: Applicant’s customer base will consist solely of business and enterprise customers, and no residential customers. Applicant intends to solicit new customers through business-to-business marketing. Applicant typically provides its services on an individual contract basis (“ICB”) with particular customers. Applicant will not be providing switched exchange service. Nevertheless, should Applicant offer voice services in the future it will comply with Utah law and FCC regulations regarding switching and solicitation of customers.

WHEREFORE, Arcadian Infracom1, LLC respectfully requests that the Commission grant a Certificate of Public Convenience and Necessity to provide facilities-based interexchange telecommunications service in the State of Utah within the CenturyLink service territory.

Respectfully submitted this 10th day of September, 2020.

HOLLAND & HART LLP

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