

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

**PETITION OF AMERICAN DARK)
FIBER FOR A CERTIFICATE OF)
CONVENIENCE AND NECESSITY)**

Docket No.: 23-00038 _____

PRE-FILED TESTIMONY OF MICHAEL PENDLETON

I, Michael Pendleton, Managing Member of American Dark Fiber, LLC, do hereby testify as follows in support of the Petition of American Dark Fiber ("ADF") to apply for a Certificate of Convenience and Necessity.

Q: Please state your full name, business address, and position.

A: My name is Michael Pendleton, Managing Member of ADF Telecom. My business address is ADF 11110 Ohio Avenue, Suite #111, Los Angeles, CA 90025.

Q: Please briefly describe your duties.

A: As Managing member, I oversee ADF responsibilities related to operations, fiduciary, customer experience, and marketing. I work directly with sales, business development, strategic planning and implementation along with ensuring ADF follows regulatory compliance. My resume had been included with the initial application provided that was provided to the Commission.

Q: Please describe your experience and education background.

A: Please see the resume which had been included in the ADF initial application submission.

Q: Are all statements in ADF's Application true and correct to the best of your knowledge and belief?

A: Yes

Q: Please describe the current corporate structure of ADF.

A: ADF has two Managing Members (myself and David Daigle), we also have a strong staff of proven professionals. ADF has no parent company, nor any affiliated companies.

Q: Does ADF possess the requisite managerial, financial, and technical abilities to provide the services for which it has applied for authority?

A: Yes. ADF possesses the requisite managerial, financial, and technical abilities to provide the services for which it has applied for authority. ADF's senior management group are comprised of professionals with a wealth of experience in the industry that had had a proven track record of success in telecom.

Q: Please describe ADF Telecom's financial qualifications.

A: ADF has access to the financing and capital necessary to conduct its operations as specified in its petition. ADF is profitable and maintains access to working capital necessary to fund its in-state operations. Financial information related to ADF is provided within the Application submission.

Q: Please describe ADF Telecom's managerial and technical qualifications.

A: Please see the Application Exhibits regarding managerial experience and qualifications.

Q: What services will ADF Telecom offer?

A: ADF will offer; a combination of various Fiber based products and services and without limitation; Dark Fiber, Lit Fiber, resold Metro Ethernet and MPLS circuits to business Customers and multi-tenant office buildings. At some point in the future ADF may offer hosted voice over internet protocol calling.

Q: Will ADF offer service to all consumers within its service area?

A: Yes. ADF will offer these services to all business customers in an Individual Case Basis model.

Q: Does ADF, plan to offer local exchange telecommunications services in areas served by any incumbent local exchange telephone company with fewer than 100,000 total access lines?

A: No

Q: Will the granting of a certificate of convenience and necessity to ADF Telecom serve the public interest?

A: Yes. The granting of a certificate of convenience and necessity will serve the public interest as it will increase competition in the market of telecommunications services in Tennessee, leading to competitive prices and more innovative services while also closing the broadband divide in underserved areas. ADF's proposed service offerings are geared towards bringing technologically advanced services to a broader base of Tennessee customers.

Q: Does ADF Telecom intend to comply with all TRA rules, statues, and orders pertaining to the provision of telecommunications services in Tennessee, including those for disconnection and reconnection of service?

A: Yes.

Q: Has any state ever denied ADF or one of its affiliates authorization to provide intrastate service?

A: No.

Q: Has any state ever revoked the certification of ADF or one of its affiliates? A: No.

Q: Has ADF or one of its affiliates ever been investigated or sanctioned by any regulatory authority for service or billing irregularities?

A: No.

Q: Who is knowledgeable about ADF Telecom's operations and will serve as ADF Telecom's regulatory and customer service contact?

A: Karen Wells
Controller
American Dark Fiber
Direct Dial: (951) 775-8837
E: karen@americandarkfiber.com

Q: Please explain in detail ADF proposed procedures for responding to information requests from the TRA and its staff?

A: After receiving correspondence, Karen Wells will directly share the information with the both the Managing Director of Operations and also CLA who provides our 3rd party regulatory support as related to reporting and compliance. Based on the specific issue either one and or both of the later will follow up accordingly to resolve the issue on behalf of ADF with the TRA.

Q: Does this conclude your testimony?

A: Yes. We thank the Commission staff for all support and guidance provided and do hope that our application can be approved quickly so that we may commence to serve customers within the state of TN.

I, Michael Pendleton, hereby certify as follows:

i. I am Managing Member of American Dark Fiber, LLC.

I swear and affirm this is my full and complete testimony and also that all materials and information found in the American Dark Fiber, LLC Application is true and accurate to the best of my knowledge, information, and belief.

MICHAEL PENDLETON
Print Name


Signature

Date _____

State of California _____; County _____

This instrument was acknowledged before me on _____ (date) by Michael Pendleton as Managing Member of American Dark Fiber, LLC.

_____ (Signature of Notary Public) (Seal)

**See Attached
Notarial Certificate**

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino)

On 11/06/2023 before me, Trevor Aaron Coe Notary Public
(insert name and title of the officer)

personally appeared Michael Lee Pendleton,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

