



**APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR
COMMUNICATIONS SERVICE PROVIDERS**

State Form 62648 (R5 / 8-11)
INDIANA UTILITY REGULATORY COMMISSION

Applicants are required to file an original and five (5) paper copies.

Cause No. 45035 (IURC use only)

PURSUANT TO IC 8-1-32.5-4, A COMMUNICATIONS SERVICE PROVIDER ("CSP") MEANS A PERSON OR ENTITY THAT OFFERS COMMUNICATIONS SERVICE TO CUSTOMERS IN INDIANA, WITHOUT REGARD TO THE TECHNOLOGY OR MEDIUM USED BY THE PERSON OR ENTITY TO PROVIDE THE COMMUNICATIONS SERVICE. THE TERM INCLUDES A PROVIDER OF COMMERCIAL MOBILE RADIO SERVICE (AS DEFINED IN 47 U.S.C. 332).

List each type of Communications Service which applicant proposes to offer in Indiana:

☒ **TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 U.S.C. 153(46)**

Facilities-Based local exchange and interexchange services (data only)

Broadband, Fiber in the ground

Please list each type of service, such as facilities-based local exchange; bundled resale of local exchange; commercial mobile radio service; interexchange; operator services or other.

☐ **INFORMATION SERVICE AS DEFINED IN 153(20), WITHOUT REGARD TO THE TECHNOLOGY OR MEDIUM USED TO PROVIDE THE COMMUNICATIONS SERVICE.**

Please list each type of service, such as internet protocol enabled services; broadband service; advanced service (as defined in 47 CFR 51.5); or other.

☐ **VIDEO SERVICE AS DEFINED IN IC 8-1-34-14 (Note: A Video Service Provider which does not currently have a video franchise (local or state) for the service area described above must obtain a state issued video franchise as specified in IC 8-1-34-16)**

Please list any service areas in Indiana where Applicant offers service under a local franchise.

PURSUANT TO I.C. 8-1-32.5-6(e), A CSP THAT IS ONLY OFFERING A SERVICE(S) DESCRIBED IN I.C. 8-1-2.6-1.1 IS ONLY REQUIRED TO REPORT AND CERTIFY THE ACCURACY OF SOME OF THE INFORMATION REQUESTED IN THIS FORM. NOT ALL PORTIONS OF THE FORM ARE APPLICABLE TO SUCH A CSP. *SEE PAGE 2 FOR INSTRUCTIONS.

The following services are "described in I.C. 8-1-2.6-1.1":

- (1) advanced services (as defined in 47 CFR 51.5);
- (2) broadband service, however defined or classified by the Federal Communications Commission;
- (3) information service (as defined in 47 U.S.C. 153(20));
- (4) Internet Protocol enabled retail services:
 - (A) regardless of how the service is classified by the Federal Communications Commission;
 - and
 - (B) except as expressly permitted under I.C. 8-1-2.8;
- (5) commercial mobile service (as defined in 47 U.S.C. 332); or
- (6) any service not commercially available on March 28, 2006.

In Indiana, will Applicant ONLY offer services described in I.C. 8-1-2.6-1.1?

Check one: ☐ YES ☒ NO

Please list the specific services, as described in I.C. 8-1-2.6-1.1, the Applicant proposes to offer:

Broadband, Fiber in the ground

PLEASE NOTE: All CSPs *must complete* a Verified Notice of Change form if the answer to this question changes at any time subsequent to completing this application form. The Notice of Change form is currently available on the Commission's website: www.in.gov/iurc.

***INSTRUCTIONS for providers offering ONLY a service(s) described in I.C. 8-1-2.6-1.1:**

You **DO NOT** have to complete the following sections:

- Part II •Part IV.2.a •Part IV.2.b
- Some portions of Part VI may also not apply.

The following sections **are required**, unless otherwise noted:

- Part I.A •Part I.D •Part IV.1
- Part I.B •Part I.E. •Part IV.3
- Part I.C •Part III •Part V
- Selected portions of Part VI

I. APPLICANT CONTACT INFORMATION

A. Legal Name of Company: LightStream Networks, LLC

B. Name(s) under which the company will be marketing services in Indiana:

(Company names, including any "doing business as" names, must be registered with Indiana Secretary of State)

LightStream Networks, LLC

C. Company Address:

2033 Rochelle Lane

Carrollton, TX 75007

Main Telephone Number: (432) 788-8801

FAX Number: _____

E-mail Address: dpmcnamara@lightstreamfiber.net

Website Address: www.lightstreamfiber.net

D. Name, title, and other contact information of company's contact person for ongoing communications with the commission *(including regulatory affairs and/or customer service information)*:

Name and Title Deaglan McNamara

Telephone Number: 432-788-8801

FAX Number: _____

Mailing Address: 2933 Rochelle Lane, Carrollton, TX 75007

Email Address: dpmcnamara@lightstreamfiber.net

E. Name, title, and other contact information of attorney or contact person for this application, if different from D. above:

Name and Title Leon Nowalsky, Esq.

Telephone Number: 504-832-1984

FAX Number: 504-831-0892

Mailing Address: 1420 Veterans Blvd. Metairie, LA 70005

E-mail Address: lnowalsky@nbglaw.com

F. Parent Company's Legal Name, Address, and Telephone Number (if applicable):
none

(CSPs that will only offer a service(s) described in I.C. 8-1-2.6-1.1 are not required to provide their parent company information.)

II. Service Information

(Add additional sheets if necessary.)

A. Please describe the geographic area(s) for which the applicant seeks authority.
The State of Indiana

B. Please provide a description of each service area in Indiana in which the applicant initially proposes to offer communications service (i.e., county, city, or rate center). If the applicant is proposing to offer Video Service, will the service be authorized through a State or local franchise? If the applicant is a Video Service provider authorized through a local franchise authority, please provide the issuing franchise authority and expiration date.
City of Indianapolis

C. Please provide a description of each type of communications service that the provider proposes to offer in each of the service areas identified in II B. above. The services listed should be consistent with the services marked at the top of Page 1.
The applicant proposes to offer facilities-based local exchange and interexchange telecommunications services (data only) and broadband services

D. For each type of service identified in C, please list whether the communications service will be offered only to residential customers, only to business customers or to both residential and business customers.
The applicant proposes to offer services to business customers.

E. Please provide an estimated date of deployment (year and quarter) for each service area and each service type within that area for which the applicant seeks authority. The services listed should be consistent with the services marked at the top of Page 1.
Within 90 days of receiving authority

F. Will applicant offer stand alone basic telecommunications service for a flat monthly rate pursuant to I.C. 8-1-2.6-0.1?
No

G. Does the applicant seek authorization to provide facilities-based local exchange? Yes

H. Does the applicant seek authorization to offer interexchange services only? Yes

I. Is applicant offering wholesale communications services, retail communications services, or both?
retail

J. Will the applicant operate as a Local Cooperative Corporation pursuant to I.C. 8-1-17-3?
no

If yes, please submit three (3) original articles of incorporation as required by I.C. 8-1-17-5 et seq.¹

¹ The Commission is required to provide notice of CTA applications of local cooperative corporations to each facilities-based local exchange carrier operating in territory contiguous to the area in which the cooperative corporation proposes to render telephone service pursuant to IC 8-1-17-5(d).

K. Please list other states in which applicant is authorized to provide communications services and the types of services offered.

New Mexico and Oklahoma

III. Additional Requirements²

Applicant further represents that it will:

- Comply with Indiana law (including but not limited to Title 8 of the Indiana Code) and IURC regulations (170 IAC 7) and applicable current and future Orders of the IURC.³
- Notify the Commission of any change in the legal name, address, control or status of the CTA, or service area (if applicable), pursuant to I.C. 8-1-32.5-12, using the CSP Notice of Change Form prescribed by the Commission. Such notification of change shall be provided to the Commission thirty (30) days prior to the occurrence of the change.
- Upon request, provide any other information the Commission is authorized to collect from a communications service provider under state or federal law pursuant to I.C. 8-1-2.6-13-9(E).
- Applicant represents that it will, at the time requested by the Commission, provide an annual report concerning communications services offered in each service area (county and ZIP code) in Indiana as required by I.C. 8-1-2.6-13(d)(9)(C) Note: This does not apply to CMRS providers.
- If applicable, file intrastate access tariffs, concurrences, and exceptions pursuant to the Commission's filing procedures and provide informational copies of interstate access tariffs.
- If applicable, provide the Commission with current and updated/corrected hyperlinks to the company's intrastate and interstate access tariffs, concurrences, and exceptions, consistent with the IURC's General Administrative Order (GAO) 1998-2.

IV. Attachments

The following information must be included with this application:

1. A copy of the Applicant's Certificate of Authority from the Indiana Secretary of State, authorizing the applicant to do business within the State of Indiana. (A tax statement or other documentation from the Indiana Department of Revenue is **not acceptable**.)
 - a. Applicants that are units of a municipal government, or are owned by a municipal government entity, may submit their local authorizing ordinance in lieu of the Secretary of State Certificate of Authority.
2. Information demonstrating the financial, managerial and technical ability to provide each communication service identified in the application.
 - a. The applicant's most recent financial statement or balance sheet or that of the parent company if separate Indiana operations have not yet been established. Applicants that are municipalities may submit their local budget.
 - b. Biographies of the applicant's corporate officers responsible for Indiana indicating managerial and technical qualifications.
(Attachment 2a and 2b are not required for CSPs that will "only offer a service(s) described in IC 8-1-2.6-1.1.")
3. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant (see attached affidavit).

Although an evidentiary hearing before the Commission is not required, the Commission shall hold an evidentiary hearing, if one is requested pursuant to IC 8-1-32.5-9(a). Any hearing shall follow the statutory provisions of IC 8-1-32.5-9(b).⁴

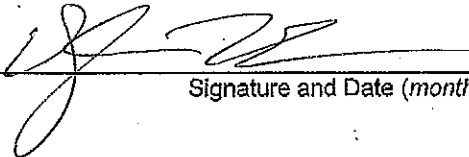
² Part III applies to all communications service providers, unless explicitly exempted pursuant to Indiana law and as otherwise noted herein.

³ Telecommunications Service Providers and Video Service Providers are subject to enforcement remedies for prohibited actions pursuant to IC 8-1-29.5.

⁴ The FCC determines market entry of CMRS providers pursuant to 47 CFR Chapter 1 Part 13.

V. Application Verification

I affirm under the penalties of perjury that the above representations made in this application are true.
(Must be signed by an officer of the company.)

 11/30/17

Signature and Date (month, day, year)

Deaglan McNamara

Name and Title (printed or typed)

AFFIDAVIT⁵

I, Deaglan McNamara (print name), as an authorized corporate officer or person authorized to bind LightStream Networks, LLC (company name), affirm under penalty of perjury that:

a) the applicant has filed or will timely file with the Federal Communications Commission ("FCC") all forms required by the FCC;

b) the applicant agrees to comply with customer notification requirements of the Commission pursuant to I.C. 8-1-32.5-6(b)(3)(B) and 8-1-32.5-11(b) (not applicable to CMRS providers per I.C. 8-1-32.5-11(b));

c) the applicant (including CMRS providers⁶) agrees to update the information provided in the application on a regular basis pursuant to I.C. 8-1-32.5-12;

d) the applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in the application (Pursuant to I.C. 8-1-32.5-6(e), this requirement is not applicable to CSPs that only offer a service(s) described in I.C. 8-1-2.6-1.1.);

e) the applicant agrees to pay any lawful rate or charge for switched and special access services, as required under any:

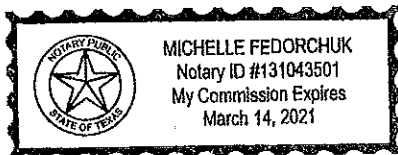
- applicable interconnection agreement; or
- lawful tariff or order approved or issued by a regulatory body having jurisdiction.

f) the applicant agrees to report, at the time requested by the Commission, information required under I.C. 8-1-2.6-13(d)(9) *et seq.* (This requirement is not applicable to CMRS providers, per I.C. 8-1-2.6-13(d)(9).); and

g) applicant further represents that it will provide an annual report concerning communications services offered in each service area (county, ZIP code and census tract) in Indiana as required by I.C. 8-1-2.6-13(d)(9)(C). (Not applicable to CMRS providers, per I.C. 8-1-2.6-13(d)(9).)

[Signature]
Signature
President
Title
11/30/17
Date (month, day, year)

Subscribed and Sworn to before me, a Notary Public, this 30 day of November, A.D. 2017



Michelle Fedorchuk
Signature
Michelle Fedorchuk
Printed Name

My Commission Expires:

March 14, 2021

My County of Residence:

Denton

⁵See IC 8-1-32.5-6(b)(3).

⁶There is an exception in IC 8-1-32.5-12-6 to the information that CMRS providers must provide. This exception does not apply to the other subsections in IC 8-1-32.5-12.

Attachments

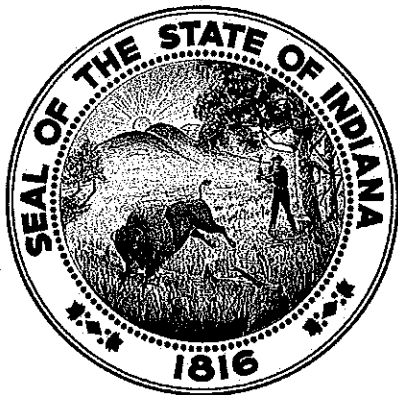
1. Certificate of Authority
2. Management Profiles
3. Start Up Financials

**State of Indiana
Office of the Secretary of State**

**Certificate of Authority
of
LIGHTSTREAM NETWORKS, LLC**

I, CONNIE LAWSON, Secretary of State, hereby certify that an Application for Certificate of Authority of the above Foreign Limited Liability Company has been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Flexibility Act.

NOW, THEREFORE, with this document I certify that said transaction will become effective Tuesday, November 21, 2017.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, November 21, 2017

Connie Lawson

CONNIE LAWSON
SECRETARY OF STATE

201711211224721 / 7759777

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>

APPLICATION FOR CERTIFICATE OF AUTHORITY

Formed pursuant to the provisions of the Indiana Business Flexibility Act

ARTICLE I - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 201711211224721
BUSINESS TYPE Foreign Limited Liability Company
BUSINESS NAME LIGHTSTREAM NETWORKS, LLC
PRINCIPAL OFFICE ADDRESS 2033 Rochelle Ln, Carrollton, TX, 75007, USA

ARTICLE II - REGISTERED OFFICE AND ADDRESS

NAME NORTHWEST REGISTERED AGENT LLC
ADDRESS 117 BROADWAY STREET, STE 100, CHESTERTON, IN, 46304, USA

ARTICLE III - PERIOD OF DURATION AND EFFECTIVE DATE

PERIOD OF DURATION Perpetual
EFFECTIVE DATE 11/21/2017
EFFECTIVE TIME 05:14AM

ARTICLE IV - PRINCIPAL(S)

TITLE Member
NAME Deaglan McNamara
ADDRESS 2033 Rochelle Ln, Carrollton, TX, 75007, USA

TITLE Member
NAME Robert McCall
ADDRESS 1021 Newington Circle, Forney, TX, 75126, USA

MANAGEMENT INFORMATION

THE LLC WILL BE MANAGED BY MANAGER(S) No

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
11/21/2017 11:42 AM

ARTICLE V - FOREIGN BUSINESS DETAILS

DOMICILE FORMATION DATE 08/31/2015
DOMICILE COUNTRY USA
DOMICILE STATE TX

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE UNDERSIGNED MANAGER OR MEMBER DESIRES TO EFFECTUATE THE ADMITTANCE OF THIS LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF INDIANA PURSUANT TO THE INDIANA BUSINESS FLEXIBILITY ACT.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **November 21, 2017**

SIGNATURE Deaglan McNamara
TITLE Member

Business ID : 201711211224721
Filing No : 7759777



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for LightStream Networks, LLC (file number 802283615), a Domestic Limited Liability Company (LLC), was filed in this office on August 31, 2015.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on November 10, 2017.



A handwritten signature in black ink, appearing to read "R. Pablos".

Rolando B. Pablos
Secretary of State

DEAGLAN MCNAMARA

2033 Rochelle Lane, Carrollton, TX 75007

(432) 788-8801

deaglan.mcnamara@gmail.com

Telecommunications Sales Engineering and Network Planning Professional

Telecommunications Professional with background in both telecommunications engineering and network & market planning. A motivated and enthusiastic professional with experience in the following technical areas: fiberoptic engineering, analysis, and planning and Ethernet, IP, DOCSIS, and Wave telecommunications. Experience in leading sales engineering and network planning efforts in new and developing regional markets. Track record of coordinating numerous internal and external customer groups for creation and implementation of complex networks.

Specialties: Strong outreach and communication skills. Experienced in project planning, management, and completion.

PROFESSIONAL EXPERIENCE:

LIGHTSTREAM NETWORKS, LLC. Carrollton, TX

03/16-Present

Telecommunications Service Provider

President

- Oversee all operations of the company
- Meet with clients to discuss their networking needs and provide support for all products
- Pursue all sales opportunities and assist in the general maintenance of services and infrastructure
- Provide pricing and technical solutions for all company sales opportunities
- Coordinate with and manage outsourced legal and accounting backoffice support

TIME WARNER CABLE – CARRIER SERVICES. Coppell, TX

03/15-03/16

Second largest MSO/Cable Operator in the US, operating in 29 states

Carrier Sales Engineer II

- Provided pre-Sales technical support and solutions for Carrier Access Emerging Group, supporting two account executives and approximately 70 carrier accounts
- Met with carrier customers to explain current and new service offerings
- Utilized Salesforce, Granite, Rio, SharePoint to support new, ongoing, and installed opportunities
- Assisted in closing new business opportunities by gaining a thorough technical and business understanding of customer's needs and helping Sales identify, and close new opportunities
- Provided a technical analysis of all opportunities to properly qualify them against company goals
- Primary product sets include: E-Line and E-Access EPL/EVPL/E-Transport, DIA, DOCSIS-based Ethernet and Internet services, Wave products, and Dark Fiber

UNITE PRIVATE NETWORKS. Dallas, TX

06/13-01/15

A builder and operator of fiber networks and private WANs in over 20 states with over 5k miles of fiber

Solutions Engineer III

- Provided pre-Sales technical support and solutions for Carrier, Enterprise, School, and Government sales resulting in new annual revenues in excess of \$2.4 million in 2014 alone
- Met with clients to discuss their networking needs and provide support for all product solutions
- Developed and performed technical Descriptions, Drawings and Presentations to clients on proposed solutions, using Visio, PowerPoint, Google Earth, ArcGIS, and Salesforce
- Assisted in closing new business opportunities by gaining a thorough technical and business understanding of clients' needs and helping Sales identify, and close new opportunities
- Provided a financial and technical analysis of all opportunities to properly qualify them against company goals
- Primary product sets include: Dark Fiber, Ethernet and Wave products, and IP Services

ZAYO GROUP (ACQUIRED ABOVENET IN JULY 2012). Addison, TX

11/08-05/13

A global provider of bandwidth infrastructure services, including dark fiber, wavelengths, SONET, Ethernet, IP services, and carrier-neutral colocation and interconnection.

Data Migration Team - Lead Engineer

07/12-05/13

- Performed site audits on all on-net central offices, data centers, and carrier hotels in the Dallas/Fort Worth network to accurately record all rack and shelf information in Metasolv with particular attention to available row and rack space
- Migrated all captured and audited data from completed acquisitions to Zayo inventory systems
- Maintained a high standard of data integrity in all databases under defined responsibilities
- Oversaw a team of five in accomplishing the above duties

Fiber Engineer

11/08-07/12

- Engineered and implemented over 600 customer orders into their network design components including fiber, cable, and patchcord assignments; OSP and ISP engineering packages
- Analyzed and verified OTDR trace data and supporting documentation from field construction
- Maintained accurate records and databases of allocated assets in customer and company routes using Microsoft Excel and Visio and well as Smallworld GIS
- Provided engineering oversight to large hot cuts/hot rolls whenever necessary, including an overnight, 50 circuit hot cut when a data center moved locations within a building
- Attended enhancement courses on a broad range of engineering topics

NOAA/NESDIS: INTERNATIONAL & INTERAGENCY AFFAIRS. Silver Spring, MD

A US government office which facilitates the access, provision, and use of in situ and satellite data and products, and develops and implements US policy in these areas

International Relations Specialist – Student Intern

06/07-05/08

- Wrote background research reports and provide briefing materials for meetings, inquiries, and travel
- Assisted in meeting preparation and support for visits by foreign dignitaries, including a November 2007 conference of sixteen leading meteorological satellite operating nations
- Attended hearings, briefings, and seminars regarding issues directly relating to NOAA
- Archived and assisted in the of concurrence and review of domestic and international Memorandums of Understanding
- Created and maintained accurate records of the locations and users of all IIA electronic equipment

EDUCATION:

THE GEORGE WASHINGTON UNIVERSITY, Elliott School of International Affairs.

Washington, D.C.

Master of Arts in International Science and Technology Policy, Graduated May 2008

Concentrations in Space Policy and Security Policy

STEVENS INSTITUTE OF TECHNOLOGY. Hoboken, NJ

Bachelor of Science in Applied Physics, Minor in History, Graduated May 2006

LIGHTSTREAM NETWORKS, LLC
STATEMENT OF ASSETS, LIABILITIES AND MEMBERS' EQUITY
DECEMBER 31, 2015
(UNAUDITED)

ASSETS

CURRENT ASSETS

Cash	\$ <u>50,000</u>
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Total current assets	<u>50,000</u>
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TOTAL ASSETS	\$ <u><u>50,000</u></u>
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LIABILITIES AND MEMBERS' EQUITY

LONG TERM LIABILITIES

N/P - Riggs	\$ <u>25,000</u>
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Total long-term liabilities	<u>25,000</u>
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MEMBERS' CAPITAL

Members' equity	<u>25,000</u>
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TOTAL LIABILITES AND MEMEBERS' EQUITY	\$ <u><u>50,000</u></u>
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