

1 **BEFORE THE PUBLIC SERVICE COMMISSION**
2 **OF THE STATE OF GEORGIA**

3
4 **IN THE MATTER OF THE**)
5 **APPLICATION OF FIBERLIGHT, LLC**)
6 **FOR APPROVAL TO PARTICIPATE IN**)
7 **CERTAIN FINANCING**)
8 **ARRANGEMENTS**)
9

DOCKET NO.: _____

10 **APPLICATION OF FIBERLIGHT, LLC**
11 **FOR APPROVAL OF FINANCING TRANSACTION**

12 FIBERLIGHT, LLC (“FiberLight” or “Applicant”) hereby submits to the State of
13 Georgia Public Service Commission (the “Commission”) this Application for Funding Authority
14 seeking an Order by the Commission granting financing authority to engage in the financial
15 transaction as described herein, as required under O.C.G.A. § 46-2-28. In support of this
16 Application, Applicant states as follows:

17 I.

18 **Identification of the Applicant.** The legal name of the Applicant Company is
19 **FIBERLIGHT, LLC** and the principal place of business address is:

20 3000 Summit Place, Suite 200, Alpharetta, GA 30067

21 Telephone: 678.366.0027

22 Fax: 404.506.9262

23 Website: www.fiberlight.com

24 Federal Tax ID: 34-2042346
25

1 II.

2 Correspondence and communications concerning this Application, or any corporate or
3 regulatory matters should be directed to:

4 Tony D. Cash, Esq.

5 Executive Vice President and General Counsel

6 FiberLight, LLC

7 3000 Summit Place, Suite 200,

8 Alpharetta, Georgia 30009

9 Tel. 678.824.6625

10 Fax. 404.506.9262

11 Email. tony.cash@fiberlight.com

12 III.

13 **Organization Chart.** The Applicant's Organization Chart is attached hereto as
14 **EXHIBIT "A."**

15 IV.

16
17 **Description of Applicant Company.** Applicant is a Delaware limited liability company
18 operating in Georgia as a foreign limited liability company, and currently in good standing in
19 said State. A copy of the Certificate of Organization is attached as **EXHIBIT "B."** Applicant is a
20 leading provider of fiber optic-based network solutions in key metropolitan markets in the U.S.
21 Further information concerning Applicant's legal, technical, managerial, and financial
22 qualifications to provide service was submitted with its application for certification with the
23 Commission as noted above and is, therefore, a matter of public record. Applicant respectfully
24 requests that the Commission take official notice of that information and incorporate it herein by
25 reference.

V.

Certificates of Authority currently held in the State of Georgia. Applicant is certificated as a Competitive Local Exchange Carrier in Georgia. See Certificate L-0394 attached hereto as **EXHIBIT “C.”**

VI.

Description of the Financial Transaction. Applicant is seeking to secure a new senior secured credit facility (the “New Debt Facility”) with one or more lenders (including their respective successors, assigns, and participants) arranged by Guggenheim Credit Services, LLC.

The purpose of the New Debt Facility is to refinance and repay in full all outstanding indebtedness owed by FiberLight to CoBank, ACB (“CoBank”) (the “Refinancing”), and to pay for working capital for continued network infrastructure build-out, capital expenditures, and other various costs and fees associated therewith. The facility will require a pledge of all assets of FiberLight and certain of its affiliates (including the equity interests of FiberLight). Applicant is expecting to close the New Debt Facility upon receiving regulatory approval. FiberLight will be the borrower and the guarantors of the New Debt Facility will include the following affiliates of FiberLight: FiberLight of Virginia, LLC, a Virginia limited liability company, FiberLight B, LLC, a Delaware limited liability company, FiberLight Holdings I, LLC, a Colorado limited liability company. Further details of this transaction are included in the Financing Transaction Summary in **EXHIBIT “D”** which is respectfully filed under seal with this Application.

VII.

Statement regarding effect on Applicant’s operations. The proposed new financing arrangement will not have any adverse effects on the operation of Applicant’s business or the

1 servicing of its customers. It will also not affect the Applicant's management or internal control
2 of the company.

3 VIII.

4 **Applicant's Financial Information.** Applicant is submitting its FY 2019 audited
5 balance sheet and income statement, which is respectfully filed under seal with this Application.
6 See **EXHIBIT "E"** which is respectfully filed under seal with this Application.

8 IX.

9 **Public Interest.** The proposed financing arrangements described herein are consistent
10 with the public interest and will not impair the ability of Applicant to perform services to the
11 public. The financing arrangements will enable Applicant to realize operational efficiencies and
12 provide the ability to bring services to new markets and allow more consumers to benefit from its
13 competitive services more quickly and efficiently. In addition, the financing arrangements will
14 allow Applicant to extend the maturity of certain indebtedness and reduce existing expenses.
15 Furthermore, the contemplated pledges and guarantees will be entirely transparent to consumers
16 and will not alter the rates, terms and conditions under which Applicant provides service in
17 Georgia. The issuance of the notes will not cause a change in the control of Applicant.
18 Approval of Applicant's participation in the proposed financing arrangements will serve the
19 public interest in promoting competition among telecommunications carriers by providing
20 Applicant with the opportunity to strengthen its financial position. Applicant believes that the
21 financial arrangements described herein provide important financial benefits to the company. As
22 a result, the proposed transaction is expected to continue to yield financial benefits that
23 ultimately inure to the benefit of Applicant's customers. Furthermore, by increasing the breadth
24 and scope of telecommunications services made available through the Applicant's ongoing
25 operations, this financing transaction will ultimately benefit Georgia consumers. In sum, greater

1 access to capital will strengthen Applicant's ability to bring competitive telecommunications
2 services to consumers in Georgia and is, therefore, in the public interest.

3 X.

4 **Miscellaneous.** This Application is fully verified and contains the requisite information
5 to support the requested authorization. If additional data or information is desired, Applicant will
6 promptly submit the same in verified form.

7
8 **WHEREFORE,** Applicant respectfully petitions this Commission for authority to
9 proceed with the financial transaction described herein.

10
11 Respectfully submitted this 22nd day of July, 2020.

12 **FIBERLIGHT, LLC**

13
14 /s/ Jessica Davila

15 Jessica Davila

16 Georgia Bar No.: 455044

17 Corporate Counsel

18 FiberLight, LLC

19 3000 Summit Place, Suite 200

20 Alpharetta, Georgia 30009

21 Tel.: 678.347.9278

22 Email: jessica.davila@fiberlight.com
23
24
25

1 **STATE OF GEORGIA**

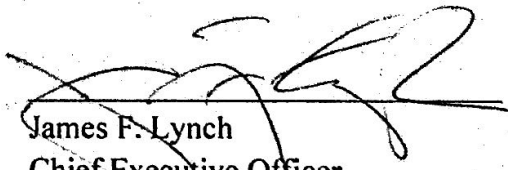
2 **FULTON COUNTY**

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5 **VERIFICATION OF APPLICANT**

6 I, James F. Lynch, Chief Executive Officer of FiberLight, LLC, a Georgia foreign
7 limited liability company, the Applicant for Financing Authority, verify that based on
8 information and belief, I have knowledge of the statements in the foregoing Application, and I
9 declare that they are true and correct.

10 I further declare that I have the authority duly granted by Applicant to execute this
11 Verification.

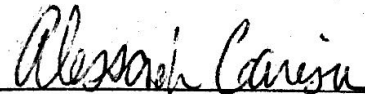
12
13 Executed on the ____ day of July 2020, at Alpharetta, Georgia.

14
15 
16 James F. Lynch
17 Chief Executive Officer
18 FiberLight, LLC

19 Sworn to me, the undersigned

20 Notary Public on this

21 22 day of July, 2020.

22 
23

24 NOTARY PUBLIC



LIST OF EXHIBITS

EXHIBIT A	ORGANIZATION CHART
EXHIBIT B	FOREIGN LIMITED LIABILITY COMPANY QUALIFICATION
EXHIBIT C	CLEC CERTIFICATE
EXHIBIT D	SUMMARY OF FINANCIAL TRANSACTION
EXHIBIT E	FY 2019 BALANCE SHEET AND INCOME STATEMENT

EXHIBIT “A”

ORGANIZATION CHART

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BOX TYPES

CEO

Executive

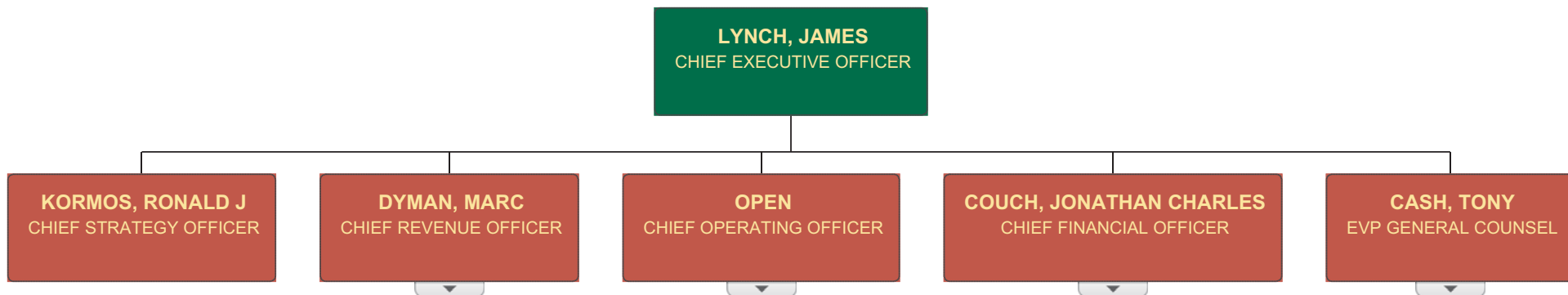


EXHIBIT “B”

FOREIGN LIMITED LIABILITY COMPANY QUALIFICATION

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY "FIBERLIGHT, LLC" IS DULY FORMED UNDER
THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A
LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF
THE FOURTH DAY OF JUNE, A.D. 2018.



3942271 8300

SR# 20184321627

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202811172

Date: 06-04-18

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER : 0526587
DATE INC/AUTH/FILED : April 27, 2005
JURISDICTION : Delaware
PRINT DATE : 9/23/2013 2:18:39 PM

CERTIFICATE OF EXISTENCE

I, Brian P. Kemp, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

FIBERLIGHT, LLC
A Foreign Limited Liability Company

was formed in the jurisdiction stated above or was authorized to transact business in Georgia on the above date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.



B: P. Kemp

Brian P. Kemp
Secretary of State

Tracking #: Zvg7OWSg

EXHIBIT “C”

CLEC CERTIFICATE

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Georgia Public Service Commission

March 14, 2014

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TELECOMMUNICATIONS

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CLEC Certificate L-0394 for FiberLight, LLC

Certification and Staff Information

Status:	INTERIM	Type:	CLEC
Docket Number:	21207-U	Document Number:	84804
Filed:	08/08/2005	Reviewer 1:	Patrick
Approved/Denied:	10/04/2005	Reviewer 2:	
Hearing:		Staff Deadline:	
Inspected:	10/13/2005	Statutory Deadline:	
Amended:		Staff Attorney:	
Revised:	10/29/2012		

Consumer Alert

Georgia Power's EarthCents, portfolio of energy efficiency programs

[MORE...](#)

Company Information

Name: FiberLight, LLC
 Address: 11700 Great Oaks Way Suite 100
 Alpharetta, GA 30022
 Contact: Tony Cash
 Phone: (678) 824-6625
 Customer Service:
 FAX:
 Email: tony.cash@fiberlight.com

Attorney Information

Name:
 Firm:
 Address:
 Phone:

Comments

At 10-18-2011-Admin, Commission re-instated certificate of FiberLight, LLC in Docket 33711. Rule Nisi Docket 33711 Certificate cancelled at 7-22-11 Admin due to non-compliance. fka Xspedius Fiber Group wholesale fiber optic www.FiberLight.com

CLEC Specific Information

Facility-based Carrier: No
 Prepaid: No
 Reseller of Local Services: Yes
 Hearing Officer:
 Exchange Update:
 Number of Exchanges: 145

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EXHIBIT “D”

SUMMARY OF FINANCIAL TRANSACTION

[FILED UNDER SEAL]

EXHIBIT “E”

FY 2019

BALANCE SHEET AND INCOME STATEMENT

[FILED UNDER SEAL]