

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

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IN THE MATTER OF THE)
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APPLICATION OF FIBERLIGHT, LLC)
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FOR APPROVAL OF NEW DEBT)
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FINANCING)
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_____)
)

DOCKET NO.: _____

APPLICATION OF FIBERLIGHT, LLC
FOR APPROVAL OF NEW DEBT FINANCING

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

I.

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

3000 Summit Place, Suite 200, Alpharetta, GA 30009
Telephone: 678.366.0027
Fax: 404.506.9262
Website: www.fiberlight.com
Federal Tax ID: 34-2042346

II.

1
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
13 III.

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

16 IV.

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.

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

VI.

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6 **Description of the Financial Transaction.** Applicant is seeking to amend its existing
7 long-term financing arrangement. On July 22, 2020, FiberLight requested and obtained
8 Commission approval to enter into a senior secured credit facility with one or more lenders
9 arranged by Guggenheim Credit Services, LLC (collectively, the “Lenders”). This credit facility
10 was in the aggregate principal amount of up to \$325,000,000, consisting of: (a) a senior secured
11 first lien term loan facility in an aggregate principal amount of \$280,000,000 (the “Term Loan
12 Facility”); and (b) a senior secured first lien delayed draw term loan facility in an aggregate
13 principal amount of up to \$45,000,000 (the “Delayed Draw Term Loan Facility” and together
14 with the Term Loan Facility, the “Facilities”).
15

16 The Lenders are now providing the Company with additional growth capital to fund
17 ongoing customer projects and new business. The existing Facilities are being upsized with an
18 incremental term loan of \$45,000,000 (on top of the original term loan of \$280,000,000) and an
19 incremental Delayed Draw Term Loan (“DDTL”) facility of \$50,000,000 (on top of the original
20 DDTL facility of \$45,000,000). Subject to the exception below, the term for the Facilities will
21 remain five (5) years from the date of the original agreement, with full payment due on August
22 21, 2025, and other terms are as stated in the prior application of FiberLight dated July 22, 2020.
23

24 Proceeds of the Facilities will be used by FiberLight to pay transaction costs and to pay
25 for working capital for continued network infrastructure build-out, capital expenditures, and
other various costs and fees associated therewith. Applicant closed this financing transaction on

1 October 15, 2021, whereby the incremental loan described herein has a term of less than twelve
2 (12) months, but after Commission approval of this notice, the loan will convert to a long-term
3 loan with a term, like the initial loan, of five (5) years from the date of the original agreement.

4 VII.

5 **Statement regarding effect on Applicant's operations.** The proposed new financing
6 arrangement will not have any adverse effects on the operation of Applicant's business or the
7 servicing of its customers. It will also not affect the Applicant's management or internal control
8 of the company.

9 VIII.

10 **Public Interest.** Approval of this Application and the FiberLight financing arrangements
11 described herein will serve the public interest. The financing arrangements will increase the
12 aggregate principal amount available to Applicant and enable FiberLight to extend its ongoing
13 network infrastructure build-out and related capital expenditures. These arrangements will also
14 strengthen the Applicant to the benefit of its Georgia customers by providing greater access to
15 capital and will permit the Applicant to fund its business plan. Applicant will be in a better
16 position to provide competitive services in Georgia. The financing will be transparent to
17 FiberLight's Georgia and other customers and will not result in any visible change to customer
18 service, including any discontinuance, reduction, loss, or impairment of service to customers.
19 FiberLight's new financing will allow it to continue to provide the same quality communications
20 services to its customers without interruption and without immediate change in rates, terms, or
21 conditions. In sum, greater access to capital will strengthen Applicant's ability to bring
22 competitive telecommunications services to consumers in Georgia and is, therefore, in the public
23 interest.
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IX.

1 **STATE OF GEORGIA**

2 **FULTON COUNTY**

3

4 **VERIFICATION OF APPLICANT**

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

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

11

12 Executed on the 3rd day of February 2022 at Alpharetta, Georgia.

13

DocuSigned by:
Christopher Rabii
5B78352847114FB

14

Christopher Rabii
Chief Executive Officer
FiberLight, LLC

15

16

17

18 Sworn to me, the undersigned

19 Notary Public on this

20 ____ day of _____, 2022.

21

22 _____ (SEAL)

23 NOTARY PUBLIC

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LIST OF EXHIBITS

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- EXHIBIT A ORGANIZATION CHART
- EXHIBIT B FOREIGN LIMITED LIABILITY COMPANY QUALIFICATION
- EXHIBIT C CLEC CERTIFICATE

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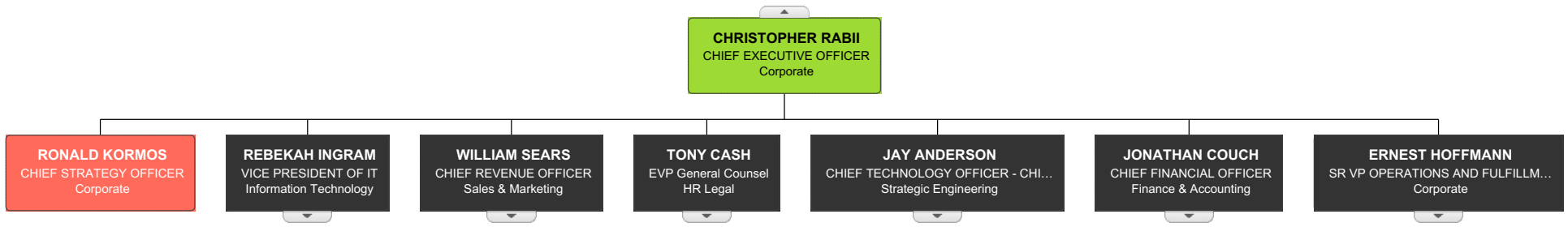
EXHIBIT "A"
ORGANIZATION CHART

[appears on the following page]



BOX TYPES

- Executive
- Manager
- Individual Contributor



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EXHIBIT "B"
FOREIGN LIMITED LIABILITY COMPANY QUALIFICATION

Delaware

The First State

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.




Jeffrey W. Bullock, Secretary of State

3942271 8300

SR# 20184321627

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

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.



A handwritten signature in black ink, appearing to read "B: P. Kemp".

Brian P. Kemp
Secretary of State

Tracking #: Zvg7OWSg

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EXHIBIT "C"
CLEC CERTIFICATE



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