

## APPLICATION CHECK LIST

Please check the following list to make sure you have enclosed each and every item listed. Your application will not be processed until all items are received.

You will not have provisional authority to do business in Pennsylvania until you receive our acceptance letter.

- One original of the Application, attachments and cover letter;**
- A check for \$250.00 made payable to “Commonwealth of Pennsylvania;”**
- Appropriate Department of State filing(s), in response to Question #5;**
- Articles of Incorporation (if a corporation), in response to Question #5;**
- Proposed Tariff(s), in response to Question #13;**
- Tentative operating balance sheet and projected income statement, in response to Question #14;**
- Certificate of Service evidencing Application was served upon appropriate parties, in response to Question #17;**
- Original signed and notarized Affidavit, in response to #22. CLEC Applicants must include a listing of the 911 Coordinators notified by the Applicant;**
- Original signed and notarized Verification Statement, in response to Question #23.**

## Application Form for Approval of Authority to Offer, Render, Furnish, or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania

The Commission certifies telecommunications carriers for four categories:

- ▶ Interexchange Toll Reseller
- ▶ Competitive Local Exchange Carrier
- ▶ Competitive Access Provider
- ▶ Interexchange Toll Facilities-Based Carrier

Please use the attached form to make your application. Please place all exhibits at the end of the application. If you retype the application, repeat the number and title of each item, following the original numbering scheme. Answer only those items that are applicable to your operations. Indicate skipped items as "not applicable."

To file an application with the Pennsylvania Public Utility Commission, **you must submit a signed and verified original** of your application and attachments with a check for \$250.00 made payable to the "Commonwealth of Pennsylvania," to the Commission's Secretary at the following address:

Secretary  
Pa. Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Second Floor - Room N201  
Harrisburg, PA 17120

**If your answer to any of the items changes while your application is pending, or if the information relative to any item herein changes while you are operating within the Commonwealth of Pennsylvania, you are under a duty to inform the Commission as to the specifics of the change. If you plan to cease doing business within the Commonwealth of Pennsylvania, you are under a duty to request approval from the Commission prior to ceasing business.**

You may apply for more than one category of proposed operations in a single filing. To do so, you must separately identify and describe each category of proposed operations in your cover letter accompanying your application in response to Item Numbers 9, 10, 11, and 12 of Form 377. For multiple categories, your response to Item Numbers 10, 11, and 12 must each contain separate subparts, i.e., one subpart for each category of proposed operations. Each category of proposed operations requires its own separate and distinct tariff. You must append a copy of all proposed tariffs to each original, duplicate original, and copy of Form 377.

Such related filings may be submitted as one filing pursuant to 52 Pa. Code § 1.34, for the compilation of filing fees. The filing fee is \$250.00 for any combination of related applications filed simultaneously and pursuant to these instructions.

**Application of:**

Ezee Fiber Texas, LLC t/a Ezee Fiber

for approval to offer, render, furnish or supply telecommunications services to the public in the Commonwealth of Pennsylvania.

- 1. IDENTITY OF THE APPLICANT:** The name, address, telephone number, and fax number of the Applicant.

**Ezee Fiber Texas, LLC  
14850 WOODHAM DR. STE B-105  
Houston, TX 77073  
Phone (713) 255-7500**

Please identify any predecessors of the Applicant and provide other names under which the Applicant has operated within the preceding five years, including name, address, and telephone number.

N/A

- 2. ATTORNEY:** The name, address, telephone number, and fax number of the Applicant's attorney.

**Jason Danowsky, FosterDanowsky  
904 West Ave., Ste. 107, Austin, Texas 78701  
512-708-8700  
512-697-0058/fax**

- 3. CONTACTS:**

- A) APPLICATION:** The name, title, address, telephone number, and fax number of the person to whom questions about this application should be addressed.

**Jason Danowsky, FosterDanowsky  
904 West Ave., Ste. 107, Austin, Texas 78701  
512-708-8700  
512-697-0058/fax**

- B) PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA):** The name, title, address, telephone number and FAX number of the person with

whom contact should be made by PEMA (Pennsylvania Emergency Management Agency).

**Ken Bonvillian**  
**14850 WOODHAM DR. STE B-105**  
**Houston, TX 77073**  
**713-405-1082**  
**Ken.Bonvillian@ezeefiber.com**

**C) RESOLVING COMPLAINTS:** Name, address, telephone number, and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints and queries filed with the Public Utility Commission or other agencies.

**Ken Bonvillian**  
**14850 WOODHAM DR. STE B-105**  
**Houston, TX 77073**  
**713-405-1082**  
**Ken.Bonvillian@ezeefiber.com**

**4. FICTITIOUS NAME:**

Applicant will be using a fictitious name. Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. § 311, Form PA-953.

**See Exhibit A – PA953.**

**5. BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** Applicant has registered its business with the Pennsylvania Department of State. Please check the appropriate registration type for Applicant as designated with the Department.

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Sole proprietor                                |
| <input type="checkbox"/>            | Domestic general partnership                   |
| <input type="checkbox"/>            | Domestic corporation                           |
| <input type="checkbox"/>            | Domestic limited partnership                   |
| <input type="checkbox"/>            | Domestic limited liability company             |
| <input type="checkbox"/>            | Domestic limited liability partnership         |
| <input type="checkbox"/>            | *Foreign corporation                           |
| <input type="checkbox"/>            | *Foreign general or limited partnership        |
| <input checked="" type="checkbox"/> | *Foreign limited liability company             |
| <input type="checkbox"/>            | *Foreign limited liability general partnership |
| <input type="checkbox"/>            | *Foreign limited liability limited partnership |

\*Provide name and address of Corporate Registered Office Provider or Registered Office within PA.

**Incorp Services Inc.  
7208 Red Top Rd  
Hummelstown, PA 17036  
17036**

Attach to the application the name and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

**See Exhibit B, Confidential Ownership Chart**

Attach to the application proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation or a Certificate of Organization.

**See Exhibit B, Confidential Ownership Chart**

**See Exhibit C, Articles of Incorporation**

The Applicant is incorporated in the State of **Delaware**.

Give name and address of officers:

All officers are addressed at 14850 Woodham Drive, Suite B-105. Houston, TX 77073. A list of them along with title, email, and phone number is below:

Christine Scott	VP, Marketing	<a href="mailto:Christine.Scott@ezeefiber.com">Christine.Scott@ezeefiber.com</a>	713-405-1083
Garner Duncan	VP, Sales	<a href="mailto:Garner.Duncan@ezeefiber.com">Garner.Duncan@ezeefiber.com</a>	713-405-1125
Josh Schlensker	VP, Residential Sales	<a href="mailto:Josh.Schlensker@ezeefiber.com">Josh.Schlensker@ezeefiber.com</a>	713-405-1084
Ken Bonvillian	VP, Sales Operations & External Affairs	<a href="mailto:Ken.Bonvillian@ezeefiber.com">Ken.Bonvillian@ezeefiber.com</a>	713-405-1082
Matt Burleyson	VP, Network Engineering & Operations	<a href="mailto:Matt.Burleyson@ezeefiber.com">Matt.Burleyson@ezeefiber.com</a>	713-405-1172
Rachelle Etheridge	VP, Finance & Administration	<a href="mailto:Rachelle.Etheridge@ezeefiber.com">Rachelle.Etheridge@ezeefiber.com</a>	832-457-4060
Tracey Rivers	VP, People	<a href="mailto:Tracey.Rivers@ezeefiber.com">Tracey.Rivers@ezeefiber.com</a>	346-360-1364
Floyd Armstead	EVP, Chief Technology Officer	<a href="mailto:Floyd.Armstead@ezeefiber.com">Floyd.Armstead@ezeefiber.com</a>	713-405-1145
Pedro Checo	EVP, Business Services	<a href="mailto:Pedro.Checo@ezeefiber.com">Pedro.Checo@ezeefiber.com</a>	346-262-0117
Patrick Hilderbrand	EVP, Customer Operations	<a href="mailto:Patrick.Hilderbrand@ezeefiber.com">Patrick.Hilderbrand@ezeefiber.com</a>	303-710-3911
Matt Marino	CEO	<a href="mailto:Matthew.Marino@ezeefiber.com">Matthew.Marino@ezeefiber.com</a>	917-414-9161

**6. AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:**

If the Applicant or an affiliate has predecessors who have done business within Pennsylvania, give name and address of the predecessors and state whether they were jurisdictional public utilities. Give the docket numbers for the authority of such predecessors.

The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

**7. AFFILIATES AND PREDECESSORS RENDERING PUBLIC UTILITY SERVICE OUTSIDE PENNSYLVANIA:**

Applicant has no direct affiliates providing public utility service outside PA. Applicant is a certificated local exchange company in Oregon, Texas, and Washington.

**8. APPLICANT'S PRESENT OPERATIONS:** (Select and complete the appropriate statement)

The applicant is not presently doing business in Pennsylvania as a public utility.

**9. APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as:

- Interexchange Toll Reseller, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
- Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
- Competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)
- Competitive Local Exchange Carrier.
- Incumbent Local Exchange Carrier
- Other (Identify).

**10. PROPOSED SERVICES:** Describe in detail the services which the Applicant proposes to offer. If proposing to provide more than one category in Item #9, clearly and separately delineate the services within each proposed operation. Provide a brief description of the facilities the Company will use to provide services. Specify whether those facilities are Company-owned or obtained from other companies as UNEs or on a resold basis.

**Applicant will provide competitive local exchange telecommunications services on a facilities-based and resold basis, including wholesale services to other carriers, intrastate private line services, and non-facilities-based interexchange telecommunications services on a resold basis. The Applicant has contacted by certified mail the following 911 coordinators in the Applicant's proposed service area:**

**Al Kearney  
Director of 911 & 911 Coordinator  
30 Valley View Drive  
Jessup, PA 18434-1147**

11. **SERVICE AREA:** Describe the geographic service area in which the Applicant proposes to offer services. Clearly and separately delineate the service territory for each category listed in Item #9. For Competitive Local Exchange Carrier operations, you must name and serve the Incumbent Local Exchange Carriers in whose territory you request authority.

**The Applicant proposes to operate as a CLEC within the exchanges of Frontier Communications - Commonwealth Telephone Company LLC, Brightspeed of Pennsylvania LLC f/k/a United Telephone Company of Pa d/b/a CenturyLink, Verizon Pennsylvania, LLC, and Windstream Pennsylvania, LLC. A copy of this Application is being served on these ILECs simultaneously with the filing of this Application with the Commission. The Applicant proposes to operate as a Competitive Access Provider (CAP) and IXC reseller throughout the Commonwealth of Pennsylvania (statewide basis).**

12. **MARKET:** Describe the customer base to which the Applicant proposes to market its services. Clearly and separately delineate a market for each category listed in Item #9.

**Competitive Local Exchange Service: statewide.**

13. **PROPOSED TARIFF(S):** Each category of proposed operations must have a separate and distinct proposed tariff setting forth the rates, rules and regulations of the Applicant. Every proposed tariff shall state on its cover page the nature of the proposed operations described therein, i.e., IXC Reseller, CLEC, CAP, or IXC Facilities-based. A copy of all proposed tariffs must be appended to each original and duplicate original and copy of Form 377.

**See attached proposed tariffs, Attachments F & G.**

14. **FINANCIAL:** *Attach the following to the Application:*

A general description of the Applicant's capitalization and, if applicable, its corporate stock structure;

**See attached Confidential Exhibit B, "Ownership Chart."**

Current balance sheet, Income Statement, and Cash Flow Statement of Applicant or Affiliated Company, if relying on affiliate for financial security;

**See attached Confidential Exhibit D, "Financial Statements"**

A tentative operating balance sheet and a projected income statement for the first year of operation within the Commonwealth of Pennsylvania; provide the name, title, address, telephone number and fax number of the Applicant's custodian for its accounting records and supporting documentation; and indicate

where the Applicant's accounting records and supporting documentation are, or will be, maintained.

**Applicant is unable at this time to provide a tentative operating balance sheet and a projected income statement for its future operations because the data necessary to produce these documents is not yet available. However, based on its experiences in other states, Applicant anticipates that its planned Pennsylvania operations will be profitable in the second year of Pennsylvania operations. Applicant's accounting records and supporting documentation are located at Applicant's headquarters at 14850 Woodham Dr Suite B-105, Houston, TX 77073. Contact information for the custodian of these records is as follows: Ken Bonvillian, 14850 Woodham Dr. Ste B-105, Houston, TX 77073, 713-405-1082, [Ken.Bonvillian@ezeefiber.com](mailto:Ken.Bonvillian@ezeefiber.com).**

If available, include bond rating, letters of credit, credit reports, insurance coverage and reports, and major contracts.

**Applicant does not have a Bond Rating. Applicant has existing revolving credit with its bank. Attached as Exhibit H is a Schedule of Insurance Policies for insurance coverages. Applicant also has \$2,000,000 of workers comp coverage and \$1,000,000 of Employment Practices Liability Insurance (EPLI) coverage.**

15. **START DATE:** The Applicant proposes to begin offering services on or about **June 1, 2025**
  
16. **FURTHER DEVELOPMENTS:** Attach to the Application a statement of further developments, planned or contemplated, to which the present Application is preliminary or with which it forms a part, together with a reference to any related proceeding before the Commission.
  
17. **NOTICE:** Pursuant to 52 Pa. Code § 5.14, you are required to serve a copy of the signed and verified Application, with attachments, on the below-listed parties, and file proof of such service with this Commission:

**Office of Consumer Advocate**  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923

**Office of Small Business Advocate**  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

**Office of Attorney General**  
Office of Consumer Protection  
Strawberry Square  
Harrisburg, PA 17120

***A certificate of service must be attached to the Application as proof of service that the Application has been served on the above-listed parties. A copy of any Competitive Local Exchange Carrier Application must also be served on any and/or all Incumbent Local Exchange Carrier(s) in the geographical area where the Applicant proposes to offer services.***

**See attached Certificate of Service.**

- 18. FEDERAL TELECOMMUNICATIONS ACT OF 1996:** State whether the Applicant claims a particular status pursuant to the Federal Telecommunications Act of 1996. Provide supporting facts.  
**Applicant is a "telecommunications carrier" under the Federal Telecommunications Act of 1996 (the "Act"). The Applicant does not claim another particular status under the Act.**
- 19. COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, limited to proceedings dealing with business operations in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.  
**Neither the Applicant, an affiliate, a predecessor of either, nor a person identified in this Application has ever been convicted of a crime involving fraud or similar activity. Neither the Applicant, an affiliate, a predecessor of either, nor a person identified in this Application has been a defendant or a respondent in any such proceeding in the last five (5) years.**
- 20. FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.  
**Applicant acknowledges its obligation.**

21. **CESSATION:** The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing business.

**Applicant acknowledges its obligation.**

Applicant: Ken Bonvillian  
By: Ken Bonvillian  
Title: VP of External Affairs

22. **AFFIDAVIT:** Attach to the Application an affidavit as follows: **See Exhibit E.**

**23. § 1.36 Verification.**

## **Verification**

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I, Ken Bonvillian, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

February 16th, 2024

Date

*Ken Bonvillian*

Signature

Ken Bonvillian

Printed name

## CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties in this proceeding on February 20, 2024, in the following manner: email.

**Office of Consumer Advocate**

555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
[consumer@paoca.org](mailto:consumer@paoca.org)

**Office of Attorney General**

Office of Consumer Protection  
Strawberry Square  
Harrisburg, PA 17120  
[reed@attorneygeneral.gov](mailto:reed@attorneygeneral.gov)

**Frontier Communications -  
Commonwealth Telephone  
Company LLC**

37 Diller Ave.  
PO Box 1902  
New Holland, PA 17557-0904  
[Jessica.matushek@ftr.com](mailto:Jessica.matushek@ftr.com)

**Verizon Pennsylvania, LLC**

900 Race Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19107  
[Karl.tucker@verizon.com](mailto:Karl.tucker@verizon.com)

**Office of Small Business Advocate**

555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
[osba@pa.gov](mailto:osba@pa.gov)

**Al Kearney**

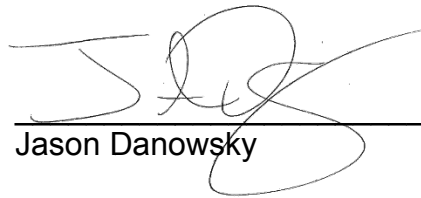
Director of 911 & 911 Coordinator  
30 Valley View Drive  
Jessup, PA 18434-1147  
[kearneya@lackawannacounty.org](mailto:kearneya@lackawannacounty.org)

**Brightspeed of Pennsylvania, LLC f/k/a  
United Telephone Company of  
Pennsylvania d/b/a CenturyLink**

1120 South Tryon Street, Suite 700  
Charlotte, NC 28203  
[Pamela.sherwood@brightspeed.com](mailto:Pamela.sherwood@brightspeed.com)

**Windstream Pennsylvania, LLC**

400 N. Rodney Parham Road  
Little Rock, AR 72212  
[Becky.west@windstream.com](mailto:Becky.west@windstream.com)



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Jason Danowsky