

Adam E. Weinacker (#13396)
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
801-536-6911
aweinacker@parsonsbehle.com

Attorney for Fiber AssetCo LLC

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Application of FIBER ASSETCO LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Public Telecommunications Services within the State of Utah	Docket No. 25-2655-01 APPLICATION
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APPLICATION

Fiber AssetCo LLC (“Applicant”), by its undersigned counsel and pursuant to Chapter 8b of Title 54 of the Utah Code; the Commission’s Rules of Practice and Procedure, Utah Admin. Code R746-349-1 et seq.; and the federal Telecommunications Act of 1996, 47 U.S.C. §§ 151 et seq., applies to the Utah Public Service Commission (“Commission”) for a certificate of public convenience and necessity (“Certificate”) authorizing Applicant to operate as a provider of facilities-based and resold intrastate public telecommunications services in the State of Utah.

In support of its Application, Applicant provides the following information pursuant to Utah Admin. Code R746-349:

I. GENERAL INFORMATION

A. Corporate Information

Applicant’s legal name is “Fiber AssetCo LLC.” Applicant’s principal place of business is 8020 Katy Freeway, Houston, Texas 77024 (tel: 877-486-9377).

Applicant is a Delaware limited liability company formed on April 30, 2025. Applicant's formation documents and its Utah Foreign Registration Statement are attached as **Exhibit A** and **Exhibit B**, respectively.

Applicant's sole member is Fiber NewCo LLC, a Delaware limited liability company with its sole member being with Crown Castle Fiber LLC ("CCF"). CCF is an indirect, wholly-owned subsidiary of Crown Castle Inc. ("CCI"), a publicly traded Delaware corporation (NYSE: CCI).

B. Contact Information

Correspondence or communications pertaining to this Application should be directed to:

Adam E. Weinacker
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
801-536-6911 (tel)
801-536-6111 (fax)
AWeinacker@parsonsbehle.com

With a copy to:

Russell M. Blau
Danielle Burt
Leetal Weiss
Morgan Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004
202-739-3000 (tel)
202-739-3001 (fax)
russell.blau@morganlewis.com
danielle.burt@morganlewis.com
leetal.weiss@morganlewis.com

And:

Edward B. Adams, Jr.
8020 Katy Freeway
Houston, TX 77024
Tel: 877-486-9377
PUC.Correspondence@crowncastle.com

Questions concerning the ongoing operations of Applicant following certification should be directed to:

Deborah Kelly
2000 Corporate Drive
Canonsburg, PA 15317
Tel: 724-416-2686
deborah.kelly@crowncastle.com

Applicant's registered agent in the State of Utah is:

CT Corporation System
1108 E. South Union Avenue
Midvale, Utah 84047

II. R746-349-3 FILING REQUIREMENTS

1. R746-349-3(1)(a)(i). Technical, Financial, and Managerial Abilities

Applicant has sufficient financial resources and managerial and technical qualifications to initiate and maintain the services and related operations in Utah as proposed in this Application. Applicant's financial, technical, and managerial qualifications are stated in the body of this Application, specifically in Sections 7, 10, and 11, and in the Exhibits hereto.

2. R746-349-3(1)(b). Proof of Bond

Applicant does not plan to collect customer deposits or offer any prepaid services in Utah. Further, Applicant will primarily provide point-to-point telecommunications services such as Private Line and other similar services to wholesale customers (*e.g.*, other carriers and providers) and enterprise customers. Accordingly, Applicant hereby respectfully requests a waiver of the bond requirement pursuant to Utah Admin. Code R746-349-3(1)(b)(iii).

3. R746-349-3(1)(c). Facilities to Be Used

Applicant's business is building communications solutions for enterprise and carrier customers individually for each project's needs. Applicant seeks to provide primarily facilities-based SONET, Dark Fiber, Private Line, Ethernet, Wavelength, Dedicated Internet Access, and

Collocation services to wholesale customers (*e.g.*, other carriers) and customers in government, health care, education, financial services, and other large enterprises. Applicant will primarily provide services using its own facilities and facilities leased from other carriers, but also seeks authority to provide service for resale. Applicant does not have plans to deploy specific facilities in Utah at this time and will primarily rely on facilities that will be transferred from Applicant's indirect parent, CCF, to Applicant.¹ Applicant, consistent with CCF's existing operations, expects to provide its services using fiber optic cable along with other equipment and facilities to originate, terminate, and amplify signals. Applicant will perform network and equipment maintenance necessary to ensure compliance with any quality-of-service requirements. Applicant will comply with all applicable Commission rules, regulations and standards, and will provide safe, reliable and high-quality telecommunications services in Utah. Applicant does not currently intend to offer retail end-user voice services. However, Applicant's facilities will be capable of transmitting communications of any nature. Applicant therefore requests to be granted a Certificate.

4. R746-349-3(1)(d). Services to Be Offered

(a) R746-349-3(1)(d)(i). Classes of customers

Initially, Applicant will primarily provide services to wholesale customers (*e.g.*, other carriers and providers) and enterprise customers. Applicant will primarily provide point-to-point telecommunications services such as Private Line and other similar services.

¹ CCF intends to transfer certain fiber assets and customers to Applicant and provides a courtesy notice, as it understands Commission approval is not required for such asset transfers. The transfer of certain fiber assets will be undertaken to separate CCF's fiber and small cells businesses in connection with a larger transaction whereby, among other things, a subsidiary of Front Range Intermediate, Inc. ("Zayo Parent" — an intermediate corporate parent of Zayo Group, LLC) will acquire Applicant and a subsidiary of EQT Active Core Infrastructure Fund will acquire CCF.

(b) R746-349-3(1)(d)(ii). Location of service

Applicant seeks authority to provide its proposed services to and from all points in Utah where demand for its services arises. Importantly, however, Applicant does not seek authority to provide local exchange service (as defined in Utah Code § 54-8b-2(11)) or other circuit-switched services within any local exchange that has fewer than 5,000 lines and that is owned or controlled by an incumbent telephone corporation with fewer than 30,000 access lines in the state.

(c) R746-349-3(1)(d)(iii). Types of services to be offered

As described above, Applicant proposes to primarily provide point-to-point telecommunications services such as Private Line and other similar services. Applicant will provide services primarily using its own facilities and facilities leased from other carriers, but also seeks authority to provide service via resale arrangements. Applicant does not currently own or lease facilities in Utah but will use facilities assigned from its affiliate, CCF. Applicant does not plan to furnish switched voice services or dial tone at this time.

5. R746-349-3(1)(e). Access to Standard Services

Applicant does not plan to furnish switched voice services or dial tone at this time, and therefore the requirements to provide access to directory assistance, directory listings, operator services and emergency services do not apply. If Applicant desires to provide local exchange service to end users in the future, it will seek to amend its Certificate to provide local exchange service and, at that time, explain how it proposes to provide access to ordinary intraLATA and interLATA message toll calling, operator services, directory assistance, directory listings, and emergency services.

6. R746-349-3(1)(f). Implementation Schedule

Applicant anticipates offering services in Utah as soon as reasonably practicable after it has obtained approval of its Application for a Certificate and completed the assignment of assets from its affiliate, CCF.

7. R746-349-3(1)(g). Professional Experience and Education of Managerial Personnel

Applicant has the managerial and technical qualifications necessary to provide the proposed services in Utah. Applicant is managed by a highly skilled team with substantial expertise and experience in the communications industry, including extensive telecommunications business, technical, and managerial expertise. Existing personnel of Applicant's parent companies will be responsible for Applicant's technical and operational management. Applicant's directors and officers are as follows:

Directors:

- Daniel K. Schlanger
- Edward B. Adams, Jr.

Officers:

- Daniel K. Schlanger - Interim President and Chief Executive Officer
- Sunit S. Patel - Executive Vice President and Chief Financial Officer
- Christopher D. Levendos - Executive Vice President and Chief Operating Officer – Fiber
- Edward B. Adams, Jr. - Executive Vice President and General Counsel
- Donald J. Reid - Secretary
- Scott Zahorchak - Vice President – Tax
- Mike Manczka - Vice President – Operational Finance and Accounting
- Robert S. Collins - Vice President and Corporate Controller
- Kristoffer Hinson - Vice President – Corporate Finance and Treasurer
- Inge Pasman - Assistant Secretary
- Sophie Truong - Assistant Secretary
- Deborah Kelly - Tax Officer

All management can be reached through Applicant's place of business or by telephone at 713-570-3000. Descriptions of the qualifications and backgrounds for the key personnel

responsible for the management of Applicant are attached hereto as **Exhibit C**. These biographies reflect management's substantial communications industry experience and expertise and demonstrate that the Applicant possesses significant managerial and technical expertise operating a variety of communications services.

8. R746-349-3(1)(h). Employee Organization Chart

Applicant attaches as **Exhibit D** its employee organizational chart. Applicant's management team is based in Texas and will direct its Utah operations. Applicant may utilize Utah-based contractors and personnel to maintain networks in Utah.

9. R746-349-3(1)(i). Chart of Accounts

The requirement for a chart of accounts is typically necessary with an entity using regulated rate base or rate-of-return methodology so that authorities can be confident of the proper classification of revenue and expenses for end user price calculations in a monopoly environment. This is not the financial environment surrounding the services Applicant will offer. Therefore, Applicant asks that the requirement for a chart of accounts be waived. Applicant will utilize Generally Accepted Accounting Principles ("GAAP") and be able to track its revenue in Utah for purposes of financial reporting.

10. R746-349-3(1)(j). Financial Statements

Applicant does not maintain financial statements separate from the consolidated financial statements of its ultimate parent company, CCI. For purposes of this Application, Applicant will rely on the financial statements of CCI to demonstrate Applicant's financial qualification to operate within Utah. The most recent annual consolidated financial statement of CCI is provided as **Exhibit E**. The financial statements demonstrate the financial resources available to Applicant to provide the proposed telecommunications services in Utah.

(a) R746-349-3(1)(j)(i). Balance sheet, income statement and cash flow statement

As described above, Applicant will rely on the financial statements of CCI. Applicant therefore attaches as **Exhibit E** the financial statements of CCI, which demonstrate the financial resources available to provide the proposed telecommunications services in Utah.

(b) R746-349-33(1)(j)(ii). Letter from management

Exhibit E includes a verification attesting to the accuracy and GAAP-compliant preparation of the financial statements.

(c) R746-349-33(1)(j)(iii). Start-up company balance sheet

Applicant is relying on the financial statements of CCI in **Exhibit E**.

(d) R746-349-33(1)(j)(iv). Financial statements of parent corporation

As stated above and provided in **Exhibit E**, Applicant is providing the financial statements of CCI, which demonstrate the financial resources available to provide the proposed telecommunications services in Utah.

11. R746-349-3(1)(k). Financial Statements to Demonstrate Sufficient Financial Ability on the Part of the Applicant's Statements

(a) R746-349-3(1)(k)(i). Positive net worth

As discussed above, the financial statements provided in **Exhibit E** demonstrate that Applicant has sufficient financial resources to initiate and maintain the services and related operations in Utah as proposed in this Application.

(b) R746-349-3(1)(k)(ii). Sufficient projected and verifiable cash flow to meet cash needs as shown in a five-year projection of expected operations.

Applicant provides as **Confidential Exhibit F** evidence that Applicant has access to the capital necessary to conduct its telecommunications operations in Utah. While CCI's financial statements are publicly available, information concerning Applicant's five-year projection of cash

flow from expected operations are not. The information demonstrating the five-year projection of cash flow from expected operations are highly confidential and not publicly available. Release of the financial information could disadvantage Applicant by giving its competitors insight into Applicant's ability to compete. Further, release of financial information, including revenue estimates, would substantially harm Applicant's ability to negotiate with vendors, incumbent local exchange carriers, and other local and interexchange carriers for services and equipment. The release of financial information would also harm Applicant's relationship with investors.

Applicant requests that **Confidential Exhibit F** be treated as confidential and proprietary. Applicant takes all reasonable steps to protect the privacy of the financial information. In situations where Applicant must provide financial information to public utilities commissions or governmental entities, it does so under seal and requests confidential treatment. Therefore, the information provided in **Confidential Exhibit F** is proprietary and is being submitted in a sealed envelope marked "**Confidential – Subject to Utah Public Service Commission Rules R746-1-602 and 603.**" As it contains sensitive information regarding Applicant's business operations, Applicant respectfully requests that this information be treated confidentially and not be released to any member of the public absent Applicant's prior written permission.²

Applicant respectfully requests that **Confidential Exhibit F** be treated as Confidential Information subject to R746-1-602 and 603.

(c) R746-349-3(1)(k)(iii). Proof of bond

As discussed above, Applicant does not plan to collect customer deposits or offer any prepaid services in Utah. Further, Applicant will provide service only to other communications

² Because *all* information in **Confidential Exhibit F** is confidential, Applicant has not highlighted select information pursuant to R746-1-601(1)(b) or provided a redacted version for public access pursuant to R746-1-601(3)(a).

carriers on a wholesale basis (e.g., other carriers and providers) and to enterprise customers. Accordingly, Applicant hereby respectfully requests a waiver of the bond requirement.

12. R746-349-3(1)(l). Five-Year Projection of Expected Operations

(a) R746-349-3(1)(l)(i). Pro-forma income and cash flow statements.

As discussed above, the Financial Statements provided in **Confidential Exhibit F** show that Applicant has access to the capital necessary to conduct its telecommunications operations in Utah. Applicant respectfully requests that **Confidential Exhibit F** be treated as Confidential Information subject to R746-1-602 and 603.

(b) R746-349-3(1)(l)(ii). Types of technology to be deployed.

Applicant will deploy the technology specified above in Section II (3) of this Application.

(c) R746-349-3(1)(l)(iii). Maps of facilities locations.

Applicant does not have any existing facilities in Utah.

13. R746-349-3(1)(m). Implementation Schedule

Applicant anticipates offering services in Utah as soon as reasonably practicable after it has obtained approval of its Application for a Certificate and been assigned assets from its affiliate CCF.

14. R746-349-3(1)(n). Technical and Managerial Abilities

Applicant has the managerial and technical qualifications necessary to provide the proposed services in Utah. Applicant is managed by a highly skilled team with substantial expertise and experience in the communications industry, including extensive telecommunications business, technical, and managerial expertise. Descriptions of the qualifications and backgrounds for the key personnel of Applicant, including its officers and directors, are attached hereto as **Exhibit C**. These biographies reflect management's substantial communications industry experience and expertise and demonstrate that the Applicant possesses significant managerial and technical

expertise operating a variety of communications services. Thus, Applicant possesses the managerial and technical qualifications necessary to operate a competitive telecommunications company in Utah, consistent with the Commission's requirements.

(a) R746-349-3(1)(n)(i). Proof of certification in other jurisdictions

Applicant is not currently authorized to provide, nor does it provide, intrastate telecommunications services in any state. Applicant has applications pending for, or intends to seek authorization or registration to provide, intrastate telecommunications services in the District of Columbia and every state except Alaska. Applicant's parent, CCF, is authorized to provide telecommunications services in the District of Columbia and every state except Alaska. In Utah, CCF is authorized to provide public telecommunications services pursuant to Certificate No. 2608 granted in Docket Nos. 18-2445-01, 18-2512-01, and 18-2608-01 on October 29, 2018.³ Applicant has not had a certification or authorization denied, suspended, terminated, or revoked by any state.

(b) R746-349-3(1)(n)(ii). 2 years of recent experience providing telecom service

Applicant currently does not provide telecommunications services. However, as discussed above, Applicant is managed by a highly skilled team with substantial expertise and more than two years' experience in the communications industry, including extensive telecommunications business, technical, and managerial expertise.

³ Previously, CCF's affiliate Crown Castle NG West LLC ("CCNG-West") held Certificate No. 2445, which was issued by the Commission pursuant to Docket No. 04-2445-01 on March 30, 2005. That Certificate was originally granted to NextG Networks of California, Inc. d/b/a NextG Networks West ("NextG"). The Commission approved a name change from NextG to CCNG-West in Docket No. 14-2445-01 on January 26, 2015. CCNG-West was subsequently consolidated into CCF, with CCF surviving the merger. *See* Docket Nos. 18-2445-01, 18-2512-01, and 18-2608-01. The Commission issued CCF a Certificate, and, following the consolidation, cancelled the Certificate of CCNG-West pursuant to an Order issued by the Commission in Docket Nos. 18-2445-01 and 18-2512-01 on February 15, 2019. CCF's other prior affiliate NewPath Networks, LLC had its Certificate, No. 2512, cancelled by the Commission pursuant to the same Order.

15. R746-349-3(1)(o). Public Interest

Granting this Application will promote the public interest by increasing competition in the provision of telecommunications services in Utah. The entry of Applicant into the Utah telecommunications market will enhance competition in the provision of telecommunications services within Utah. By enhancing competition, Applicant will bring significant benefits to telecommunications users within Utah by providing: (a) lower-priced and better-quality service; (b) innovative telecommunications services; (c) efficient use of communications resources; and (d) increased diversification and reliability in the supply of communications services. Given the substantial expertise of Applicant's management team, Applicant's customers will benefit from that team's knowledge and experience in the Utah market. Applicant will operate its networks and offer services designed to meet the individual needs of its customers in providing high-quality services to their end-user customers in an efficient and cost-effective manner. Further, grant of this Application will allow Applicant to continue serving the existing customers of CCF.

16. R746-349-3(1)(p). Authority to Conduct Business in Utah

Applicant's Foreign Registration Statement authorizing Applicant to conduct business in Utah is attached as **Exhibit B**.

17. R746-349-3(1)(q). Unauthorized Switching, Solicitation of New Customers, and Prevention of Unauthorized Switching

No complaints have been made, nor has any investigation or sanction been undertaken, against Applicant for unauthorized switching ("slamming") or any other illegal activities. As stated above, Applicant will not provide switched voice services, including dial tone.

18. R746-349-3(1)(r). Applicant's Written Solicitation Policies

Since Applicant does not provide switched voice services to end users currently, Applicant does not have a written solicitation policy. To the extent that Applicant provides local exchange

services to end users in the future, Applicant will comply with all applicable laws and regulations to prevent the unauthorized switching of local service customers by the Applicant, its employees or agents.

* * *

WHEREFORE, Applicant respectfully requests that the Utah Public Service Commission issue a Certificate authorizing Applicant to provide, throughout the State of Utah, facilities-based and resold public telecommunications services without authority to provide local exchange service (as defined in Utah Code § 54-8b-2(11)) or other circuit-switched services within any local exchange that has fewer than 5,000 lines and that is owned or controlled by an incumbent telephone corporation with fewer than 30,000 access lines in the state. Applicant also requests that the Commission waive the requirement for Applicant to provide a bond. Applicant further respectfully requests that the Commission issue a Certificate to Applicant through an informal adjudication process, to the extent permitted under Utah Code section 54-8b-3(1)(b).

Respectfully submitted this 26th day of June, 2025.

/s/ Adam E. Weinacker

Adam E. Weinacker
Parsons Behle & Latimer

Attorney for Fiber AssetCo LLC

LIST OF EXHIBITS

- EXHIBIT A Formation Documents
 - EXHIBIT B Certificate of Authority to Transact Business in Utah
 - EXHIBIT C Management Biographies
 - EXHIBIT D Organizational Chart
 - EXHIBIT E Consolidated Financial Information
 - EXHIBIT F Five-Year Projected Cash Flow – **CONFIDENTIAL**
- VERIFICATION