

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, FEBRUARY 27, 2018

18022018

APPLICATION OF

DARK FIBER AND INFRASTRUCTURE, LLC

CASE NO. PUR-2018-00016

For certificates of public convenience
and necessity to provide local exchange
and interexchange telecommunications
services in the Commonwealth of Virginia

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2018 FEB 27 P 3:03

ORDER FOR NOTICE AND COMMENT

On February 7, 2018, Dark Fiber and Infrastructure, LLC ("Dark Fiber" or "Company"), completed the filing of an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia ("Application"). The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket the Company's Application; that Dark Fiber should give notice to the public of its Application; that interested persons should have an opportunity to comment and request a hearing on the Company's Application; and that the Staff of the Commission ("Staff") should conduct an investigation into the reasonableness of the Application and present its findings in a report ("Staff Report").

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUR-2018-00016.

(2) On or before March 26, 2018, Dark Fiber shall complete publication of the following notice to be published on one occasion, as classified advertising, in newspapers having general circulation throughout its proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
DARK FIBER AND INFRASTRUCTURE, LLC, FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE AND
INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN
THE COMMONWEALTH OF VIRGINIA
CASE NO. PUR-2018-00016

On February 7, 2018, Dark Fiber and Infrastructure, LLC ("Dark Fiber" or "Company"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia ("Application"). The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

Copies of the Application are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>, or may be ordered from Dark Fiber's counsel: Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, 919 East Main Street, Suite 1300, Richmond, Virginia 23219.

On or before April 16, 2018, any person desiring to comment on Dark Fiber's Application may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of the comments, whether submitted in writing or electronically, shall be served on Dark Fiber's counsel at the address set forth above.

On or before April 16, 2018, any person may request a hearing on Dark Fiber's Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address set forth below. Requests shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall serve a copy of their request upon Dark Fiber's counsel at the address set forth above.

All written communications to the Commission concerning Dark Fiber's Application shall be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUR-2018-00016.

DARK FIBER AND INFRASTRUCTURE, LLC

(3) On or before March 26, 2018, Dark Fiber shall provide a copy of the notice contained in Ordering Paragraph (2) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(4) Any person desiring to comment on Dark Fiber's Application may do so by directing such comments in writing, on or before April 16, 2018, to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Interested persons desiring to submit comments electronically may do so by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of such comments, whether submitted in writing or electronically, shall be served on Dark Fiber's

counsel: Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, 919 East Main Street, Suite 1300, Richmond, Virginia 23219.

(5) On or before April 16, 2018, any person may request a hearing on Dark Fiber's Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4). Written requests for hearing shall refer to Case No. PUR-2018-00016 and shall include:

(i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy also shall be served on Dark Fiber at the address in Ordering Paragraph (4).

(6) On or before April 23, 2018, Dark Fiber shall file with the Commission proof of notice and proof of service as ordered herein.

(7) Staff shall analyze the reasonableness of Dark Fiber's Application and present its findings in a Staff Report to be filed on or before May 10, 2018.

(8) On or before May 17, 2018, Dark Fiber may file responses to the Staff Report or to any comments or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4). A copy of the response shall be delivered by overnight delivery to Staff and the Commission's Office of General Counsel and to any persons who filed comments or requests for hearing.

(9) The Company shall respond to written interrogatories or data requests within seven (7) calendar days after the receipt of the same. Persons who filed requests for hearing shall provide to the Company, Staff, and any other persons who filed requests for hearing,

promptly upon request, any work papers or documents used in preparation of their requests for hearing. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-240 *et seq.*

(10) The Company shall respond promptly to requests from interested persons for copies of the Application and shall provide one copy free of charge. Copies also are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(11) In accordance with 20 VAC 5-417-20 G 1 b of the Commission's Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers, Dark Fiber shall provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by Staff. This bond shall be provided to the Commission's Division of Public Utility Regulation within thirty (30) days from the date of this Order.

(12) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, 919 East Main Street, Suite 1300, Richmond, Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Public Service Taxation.