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January 24, 2025

Via Email

Mr. Gary Widerburg
Commission Administrator
Utah Public Service Commission
Heber M. Wells Building
160 E. 300 South St., Fourth Floor
Salt Lake City, Utah 84111


Re: Docket No. 25-2654-01; *Application of eNetworks, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based Public Telecommunications Services Within the State of Utah*

Dear Mr. Widerburg:

On behalf of eNetworks, LLC ("eNetworks"), Applicant, enclosed please find the Direct Testimony of Lindon Hayes, Co-CEO and Co-Founder, to be filed in the above-referenced docket. Along with this submission, eNetworks requests informal adjudication of this application.

Thank you for your attention to this matter. If you have any questions concerning this transmittal, please do not hesitate to contact me.

Respectfully submitted,


Katherine K. Mudge
Attorney for eNetworks, LLC

Encl.

cc: Mr. Ronald Slusher

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Application of eNetworks, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based Public Telecommunications Services within the State of Utah	Docket No. 25-2654-01
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DIRECT TESTIMONY OF LINDON HAYES

1 **Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2 A. My name is Lindon Hayes. I am the Co-CEO and Co-Founder of eNetworks, LLC
3 ("eNetworks" or "Applicant"). My business address is 10130 Mallard Creek Rd., Ste. 300,
4 Charlotte, North Carolina 28262.

5 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

6 A. No, I have not.

7 **Q. ARE YOU FAMILIAR WITH THE APPLICATION FILED BY eNETWORKS?**

8 A. Yes, I am.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A. The purpose of my testimony is to describe the technical, managerial, and financial fitness
11 of eNetworks to provide facilities-based telecommunications services within the State of
12 Utah. This testimony will also describe the service to be provided by eNetworks. Finally,
13 my testimony will show that the public interest will be served by the approval of
14 eNetworks' Application.

1 **Q. ARE ALL OF THE STATEMENTS IN eNETWORKS' APPLICATION CORRECT**
2 **AND TRUE TO THE BEST OF YOUR KNOWLEDGE, INFORMATION, AND**
3 **BELIEF?**

4 A. Yes.

5 **Q. DO YOU WISH TO INCORPORATE BY REFERENCE ANY DOCUMENTS INTO**
6 **THIS TESTIMONY?**

7 A. Yes, I wish to incorporate by reference eNetworks' Application filed in this proceeding
8 and its associated exhibits.

9 **Q. DO YOU RATIFY AND CONFIRM THE STATEMENTS AND**
10 **REPRESENTATIONS MADE IN THAT APPLICATION AND ALL EXHIBITS**
11 **THERE TO?**

12 A. Yes, I do.

13 **Q. WHERE WAS APPLICANT FORMED AND IS IT IN GOOD STANDING IN ITS**
14 **FORMATION STATE?**

15 A. Yes. eNetworks is a limited liability company formed in Delaware on March 28, 2016. It
16 currently is in good standing in Delaware. A copy of eNetworks' formation documents is
17 attached as Exhibit A to the Application.

18 **Q. IS APPLICANT REGISTERED TO DO BUSINESS IN UTAH?**

19 A. Yes. eNetworks received authorization to transact business in Utah as a foreign corporation
20 on November 27, 2024. A copy of the authorization is attached as Exhibit B to the
21 Application.

22

1 **Q. HAS APPLICANT OBTAINED AUTHORITY FROM THIS COMMISSION**
2 **PREVIOUSLY?**

3 A. No.

4 **Q. DESCRIBE THE SERVICES eNETWORKS PROPOSES TO OFFER IN THE**
5 **STATE OF UTAH.**

6 A. eNetworks will primarily provide business-to-business point-to-point telecommunications
7 services, such as Private Line and similar services, to enterprise customers and wholesale
8 customers (*e.g.*, other carriers and providers). The services will be provided by: (a)
9 eNetworks' own facilities, (b) leased components from other providers, or (c) a
10 combination thereof. In addition, to provide sufficient flexibility to eNetworks to provide
11 the most cost-effective services to its customers, Applicant also seeks authority to provide
12 service via resale arrangements.

13 **Q. YOU MENTION THAT APPLICANT INTENDS TO PRIMARILY USE ITS OWN**
14 **FACILITIES TO PROVIDE SERVICES IN UTAH. CAN YOU PLEASE PROVIDE**
15 **MORE DETAIL?**

16 A. Yes. eNetworks seeks authority to provide its proposed services to and from all points in
17 Utah where demand for its services arise. Importantly, however, eNetworks does not seek
18 authority to provide local exchange service or other circuit-switched services in any
19 location in the State of Utah, including any local exchange that has fewer than 5,000 lines
20 and that is owned or controlled by an incumbent telephone corporation with fewer than
21 30,000 access lines in the state.

22 eNetworks intends to build its own fiber-based network to support its carrier and
23 enterprise customers in Utah. Applicant plans to provide most of its services using fiber

1 optic cable, along with other equipment and facilities to originate, terminate, and amplify
2 signals. eNetworks will perform network and equipment maintenance necessary to ensure
3 compliance with any applicable quality of service requirements. Applicant intends to own
4 and manage its own fiber network, including fiber, conduit, and related facilities to provide
5 its services. Such facilities will typically be constructed in response to specific requests
6 from customers seeking facilities between particular points or along particular routes.
7 eNetworks anticipates offering services in Utah as soon as reasonably practicable after it
8 has obtained approval of its Application for a CPCN and completed the construction of its
9 network.

10 **Q. DOES eNETWORKS NETWORKS PROPOSE TO OFFER**
11 **TELECOMMUNICATIONS SERVICES TO BOTH RESIDENTIAL AND**
12 **BUSINESS/COMMERCIAL CUSTOMERS?**

13 A. eNetworks markets its services primarily to enterprise and wholesale customers, such as
14 other providers and carriers. Enterprise entities require a variety of services to support
15 their single and/or multiple sites that can be served through eNetworks' fiber network and
16 related services. eNetworks' fiber network and its flexibility, scalability, and functionality
17 provide the greatest advantages for non-residential users. Applicant does not currently
18 intend to offer retail residential telecommunications services, including voice service, or
19 Internet access service. However, eNetworks' facilities will be capable of transmitting
20 communications of any nature and Applicant expects that some of its customers will use
21 the facilities to provide regulated voice or data communications services and that other
22 customers will use Applicant's facilities for the provisioning of Internet access service or
23 other unregulated services.

1 **Q. WILL APPLICANT COLLECT CUSTOMER DEPOSITS OR OFFER PREPAID**
2 **SERVICES IN UTAH?**

3 A. No, it will not. As noted above, eNetworks will primarily provide business-to-business
4 point-to-point telecommunications services, such as Private Line, and other similar
5 services to enterprise and wholesale customers (e.g., other carriers and providers).
6 Accordingly, in the Application, eNetworks requested a waiver of the bond requirement.

7 **Q. DO THE PRINCIPALS OF eNETWORKS HAVE PREVIOUS**
8 **TELECOMMUNICATIONS EXPERIENCE?**

9 A. Yes. The key management leadership team includes Jarrod Hayes, Co-CEO and Founder,
10 and me. Biographical information related to the key management leadership team is
11 attached as **Exhibit C** to the Application. These resumes demonstrate that eNetworks' key
12 management personnel have extensive experience in providing telecommunications
13 services. In addition to the key management leadership team, Applicant is supported
14 through operational expertise from its affiliate, Essentia, Inc. ("Essentia"), via a sharing
15 agreement. A copy of the employee corporate organizational structure used by Essentia to
16 provide support to eNetworks is found in **Exhibit D** of the Application. As eNetworks
17 provides similar services across the country, its key management leadership team will
18 direct its operations while utilizing employees across the country, including Utah-based
19 contractors and personnel to construct and maintain networks in Utah.

20 **Q. PLEASE DESCRIBE eNETWORKS' FINANCIAL QUALIFICATIONS TO**
21 **PROVIDE TELECOMMUNICATIONS SERVICES IN UTAH.**

22 A. Applicant will rely on the financial resources of its affiliate, Essentia, to demonstrate its
23 financial qualification to operate in Utah. Essentia is a turnkey consulting, engineering,

1 design, and construction organization that provides end-to-end project management for
2 broadband and telecommunications providers, including eNetworks. Essentia provides
3 operational and financial support to eNetworks. The financial statements of Essential are
4 attached as **Confidential Exhibit E** (the “Financial Statements”). The Financial
5 Statements demonstrate the financial resources available to Applicant to provide the
6 proposed telecommunications services in Utah.

7 **Q. DID APPLICANT PROVIDE A VERIFICATION AS TO THE ACCURACY OF**
8 **THE FINANCIAL STATEMENTS AND THAT THE FINANCIAL STATEMENTS**
9 **WERE PROVIDED ACCORDING TO GAAP?**

10 A. Yes. eNetworks included the required verification with **Confidential Exhibit E** of the
11 Application.

12 **Q. HOW WILL eNETWORKS MARKET ITS SERVICES?**

13 A. eNetworks intends to solicit customers for its telecommunications services primarily
14 through business-to-business marketing.

15 **Q. HAS eNETWORKS OBTAINED AUTHORITY TO PROVIDE ITS SERVICES IN**
16 **ANY OTHER STATES?**

17 A. Yes. eNetworks is presently authorized to provide telecommunications in the following
18 jurisdictions: Alabama, Arkansas, California, Florida, Georgia, Hawaii, Illinois, Indiana,
19 Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Mississippi, Nevada, New
20 Jersey, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas,
21 Virginia, Washington, Wisconsin, and West Virginia. In addition to this Application in
22 Utah, eNetworks has an application to provide competitive telecommunications services
23 pending in Arizona. Applicant’s parent, eNetworks Holdings, Inc., is authorized to provide

1 competitive telecommunication services in South Carolina and Georgia. Neither
2 eNetworks nor its parents or affiliates have had a certification or authorization denied,
3 suspended, terminated or revoked by any state.

4 **Q. WILL GRANTING eNETWORKS A CERTIFICATE TO PROVIDE FACILITIES-**
5 **BASED TELECOMMUNICATIONS SERVICES IN THE STATE OF UTAH**
6 **SERVE THE PUBLIC INTEREST TO UTAH CONSUMERS?**

7 A. Yes. A decision by the Commission to grant eNetworks authority to provide competitive
8 facilities-based telecommunications services is in the public interest. Applicant's entry
9 into the Utah telecommunications market will enhance competition in the provision of
10 telecommunications services within Utah. By enhancing competition, eNetworks will
11 bring significant benefits to telecommunications users within Utah by providing: (a) lower-
12 priced and better quality service; (b) innovative telecommunications services; (c) efficient
13 use of communications resources; and (d) increased diversification and reliability in the
14 supply of fiber network infrastructure and the supply of communications services. Given
15 the substantial expertise of Applicant's management team, Applicant's customers will
16 benefit from that team's knowledge and experience in the Utah market. eNetworks will
17 operate its network and offer services designed to meet the individual needs of its
18 customers for themselves and/or to enable them to provide high-quality services to their
19 customers in an efficient and cost effective manner.

20 **Q. WILL THE SERVICE PROVIDED BY eNETWORKS MEET ALL OF THE**
21 **SERVICE STANDARDS THAT THE COMMISSION MAY ADOPT?**

22 A. Yes, it will.

1 **Q. WILL THE PROVISION OF SERVICE BY eNETWORKS ADVERSELY IMPACT**
2 **THE AVAILABILITY OF AFFORDABLE TELECOMMUNICATIONS**
3 **SERVICES IN UTAH?**

4 A. No, it will not.

5 **Q. WILL eNETWORKS PARTICIPATE IN THE SUPPORT OF UNIVERSALLY**
6 **AVAILABLE TELECOMMUNICATIONS SERVICE AT AFFORDABLE RATES?**

7 A. Yes. To the extent that eNetworks provides services that are subject to universal service
8 and related requirements in Utah, it will participate in the support of universally available
9 telecommunications services at affordable rates.

10 **Q. WHO IS KNOWLEDGEABLE ABOUT NETWORKS' OPERATIONS AND WILL**
11 **SERVE AS THE COMMISSION'S REGULATORY AND CUSTOMER SERVICE**
12 **CONTACT?**

13 A. As stated in the Application, all ongoing compliance matters should be directed to
14 Mr. Kevin Brecht
15 Corporate Counsel
16 eNetworks, LLC
17 10310 Mallard Creek Rd., Ste. 300
18 Charlotte, North Carolina 28262
19 (330) 590-3970 (tel)
20 legal@enetworksllc.com
21

22 **Q. WILL eNETWORKS COMPLY WITH ALL OF THE APPLICABLE RULES,**
23 **REGULATIONS AND ORDERS OF THE COMMISSION?**

24 A. Yes, it will.

25 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

26 A. Yes, it does.

27

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eNetworks, LLC for a Certificate of Public
Convenience and Necessity to Provide
Facilities-Based Public Telecommunications
Services within the State of Utah

Docket No. 25-2654-01

VERIFICATION OF DIRECT TESTIMONY OF LINDON HAYES

The undersigned attests he has reviewed the Direct Testimony filed on behalf of eNetworks, LLC in the above-referenced proceeding; that it was prepared by him and/or under his direction; and that it is true and correct to the best of his knowledge and belief.

Lindon Hayes

Lindon Hayes
Co-CEO and Co-Founder
eNetworks, LLC