

August 18, 2023

Georgia Public Service Commission
Sallie Tanner, Executive Secretary
244 Washington Street S.W.
Atlanta, GA 30334-5701

RE: Application for Certificate of Authority to Resell Interexchange Telecommunications Services filed on behalf of Benchmark Communications, LLC

Dear Secretary,

Attached please find for filing the application for Certificate of Authority to Resell Interexchange Telecommunications Services filed on behalf of Benchmark Communications, LLC.

If you have any questions, please do not hesitate to contact me at 407-794-3488 or regulatory@csilongwood.com.

Respectfully submitted,

/s/ Mark Lammert

Mark Lammert, CPA
Benchmark Communications, LLC

Georgia Public Service Commission
244 WASHINGTON STREET, SW
ATLANTA GEORGIA 30334-5701

APPLICATION FOR CERTIFICATE OF AUTHORITY
TO RESELL INTEREXCHANGE TELECOMMUNICATIONS SERVICES

I. APPLICANT ADDRESS

NAME OF COMPANY Benchmark Communications, LLC dba FH Wavefly
ADDRESS: STREET 100 South Commons, Suite 102
CITY Pittsburgh STATE PA ZIP CODE 15212
TEL. NO. ( ) 504-293-4000 FAX NO. ( ) 504-324-0721

EMPLOYEE DESIGNATED TO RECEIVE AND RESPOND TO COMMISSION REQUESTS:

NAME Mark Lammert TEL. NO. ( ) 407-260-1011
TITLE Attorney-in-Fact FAX NO. ( ) 407-260-1033
E-MAIL regulatory@csilongwood.com

EMPLOYEE ADDRESS (*IF DIFFERENT FROM ABOVE*):
STREET 242 Rangeline Rd.
CITY Longwood STATE FL ZIP CODE 327502

NOTE: FAILURE TO NOTIFY THE COMMISSION, IN WRITING, WHEN THERE IS A CHANGE IN THE CONTACT PERSON OR ADDRESS(ES) LISTED IN THIS APPLICATION WILL RESULT IN CANCELLATION OF THE APPLICATION OR SUBSEQUENT CERTIFICATE.

II. ATTORNEY OR AGENT ADDRESS

IF APPLICANT IS NOT A GEORGIA CORPORATION, GIVE NAME AND ADDRESS OF AN ATTORNEY OR AGENT IN THE STATE OF GEORGIA UPON WHOM PROCESS MAY BE SERVED IN ANY SUIT AGAINST APPLICANT.

NAME
NAME OF FIRM Corporation Service Company
ADDRESS: STREET 2 Sun Court, Suite 400
CITY Peachtree Corners STATE GA ZIP CODE 30092
TEL. NO. ( ) 800-927-9800 FAX NO. ( )

III. ORGANIZATION

1. TYPE OF ORGANIZATION: (CHECK ONE)

   [X] LLC

   [ ] INDIVIDUAL

   [ ] PARTNERSHIP

   [ ] CORPORATION

   [ ] MUTUAL OR COOPERATIVE (INC./UNINC.)

   [ ] OTHER (SPECIFY): _____

2. IF APPLICANT IS A CORPORATION OR LIMITED PARTNERSHIP, INSERT THE SEVEN-DIGIT CONTROL NUMBER FROM "CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS" ISSUED BY THE SECRETARY OF STATE OF THE STATE OF **GEORGIA.**

   CONTROL NUMBER: 22081863

   ATTACH A COPY OF GEORGIA SECRETARY OF STATE CERTIFICATE, MARKED EXHIBIT A.

3. IF APPLICANT IS A CORPORATION, ATTACH COPY OF CHARTER, MARKED EXHIBIT ___. ALSO ATTACH A LIST OF ALL DIRECTORS AND PRINCIPAL STOCKHOLDERS WITH THE NUMBER OF SHARES HELD BY EACH, MARKED EXHIBIT ___, AND GIVE NAME AND ADDRESSES OF THE FOLLOWING OFFICERS:

   PRESIDENT Ward Bourdeaux ADDRESS 100 South Commons, Suite 102, Pittsburgh, PA 15212

   V. PRESIDENT _____ ADDRESS _____

   TREASURER _____ ADDRESS _____

   SECRETARY _____ ADDRESS _____

   STATE AND DATE OF INCORPORATION: STATE Louisiana DATE 6/11/2004

4. IF APPLICANT IS A PARTNERSHIP OR COOPERATIVE, PROVIDE AN ATTACHMENT, MARKED EXHIBIT WITH NAMES AND ADDRESSES OF PARTNERS, OFFICERS OR MEMBERS.

5. IF APPLICANT IS A SUBSIDIARY, PARENT, OR AFFILIATE OF ANY OTHER COMPANY, REGARDLESS OF TYPE OR INDUSTRY, PROVIDE A CHART, MARKED EXHIBIT ___, SHOWING THE RELATIONSHIPS BETWEEN THE APPLICANT AND ALL AFFILIATED COMPANIES.

IV. EXISTING AUTHORITY

1. DOES THE APPLICANT OR ANY AFFILIATE PRESENTLY HAVE AN EXISTING CERTIFICATE(S) OF AUTHORITY ISSUED BY THE GEORGIA PUBLIC SERVICE COMMISSION?

   [X] NO

   [ ] YES

   IF YES, CHECK CERTIFICATE TYPE(S) AND INSERT CERTIFICATE NUMBERS:

   [ ] COMPETITIVE LOCAL EXCHANGE SERVICE (CLEC): L-____

   [ ] INTEREXCHANGE CARRIER (IXC): X-____

   [ ] ALTERNATE OPERATOR SERVICE (AOS): A-____

   [ ] INSTITUTIONAL TELECOMMUNICATIONS SERVICE (ITS): P-____

   [ ] PAYPHONE SERVICE PROVIDER (PSP): ____

   [ ] AUTOMATIC DIALING AND ANNOUNCING DEVICE (ADAD): ____

   [ ] TELEPHONE SERVICE OBSERVING EQUIPMENT (TSOE): ____

2. A) DOES THE APPLICANT OR ANY AFFILIATE PRESENTLY HAVE CERTIFICATE AUTHORITY IN ANY OTHER STATE OR FEDERAL JURISDICTION(S)?

   [ ] NO

   [X] YES

   IF YES, LIST STATES IN WHICH AUTHORITY HAS BEEN GRANTED: FL, AL, MS, LA

   B) DOES THE APPLICANT OR ANY AFFILIATE PRESENTLY HAVE PENDING APPLICATIONS IN ANY OTHER STATE OR FEDERAL JURISDICTION(S)?

   [X] NO

   [ ] YES

   IF YES, LIST STATES IN WHICH APPLICATIONS ARE PENDING: _____

   C) HAS THE APPLICANT BEEN DENIED CERTIFICATION IN ANY JURISDICTION?

   [X] NO

   [ ] YES

   IF YES, WHICH STATE(S) OR JURISDICTION(S)? _____

   ATTACH A COPY OF THE ORDER(S) DENYING CERTIFICATION.

V. INTEREXCHANGE SERVICE

1. WHAT CUSTOMER CLASS(ES) DOES THE APPLICANT PROPOSE TO SERVE (CHECK ALL THAT APPLY)?

   [X] RESIDENTIAL

   [X] BUSINESS

   [ ] OTHER:_____

2. WHAT SERVICES WILL THE APPLICANT PROVIDE (CHECK ALL THAT APPLY)?

   [X] MESSAGE TELECOMMUNICATIONS SERVICE (MTS)/ DIRECT DISTANCE DIALING (DDD)

   [ ] WIDE AREA TELECOMMUNICATIONS SERVICE (WATS)

   [ ] PRIVATE LINE

   [ ] CALLING CARD

   [ ] TRAVEL CARD

   [ ] DEBIT OR PRE-PAID CARD (PROVIDE A WORKING DEBIT CARD WITH APPLICATION MATERIALS)

   [ ] TOLL LINE (GENERALLY ONLY APPLIES TO INCUMBENT LOCAL EXCHANGE CARRIERS)

   [ ] OTHER:_____

3. IF PROVIDING TOLL LINE SERVICE, ANSWER THE FOLLOWING:

   (A) EXCHANGES BETWEEN WHICH TOLL LINE OPERATES: _____

   _____

   (B) NAME OF ALL EXCHANGES WHICH RECEIVE INTEREXCHANGE SERVICE THROUGH THIS TOLL LINE:

   _____

   (C) LOCATION OF TOLL STATIONS, IF ANY: _____

   TOTAL LENGTH OF LINE INCLUDING SPURS: _____

   GENERAL ROUTE OF TOLL LINE: _____

4. TARIFFS FOR INTEREXCHANGE SERVICES ARE NO LONGER REQUIRED. DOES THE COMPANY WISH TO MAINTAIN AN INTEREXCHANGE SERVICES TARIFF WITH THE GEORGIA PUBLIC SERVICE COMMISSION?

   [X] NO

   [ ] YES

   IF YES, ATTACH AN **INTEREXCHANGE SERVICES TARIFF**, MARKED EXHIBIT ___, WHICH INCLUDES THE RATES, TERMS, AND CONDITIONS FOR ALL SERVICES.

5. AN ACCESS SERVICES TARIFF MUST BE FILED WITH THE GEORGIA PUBLIC SERVICE COMMISSION IN ORDER TO PROVIDE ACCESS SERVICES (SEE O.C.G.A. § 46-5-166(e)). DOES THE COMPANY INTEND TO PROVIDE ACCESS SERVICES?

   [X] NO

   [ ] YES

   IF YES, ATTACH AN **ACCESS SERVICES TARIFF**, MARKED EXHIBIT ___, WHICH INCLUDES THE RATES, TERMS, AND CONDITIONS FOR ALL SERVICES.

VI. TECHNICAL CAPABILITY

1. PROVIDE RESUMES AND/OR PROFILES OF THE APPLICANT'S MANAGEMENT TEAM, MARKED EXHIBIT B. DESCRIBE EACH TEAM MEMBER'S TECHNICAL QUALIFICATIONS, WHICH INCLUDE ANY RELEVANT WORK EXPERIENCE, EDUCATION, AND TRAINING.

2. DESCRIBE MECHANISM BY WHICH APPLICANT INTENDS TO BILL FOR SERVICES. APPLICANT'S NAME MUST APPEAR ON END-USER'S BILL.

Benchmark Communications will invoice customers using their internal billing system.

3. DETAIL THE PROCESSES BY WHICH THE COMPANY PROPOSES TO HANDLE CUSTOMER SERVICE ORDERS, INQUIRIES, AND COMPLAINTS. CUSTOMER SERVICE MUST OPERATE DURING NORMAL BUSINESS HOURS (i.e., 9:00 AM - 5:00 PM, or similar) MONDAY-FRIDAY; DURING NON-BUSINESS HOURS, CUSTOMERS SHOULD BE ABLE TO LEAVE MESSAGES VIA VOICEMAIL OR A MESSAGE SERVICE. DESCRIBE HOW THE APPLICANT WILL COMPLY WITH THIS REQUIREMENT. LIST TELEPHONE NUMBERS THAT WILL BE USED FOR CUSTOMER SERVICE. APPLICANT MUST PROVIDE A TOLL-FREE NUMBER WHEREUPON INQUIRIES AND COMPLAINTS CAN BE SERVED.

Benchmark handles customer complaints as they are received. Complaints are reviewed and responded to as soon as they are identified. Benchmark has a toll-free number customers can use (800 685-3699) for direct access.

4. PLEASE STATE WHETHER THE APPLICANT HAS EXPERIENCED CUSTOMER COMPLAINTS LODGED WITH ANY JURISDICTION'S REGULATORY AGENCY OR ATTORNEY GENERAL'S OFFICE FROM ANY NUMBER OF CUSTOMERS REPRESENTING MORE THAN 0.5% OF ALL CUSTOMERS SERVED BY THE APPLICANT WITHIN SUCH JURISDICTION.

[X] NO

[ ] YES

IF YES:

PLEASE STATE THE NAME (INCLUDING CONTACT PERSON) OF EACH REGULATORY AGENCY OR ATTORNEY GENERAL'S OFFICE, DESCRIBE THE NATURE OF THE COMPLAINTS, EXPLAIN WHETHER AND HOW SUCH COMPLAINTS HAVE BEEN RESOLVED, AND STATE YOUR PLANS TO PREVENT SUCH COMPLAINTS FROM OCCURING AGAIN.

VII. FINANCIAL CAPABILITY

1. PROVIDE THE MOST RECENT CERTIFIED REPORT ON THE EXAMINATION OF APPLICANT'S FINANCIAL STATEMENTS ALONG WITH BUSINESS PLAN ASSUMPTIONS. IF APPLICANT DOES NOT HAVE CERTIFIED FINANCIAL REPORTS PROVIDE THIS COMMISSION WITH CERTIFIED DOCUMENTATION OF FUNDS TO BE USED FOR CAPITALIZATION.

Please see attached Exhibit C marked CONFIDENTIAL.

2. IS APPLICANT PRESENTLY INVOLVED IN ANY LITIGATION?

[X] NO

[ ] YES

IF YES, PLEASE DESCRIBE IN DETAIL: _____

3. DOES THE APPLICANT AGREE TO FILE FINANCIAL REPORTS ON AN ANNUAL BASIS WITH THE COMMISSION AFTER CERTIFICATION IS GRANTED?

[ ] NO

[X] YES

AFFIDAVIT 1 - VERACITY OF APPLICATION AND AGREEMENT TO COMPLY WITH GEORGIA LAWS AND AGENCY RULES/ORDERS

Name: Ward Bourdeaux

Company: Benchmark Communications, LLC

Title/Position: CEO

Address: 100 South Commons, Suite 102

Pittsburgh, PA 15212

Tel. No. 504-293-4000

THE INDIVIDUAL NAMED ABOVE (HEREINAFTER, "APPLICANT") PERSONALLY APPEARED BEFORE THE UNDERSIGNED, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS. THE APPLICANT, AFTER FIRST BEING DULY SWORN, DEPOSES AND CERTIFIES THAT HE OR SHE HAS READ THE APPLICATION AND KNOWS THE CONTENTS THEREOF, AND THAT THE STATEMENTS MADE HEREIN ARE TRUE TO THE BEST OF HIS OR HER KNOWLEDGE AND BELIEF.

APPLICANT FURTHER AGREES TO ABIDE BY ALL APPLICABLE LAWS UNDER THE STATE OF GEORGIA, AS CODIFIED IN THE OFFICIAL CODE OF GEORGIA ANNOTATED; ALL APPLICABLE RULES AND REGULATIONS OF THE GEORGIA PUBLIC SERVICE COMMISSION; AND ALL FINDINGS, CONCLUSIONS, TERMS, AND CONDITIONS SET FORTH IN PERTINENT COMMISSION ORDERS.

UNDER PENALTIES OF PERJURY, APPLICANT DECLARES THAT THE STATEMENTS MADE IN THE FOREGOING APPLICATION, INCLUDING ACCOMPANYING STATEMENTS AND ATTACHMENTS ARE TRUE, COMPLETE, AND CORRECT. I UNDERSTAND THAT ANY FALSE OR MISLEADING INFORMATION IN, OR IN CONNECTION WITH, MY APPLICATION MAY BE CAUSE FOR DENIAL OR LOSS OF CERTIFICATE.

Ward Bourdeaux

Signature of Affiant

8-7-23

Date

Subscribed and sworn before me this

7th day of August, 2023.

Tiffaney Williamson

(NOTARY PUBLIC)

(SEAL)

TIFFANEY WILLIAMSON
Notary Public
Alabama State at Large

My Commission Expires
November 8. 2025

GPSC FORM 400-1, Revised: 08/17/2015
Electronic Version

AFFIDAVIT 2 – UNIVERSAL ACCESS FUND

The Applicant hereby acknowledges that participation and compliance with the Universal Access Fund (UAF) requirements developed by the Georgia Public Service Commission, as mandated in the Telecommunications and Competition Act of 1995 (O.C.G.A. □ 46-5-160 and O.C.G.A. □ 46-5-167), will be complied with.

That Applicant further acknowledges that compliance with the requirements of the UAF is necessary to receive and maintain an active Certificate of Authority to provide telecommunications service in Georgia.

The Applicant also agrees to file quarterly reports for quarters subsequent to the effective date of certification including any portion of the quarter when certificated, in conformance with the instructions attached hereto (see "Addendum – Universal Access Fund") with the full understanding that not to do so may result in revocation of this same certificate. This attested to by signature below of proper authorized company official.

Benchmark Communications, LLC
(COMPANY)

(SIGNATURE)

Subscribed and sworn before me this
7th day of August, 2023.

(NOTARY PUBLIC)

(SEAL)

TIFFANEY WILLIAMSON
Notary Public
Alabama State at Large

My Commission Expires
November 8, 2025

AFFIDAVIT 3 – FAMILY VIOLENCE SHELTER CONFIDENTIALITY ACT

Personally appeared before me, an officer duly authorized to administer oaths, Ward Bourdeaux, who, after being duly sworn, deposes and says that he or she is CEO of Applicant, certified telephone service provider or directory information provider.

1.

I make this affidavit on the basis of my personal knowledge.

2.

I have read the May 13, 2005 Order and the August 30, 2005 Amendatory Order in Georgia Public Service Commission ("Commission") Docket No. 19553-U, Implementation of Senate Bill 147, the Family Violence Shelter Confidentiality Act of 2004 (O.C.G.A. § 46-5-7). I have also read the Commission Staff Memorandum dated May 1, 2007 (see "Addendum – Family Violence Shelter Confidentiality Act") that summarizes the requirements under O.C.G.A. § 46-5-7 and the Commission orders issued pursuant to that Code Section of providers of telephone service in the State of Georgia or any other entity that publishes, disseminates, or otherwise provides telephone directory information or listings of telephone subscribers in the State of Georgia.

3.

The Applicant agrees that it will satisfy the minimum requirements set forth in the Commission orders and Staff Memorandum referenced in paragraph 2 of this affidavit to protect the confidentiality of the location and address of family violence shelters in the State of Georgia.

4.

Pursuant to O.C.G.A. § 46-5-7, the Applicant submits this affidavit as its plan to protect the confidentiality of the location and address of family violence shelters in the State of Georgia.

FURTHER AFFIANT SAITH NOT.

Benchmark Communications, LLC
(COMPANY)

Ward Bourdeaux
(SIGNATURE)

Subscribed and sworn before me this
7th day of August, 2023.

Tiffaney Williamson
(NOTARY PUBLIC)

(SEAL)

TIFFANEY WILLIAMSON
Notary Public
Alabama State at Large

My Commission Expires
November 8, 2025

GPSC FORM 400-1, Revised: 08/17/2015
Electronic Version

Benchmark Communications, LLC dba FH Wavefly

Exhibit A

Secretary of State Certificate

Control Number : 22081863

STATE OF GEORGIA

Secretary of State

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

CERTIFICATE OF AUTHORITY

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Benchmark Communications, LLC
a **Foreign Limited Liability Company**

has been duly formed under the laws of **Louisiana** and has filed an application meeting the requirements of Georgia law to transact business as a **Foreign Limited Liability Company** in this state.

WHEREFORE, by the authority vested in me as Secretary of State, the above **Foreign Limited Liability Company** is hereby granted, on **04/11/2022**, a certificate of authority to transact business in the State of Georgia as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said application.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **04/13/2022**.

Brad Raffensperger

Brad Raffensperger
Secretary of State

Benchmark Communications, LLC dba FH Wavefly

Exhibit B

Resumes

Ward Bourdeaux, CEO

Benchmark Communications, LLC dba WaveFly (Pittsburgh, PA)
CEO
February 2022 to Present

Entrepreneur/ Independent Consultant (Atlanta, GA)
January 2010 – Present

- Co-developed a regional co-working business model/plan (2015) that focused on retail locations (Drop In).
- Retained by AEG, an international fiber engineering/construction firm, to advise & assist on strategic initiatives.
- Represented principals of Pamplona Funds (London/New York) in regard to a hotel investment, (Hotel Le Toiny) in St Barth, French West Indies.
- Formed partnership (Ivory Group) with Doug McGarrity (former EVP/Development of Ritz Carlton Hotels) to pursue an upscale hotel development project in Tuscaloosa, AL on city owned property. Proposal ranked first among three prospective developers by Tuscaloosa City Staff.

68 Ventures (Atlanta, GA)
Chief Business Development Officer
January 2019 to January 2020

- Spear headed investment opportunities in real estate related companies along the gulf coast for the firm. Also developed a potential co-working building project pre Covid.

Scenique Properties
Co-Founder & Partner
2005-2010

- Real estate development company focused on resort/hospitality properties in the United States and Caribbean.

- Senior development partner for the projects addressed below:
  - Inn at Matteis Tavern - Sixty-Four room luxury cottage hotel in Los Olivos, California (Santa Barbara County/Santa Ynez Valley). During permitting and predevelopment process, selected and worked closely with a local team of vendors to analyze, design, and entitle the project which included input and approval from local communities in the Santa Ynez Valley, most notably Los Olivos. Also worked closely with the County of Santa Barbara, Historic Landmark Commission and other associated government agencies to comply with sensitive and comprehensive, state and county requirements and regulations. The development was successfully permitted in Santa Barbara County.
  - Christophe Harbor - 2,300-acre Resort & Marina in St. Kitts, British West Indies. After the property was purchased by CSI Capital (in conjunction with Firesky Ventures), worked closely with the partners of CSI on development strategy, infrastructure costs, capital requirements and other development options. Upon assessing all options, CSI ultimately sold their interest to Kiawah Development

Partners in 2007. The project was renamed Christophe Harbor and is being developed today.

- Blackberry Farm - 4,200-acre Five Star Hotel & Resort in Walland, Tennessee (Relais & Chateaux). Predevelopment focus until the 2008 real estate crash. Worked with ownership (Blackberry Farm/Terroir Capital) to analyze the viability of an 18-hole golf course for a proposed mountain resort near Blackberry Farm Hotel. Selected Bill Coore (Coore Crenshaw) and Gil Hanse, two renowned golf course architects, to advise the partnership on the viability of a championship golf course. After multiple tours and detailed analysis of the property, it was determined the topography was too steep for an 18-hole championship course and plans were never pursued thereafter. Real estate development company focused on resort/hospitality properties in the United States and Caribbean. Senior development partner for the projects addressed below:

Cypress Communications, Inc. (Atlanta, GA) (NASDQ: CYCO)
Co-Founder & Director
1995-2002

- First company in the United States to construct a fiber based, in-building multimedia (voice, data, video) infrastructure and service to multi-tenant office buildings. Constructed and owned fiber networks and telecom/internet infrastructure and platforms from the basement of the building to the desktop of a customer.
- One of two co-founders.
- Built company from 'startup' phase to approximately $20 million in revenue (mostly recurring) with over 650 employees in over twenty national markets.
- First company in the United States to provide a fiber-based internet solution for multi-tenant buildings.
- Peak market cap exceeded One Billion USD (+$1,000,000,000.00).
- Licensed approximately 300 million square feet of multi-tenant office buildings in 54 markets throughout the United States and Canada.
- Worked closely with national landlords/owners in marketing Cypress services.
- The following real estate owners invested in the company's Series C round which included: Beacon Capital Partners (Boston), Boston Properties (Boston), Vornado (New York), Brookfield Properties (Toronto), Shorenstein (San Francisco), AEW (Boston), Wilson Cornerstone (San Jose), and Transwestern (Chicago).
- Initial Public Offering (NASDQ) - February 2000 - $180,000,000 raised. Bear Stearns, DLJ, and J.C. Bradford were sponsoring investment banks.
- Company was sold in 2002 and merged with Brodvox in 2012.

Education

University of Alabama

The Lovett School (Atlanta, GA)

Benchmark Communications, LLC dba FH Wavefly

Exhibit C

CONFIDENTIAL FINANCIALS