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October 14, 2024

Via Email

Ectory Lawless
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

Docket No. 24-00069

Re: In the Matter of the Application of Cablevision Lightpath LLC for a Certificate to
Provide Competitive Local Exchange Services

Dear Tory,

Attached please find for filing an amended application for Cablevision Lightpath LLC. If
you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be "H Walker", with a long, sweeping horizontal line extending to the right.

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BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CABLEVISION LIFEPATH LLC)
FOR A CERTIFICATE TO PROVIDE)
COMPETITIVE LOCAL EXCHANGE)
SERVICES)**

Docket No. 24-00069

AMENDED APPLICATION

Pursuant to applicable Tennessee Statutes and the Rules and Regulations of the Tennessee Public Utility Commission and Section 253 of the Federal Telecommunications Act of 1996 (“Act”), Cablevision Lightpath LLC (“Lightpath”) respectfully requests that the Tennessee Public Utility Commission (“TPUC”) grant to Lightpath authority to provide competitive local exchange services, including exchange access telecommunications services, within the State of Tennessee. Lightpath is willing and able to comply with all applicable Tennessee rules and regulations pertaining to the provision of competitive local exchange services. TCA §65-4-201

In support of its Application, Lightpath submits the following:

1. The full name and address of the Applicant is:

Cablevision Lightpath LLC
1111 Stewart Avenue
Bethpage, New York 11714
Telephone: (866) 611-3434

Questions regarding this application should be directed to:

Amy Rowe
Director of Legal Operations & ESG
1111 Stewart Avenue
Bethpage, New York 11714
Telephone: (720) 201-7203
Email: amy.rowe@lightpathfiber.com
CC: contracts@lightpathfiber.com

Contact name and address at the Company is:

Henry Walker (B.P.R. 000272)
Bradley Arant Boult Cummings LLP
1221 Broadway, Suite 2400
Nashville, TN 37203
Tel: (615) 252-2363
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Christopher Yost, Chief Legal Officer
Cablevision Lightpath LLC
1111 Stewart Avenue
Bethpage, New York 11714
Telephone: (303) 956-9050
Email: christopher.yost@lightpathfiber.com

2. Organizational Chart of Corporate Structure: Include any pertinent acquisition or merger information.

Please see **Exhibit A**

3. Corporate information:

Cablevision Lightpath LLC was incorporated in the state of Delaware on January 1, 1991. A copy of Lightpath's Articles of Incorporation and amendments are provided in **Exhibit B**. A copy of Lightpath's Authority to transact business in the State of Tennessee is provided in **Exhibit C**. The names and addresses of the principal corporate officers are in **Exhibit D**. There are no officers in Tennessee. The biographies of the principal officers and any other key technical staff are in **Exhibit E and E1**.

4. Lightpath possesses the managerial, technical, and financial ability to provide local telecommunications service in the State of Tennessee as demonstrated below:

A. Financial Qualifications:

In support of its financial qualifications, Lightpath submits its Annual Financial Report for years 2021, 2022, and 2023 in **Exhibit F**, which will be filed separately under seal, in a separate envelope, marked confidential. Cablevision Lightpath LLC (together with its subsidiaries, "Lightpath", "we", "us", "our" or the "Company") is a leading provider of communications and bandwidth infrastructure, with an extensive network spanning New York City (primarily Manhattan, the Bronx and Brooklyn), as well as northeastern New Jersey, southern New York State, Nassau and Suffolk Counties (Long Island) and southern Connecticut. We entered the Boston metropolitan area as a result of an acquisition of assets in June 2021 and entered the Miami metropolitan area in November 2022. Altice USA, Inc. ("Altice USA") indirectly holds a 50.01% interest and Morgan Stanley Infrastructure Partners ("MSIP") indirectly holds the remaining 49.99% interest in the Company. As of December 31, 2023, we had approximately 15,100 locations connected to

our fiber network, which currently includes approximately 21,300 miles of fiber sheaths ("route miles") approximately 1,285,500 fiber miles (i.e., route miles multiplied by the number of fiber strands within each fiber sheath; "fiber miles"). We supply enterprise grade fiber connectivity, bandwidth and managed services to customers whose activities have required rapidly increasing bandwidth driven by secular trends in 5G, the Internet of Things ("IoT"), cloud-computing, video, voice, mobile, security and other bandwidth- intensive applications. We provide Ethernet, data transport, Dark fiber, Cloud connectivity, IP-based virtual private networks, Internet access, and telephony services, including Session Initiated Protocol ("SIP"), trunking and VoIP services. Our bandwidth connectivity offers speeds up to 400 Gbps. We also provide managed services to businesses, including hosted telephony services, managed WiFi and managed collaboration services, including audio and web conferencing. Additionally, we offer fiber-to-the-tower ("FTTT") services to wireless carriers. Approximately \$369.2 million and \$357.4 million of our total revenue of \$398.8 million and \$390.7 million for the years ended December 31, 2023, and 2022, respectively, is recurring revenue, consisting of recurring monthly charges to our customers.

Exhibit G is a confidential projected future financials and capital expenditures budget, which will be filed separately under seal, in a separate envelope, marked confidential. Exhibit G indicates the type of equipment to be purchased, cost, and sources for funding of projected capital expenditures on page 4.

Lightpath's financials nor their projected financials reflect any revenues or expenses associated with reciprocal compensation.

Corporate Surety Bond is provided as **Exhibit H**

B. Managerial Ability:

As shown in **Exhibit E** to this Application, Lightpath has the managerial expertise to successfully operate a telecommunications enterprise in Tennessee. In addition to the above C-Suite, Lightpath is including biographies of key personnel with extensive experience that will be part of the Tennessee project in **Exhibit E1**. As described in the attached biographical information, Lightpath's management team has extensive management and business experience in telecommunications.

C. Technical Qualifications:

Lightpath services will satisfy the minimum standards established by the TPUC. At this time, Lightpath intends to construct and install a dark fiber and conduit network. If Lightpath intends to sell tariffed services, Lightpath will update our application and would then file and maintain tariffs in the manner prescribed by the TPUC and will meet minimum basic local standards, including quality of service and billing standards required of all LEC'S regulated by the TPUC. Lightpath understands we are responsible for filing a tariff for all regulated services. Applicant will not require customers to purchase CPE, which cannot be used with the Incumbent Local Exchange Carrier's systems. As noted in the biographies **Exhibit E and E1** of the principal officers and key staff, Lightpath's officers have several decades of telecommunications expertise. Thus, Lightpath is certainly technically qualified to provide local exchange service in Tennessee.

5. Proposed Service Area:

Lightpath is currently authorized to provide telecommunications services in New York, New Jersey, Connecticut, Massachusetts, Georgia, Minnesota and Florida. Additionally, Lightpath has pending applications for authority in Arizona and Ohio.

The applicant proposes to offer its services throughout the State of Tennessee with a focus located in Nashville and the surrounding metropolitan area, located in Davidson, Sumner, and potentially Wilson County. These areas are currently being served by BellSouth and Tennessee Telephone Company, which are designated open to competition. Lightpath intends to offer dark fiber services, high-capacity conduit and fiber optic telecommunications services. Lightpath does not intend to provide Voice services at this time.

6. Types of Local Exchange Service to be provided:

Initially Lightpath plans to offer to provide dark fiber services, high-capacity conduit and fiber optic telecommunications services. In the future, Lightpath expects to offer a broad variety of local exchange services, solely to business customers in Tennessee, and will update our application as required. Lightpath's initial line of local services will be comparable to that currently offered by companies such as Zayo Group, Lumen/Level 3.

7. Repair and Maintenance:

Lightpath understands the importance of effective customer service for local service customers. Lightpath has a Network Management Center for its customers to call the company at its toll-free customer service number 1-866-611-3434 (24/7/365). In addition, customers may contact the company in writing at the headquarters address, as well as via email at lightpathsupport@lightpathfiber.com. The toll free number will be printed on the customer's monthly billing statements. The Tennessee contact person knowledgeable about providers operations is Nat Tafuri, who can be reached at nat.tafuri@lightpathfiber.com and 303-475-0956.

The grant of this Application will benefit the public interest by increasing competition in the provision of high-speed telecommunications services in Tennessee. Lightpath's network deployment will also benefit Tennessee by providing jobs to the local community. The Applicant intends to offer dark fiber services, high-capacity conduit and fiber optic telecommunications services and to expand the telecommunications infrastructure in the state. In doing so, Lightpath will participate in the competitive telecommunications market in Tennessee, which will contribute to reducing prices to competitive levels and to enhancing the availability of high-quality transport services. Lightpath provides services to the local education sector, governments, public facilities, and businesses of all sizes in our current service areas and hopes to provide the same services to Tennessee businesses.

8. Small and Minority-Owned Telecommunications Business Participation Plan:
(§65-5-112): **Exhibit I**

9. Toll Dialing Parity Plan: Lightpath has no intention of providing TDM telephone service at this time. In the event it does in the future, Lightpath will provide toll dialing parity plan.

10. Lightpath has served notice of this application to the eighteen (18) incumbent local exchange telephone companies in Tennessee with a statement regarding the company's intention of operating geographically. See **Exhibit J** for a copy of the notice and the list.
11. Numbering Issues: In the event Lightpath intends to provide TDM telephone service in the future, at the request of a customer, Lightpath will comply with the Commission's rules on number assignment and conservation.
12. Tennessee Specific Operational Issues:
 - i. How does the company intend to comply with TCA §65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.
 - a. **Response:** Lightpath does not intend to provide Voice Services at this time. In the event Lightpath does in the future, we will update our application accordingly.
 - ii. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers in the database?
 - a. **Response:** Lightpath does not intend to provide Voice Services at this time. In the event Lightpath does in the future, we will update our application accordingly.
 - iii. Is your company aware of the local calling areas provided by the Incumbent Local Exchange Carriers in your proposed service areas?
 - a. **Response:** Bell South and Tennessee Telephone Company is the Incumbent Local Exchange Carrier in the proposed service area, however, Lightpath does not intend to provide Voice Services at this time. In the event Lightpath does in the future, we will update our application accordingly.
 - iv. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro calling areas.
 - a. **Response:** Lightpath does not intend to provide Voice Services at this time. In the event Lightpath does in the future, we will update our application accordingly.
 - v. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TPUC on resolving customer complaints.
 - a. **Response:** For any customer complaints, Lightpath's internal dedicated Care Team can be reached at 866-611-3434 (24/7/365)
 - vi. Does the company intend to telemarket its services in Tennessee? If yes, is

13. Miscellaneous:

- A. Sworn pre-filled testimony: **Exhibit K**
- B. Lightpath is strictly a business-to-business telecommunications company. Lightpath performs business credit checks on new customers. If the business customer does not pass the credit check, in order to begin service, Lightpath may request a deposit from the business. If a deposit is required, it stays on file (to a Deposit account) for the life of the contract with no expectation of interest.
- C. As of the date of this application, Cablevision Lightpath LLC has not been subject to complaints in any of the states in which we are doing business. D.
- D. Lightpath does not intend to provide voice or regulated services in Tennessee. If Lightpath plans to provide any regulated services, Lightpath will file any necessary tariffs prior to providing any regulated services not covered by this Application.

CONCLUSION:

Lightpath respectfully requests that the TPUC enter an order granting it a certificate of convenience and necessity to operate as a competitive local exchange service provider and to provide telecommunications services throughout the State of Tennessee in the service areas of Bell South and Tennessee Telephone Company. For the reasons stated above, Lightpath's provision of these services would promote the public interest by providing high-quality service at competitive prices and by creating local job opportunities, greater economic incentives for the development and improvement for all competing providers.

Respectfully submitted this 14th day of October, 2024


Counsel for Cablevision Lightpath LLC