



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

State Form 52648 (R5 / 8-11)
INDIANA UTILITY REGULATORY COMMISSION

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

Cause No. 45261 (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)**
Ethernet transport services (VLAN & VPLS)

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.**
Internet Access

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:
Wholesale and commercial grade Internet Access

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: Cogent Communications, Inc.

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)

Cogent Communications, Inc.

C. Company Address:

2450 N Street, NW, 4th Floor
Washington, DC 20037

Main Telephone Number: 202-295-4200

FAX Number: _____

E-mail Address: info@cogentco.com

Website Address: www.cogentco.com

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 Ried Zulager

Telephone Number: 202-295-4274

FAX Number: _____

Mailing Address: 2450 N Street, NW, 4th Floor, Washington, DC 20037

Email Address: rzulager@cogentco.com

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

Name and Title Robert Bowman, Counsel

Telephone Number: 202-295-4288

FAX Number: _____

Mailing Address: 2450 N Street, NW, 4th Floor, Washington, DC 20037

E-mail Address: rbowman@cogentco.com

F. Parent Company's Legal Name, Address, and Telephone Number (if applicable):

Cogent Communications Holdings, Inc. (Nasdaq ticker CCOI)

2450 N Street, NW, 4th Floor, Washington DC 20037; 202-295-4200

(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.

See attached information

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.

See attached information

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.

See attached information

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.

See attached information

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.

See attached information

F. Will applicant offer stand alone basic telecommunications service for a flat monthly rate pursuant to I.C. 8-1-2.6-0.1?

See attached information

G. Does the applicant seek authorization to provide facilities-based local exchange? See attached information

H. Does the applicant seek authorization to offer interexchange services only? See attached information

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

See attached information

J. Will the applicant operate as a Local Cooperative Corporation pursuant to I.C. 8-1-17-3?

See attached information

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.

N/A

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.)



Signature and Date (month, day, year)

David Schaeffer, CEO

Name and Title (printed or typed)

AFFIDAVIT⁵

I, David Schaeffer (*print name*), as an authorized corporate officer or person authorized to bind Cogent Communications, Inc. (*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
David Schaeffer

Title
CEO

Date (month, day, year)

Washington, District of Columbia
Subscribed and Sworn to before me, in my presence
this 11th day of JULY, 2019
By DAVID SCHAEFFER, to me personally known.
[Signature] Notary Public
My Commission Expires December 14, 2022.

Subscribed and Sworn to before me, a Notary Public, this _____ day of _____, A.D. 20____

Signature Ried R. Zulager
NOTARY PUBLIC
Washington, District of Columbia
My Commission Expires 12/14/2022
Printed Name _____

My Commission Expires: _____

My County of Residence: _____

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.

**Application for a Certificate of Territorial Authority for Communications Service Providers.
State Form 52648 – Indiana Utility Regulatory Commission**

Cogent Communications, Inc.

II. Service Information

- A.** Cogent seeks authority to provide its services in the entire State.
- B.** Cogent provides facilities based wholesale and commercial grade Internet access and Ethernet transport services. Services are primarily offered in carrier neutral data centers in the South Bend and Indianapolis markets and large multi-tenant office buildings in downtown Indianapolis. Other locations in Indiana may be served by Cogent using a last-mile connection provided by the local ILEC or CLEC.
- C.** Internet access and Ethernet transport (V-LAN & VPLS) services can be provided at every location Cogent offers services.
- D.** Business customers only. Cogent does not provide service to residential locations.
- E.** Existing service area and service types.
- F.** No.
- G.** No
- H.** No
- I.** Wholesale and retail (business, but not residential)
- J.** No

IV. Attachments

- 1.** Enclosed with submission.
- 2.a.** Enclosed please find the most recent Form 10-K for Cogent Communications Holdings, Inc. (CCH). CCH is the publicly traded holding company of Cogent Communications, Inc. Cogent Communications, Inc. is the operating entity for CCH.

2.b. Corporate Officers

Dave Schaeffer, age 62, founded Cogent in August 1999 and is the Chairman of the Board, Chief Executive Officer and President. Prior to founding Cogent, Mr. Schaeffer was the founder of Pathnet, Inc., a broadband telecommunications provider, where he served as Chief Executive Officer from 1995 until 1997 and as Chairman from 1997 until 1999. Since 2014, Mr. Schaeffer has been a director of CyberArk Software Ltd. (NASDAQ: CYBR), a publicly traded Israeli company.

Thaddeus G. Weed, age 57, joined Cogent in 2000 and served as Vice President and Controller until May 2004 when he became Cogent's Chief Financial Officer and Treasurer. From 1997 to 1999, Mr. Weed served as Senior Vice President of Finance and Treasurer at Transaction Network Services, Inc. where Mr. Weed undertook a broad range of financial management responsibilities. From 1987 to 1997, Mr. Weed was employed at Arthur Andersen LLP where he served as Senior Audit Manager.

**Application for a Certificate of Territorial Authority for Communications Service Providers.
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Cogent Communications, Inc.

R. Brad Kummer, age 70, joined Cogent in 2000 and serves as Vice President of Optical Transport Engineering and Chief Technology Officer. Mr. Kummer spent the 25 years prior to joining us at Lucent Technologies (formerly Bell Laboratories), where he served in a variety of research and development and business development roles relating to optical fibers and systems. In his most recent work at Lucent, he was responsible for optical fiber systems engineering for long haul and metropolitan dense wavelength division multiplexing systems.

Timothy G. O'Neill, age 63, joined Cogent in 2001 and serves as the Vice President of Field Engineering, Construction and Network Operations. He is responsible for network operation, construction and maintenance. From 1999 to 2001, Mr. O'Neill was employed at @Link Networks, Inc. where he served as Chief Network Officer. While at @Link Networks, Inc., Mr. O'Neill was responsible for engineering, implementing and operating a network for Internet access and Layer 2 services.

Henry W. Kilmer, age 50, joined Cogent in 2011 and serves as Vice President of IP Engineering. Prior to joining Cogent, Mr. Kilmer held positions with UUNET (now Verizon), Sprint, Digex/Intermedia and Metromedia Fiber Networks/Abovenet where he was Senior Vice President of Engineering and Operations. Most recently, Mr. Kilmer was President of Terrapin Communications, Inc., a small consulting firm that focused on network consulting and technical strategy development for companies like GPX, Airband, and Switch and Data (now part of Equinix).

James Bubeck, age 52, is Cogent's Chief Revenue Officer and Vice President of Global Sales. Mr. Bubeck has served in the sales organization of Cogent in various capacities since May of 2000, most recently, since 2007, as Vice President of Central Region Sales, based in Chicago. From 1996 to 2000 he was a sales manager for MCI's internet network business, which was subsequently divested to Cable and Wireless due to the merger of MCI and Worldcom.

State of Indiana
Office of the Secretary of State

Certified Copies

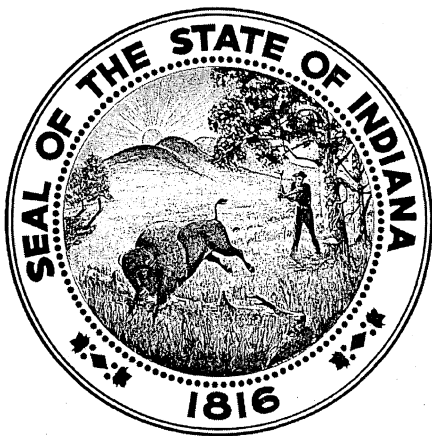
To Whom These Presents Come, Greeting:

I, CONNIE LAWSON, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the custodian of the corporate records and the proper official to execute this certificate.

I further certify that this is a true and complete copy of this 3 page document consisting of the following records filed in this office:

Certification Date: June 27, 2019
Business Name: COGENT COMMUNICATIONS, INC.
Business ID: 2000080100027

Transaction	Date Filed	No. of pages
Business Entity Report	06/18/2018	3
Total No. of pages		3



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, June 27, 2019

Connie Lawson

CONNIE LAWSON
SECRETARY OF STATE

2000080100027 / 11039731

All certificates should be validated here: <https://bsd.sos.in.gov/ValidateCertificate>

Expires on July 27, 2019.

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
06/18/2018 01:53 PM

BUSINESS ENTITY REPORT

NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID	2000080100027
BUSINESS TYPE	Foreign For-Profit Corporation
BUSINESS NAME	COGENT COMMUNICATIONS, INC.
ENTITY CREATION DATE	07/31/2000
JURISDICTION OF FORMATION	Delaware
PRINCIPAL OFFICE ADDRESS	COGENT COMMUNICATIONS, INC., 2450 N ST NW 4th Floor, Washington, DC, 20037, USA

YEARS FILED

YEARS	2018/2019
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EFFECTIVE DATE

EFFECTIVE DATE	06/18/2018
EFFECTIVE TIME	1:53 PM

REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE	Business Commercial Registered Agent
NAME	CORPORATION SERVICE COMPANY
ADDRESS	135 North Pennsylvania Street, Suite 1610, Indianapolis, IN, 46204, USA

PRINCIPAL(S)

TITLE Secretary
NAME Jana Kaidy
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Bryant Hird Banks
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Thaddeus G Weed
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Secretary
NAME RIED Zulager
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Robert N Beury JR.
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Chairman
NAME Dave Schaeffer
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Treasurer
NAME Thaddeus G Weed
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME John Chang
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME James Bubeck
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

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TITLE Vice President
NAME Andrew Ritwo
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Timothy G O'Neill
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Raymond B Kummer
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE Vice President
NAME Henry Kilmer
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

TITLE President
NAME DAVE Schaeffer
ADDRESS 2450 N St NW, Washington, DC, 20037, USA

SIGNATURE

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **June 18, 2018**.

SIGNATURE Ried Zulager
TITLE Secretary

Business ID : 2000080100027
Filing No. : 7940188