

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of Everfast Fiber Networks LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, and Interexchange Service Within the State of Kansas.	) ) ) ) ) ) )	Docket No. 23-EFNT-258-COC
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**APPLICATION FOR CERTIFICATE OF AUTHORITY  
TO SERVE AS A TELECOMMUNICATIONS SERVICES PROVIDER IN  
KANSAS**

Comes now Everfast Fiber Networks LLC ("the Company"), representing its intention to engage in the business of a Competitive Local Service Provider in the State of Kansas in the territory described specifically below, and making claim that public convenience will be thereby promoted. For purposes of verification and in evidence of fitness to operate, the Company offers the following information in support of this application:

1. Full, correct name (including d/b/a) of company, firm, association or corporation making this filing: Everfast Fiber Networks, LLC
2. Federal Identification Number: 88-1383706
3. Type of Certification requested by applicant: facilities-based local exchange, exchange access, and interexchange
4. Address (if the mailing address is a P.O. Box number, also provide the actual street address) and telephone number(s) for the principal office of the company and its local office (if any), including 800 customer service number:

9669 Lackman  
Lenexa, KS 66219  
913/825-3000

5. Requested serving territory: the Company intends to provide telecommunications services in the Kansas City metropolitan area, and as such is seeking certification from the Commission to provide service in the Kansas municipalities that are part of the Kansas City metropolitan area, including the following:

Kansas City, Overland Park, Fairway, Roeland Park, Shawnee, Lenexa, Leawood, Olathe, Prairie Village, Westwood, Westwood Hills, Mission, Merriam, and Mission Woods.

6. Name, title, address telephone number and email address of person preparing this application.

Mark P. Johnson KS bar #22289  
Dentons US LLP  
4520 Main Street  
Suite 1100  
Kansas City, Missouri  
816/46-2424  
Mark.johnson@dentons.com

7. Name, title, address, telephone number and email address of Commission/Industry Relations contact:

Name: Craig Reed

Title: Sr. Network Architect

Address: 9669 Lackman  
Lenexa, KS 66219

Email Address: craig.reed@consolidated.com

913-322-9805

Note that the email address is expected to change once new email domain is established following receipt of regulatory approvals. Furthermore, the Applicant is recruiting additional people in this department as its customer base grows, so the contact person may be updated in the future.

8. Organizational Information

In the table below, give name and address of each officer (when an individual holds more than one office, list name for each office held):

**OFFICERS**

Line No.	Title (a)	Name (b)	Address (c)
1	President	James Metcalfe	33 Benedict Place, 2nd Floor Greenwich, CT 06830
2	Vice President	Andrew Bishop	33 Benedict Place, 2nd Floor Greenwich, CT 06830
		Dado Slazek	33 Benedict Place, 2nd Floor Greenwich, CT 06830
3	Treasurer	Lubna Rehman	33 Benedict Place, 2nd Floor Greenwich, CT 06830

If incorporated, list information concerning company directors:

**LIST OF DIRECTORS**

Line No. (a)	Name of Director (b)	Address (c)	Term Began (d)	Term Expires (e)	Shares of Common Stock (f)
1	N/A				
2					
3					
etc.					

10. Description of Applicant's operations:

- A. The Company intends to provide video, telecommunications, and broadband services in the Kansas City metropolitan area, and with respect to Kansas, in the municipalities listed above. It intends to begin providing service in 2022 and has no long-term plans to expand its service area beyond its original service area. The Company intends to offer service to business and residential customers in its service area, and many of those customers, particularly business customers, will be provided services pursuant to individual customer agreements.
- B. At this point the Company does not have final plans as to how many employees it will have in Kansas, but the number will probably be under one hundred.
- C. The Company will deploy equipment necessary provide service to business and residential customers in much of the Kansas City

metropolitan area, both underground and above ground on telephone poles and other above ground facilities. The Company will install facilities and it will maintain and upgrade those facilities, as needed. Where necessary the Company will install and maintain those facilities pursuant to right-of-way access agreements with appropriate municipalities and pole attachment agreements with relevant pole and conduit owners.

- D. Has any state or federal entity denied certification to your company or taken any enforcement action against your company's service operations (such as a fine or a Cease and Desist action)?

No.

- E. Provide a list of enforcement proceedings or criminal charges involving applicant or its principals in connection with the provision of telecommunications services within the last five (5) years anywhere in the United States including, but not limited to:

Injunctions, cease and desist orders, civil lawsuits, consent decrees, assurances of voluntary compliance, civil investigative demands (CID's), and subpoenas

None

11. Applicant's Managerial Qualifications (provide as Exhibits):

- A. Description of applicant's actual experience in the telecommunications business, specifically that represented in this application.

The Applicant is in the process of acquiring an experienced team in the Kansas City Market. As information concerning the individuals hired to fill

out the management team becomes available, the Applicant will supplement this Application.

B. Managerial qualification of your company's key personnel.

As noted in the response to the previous item, the Applicant is in the process of engaging the services of its management team, and the Applicant will supplement this Application with information responsive to the question concerning its key personnel.

12. Is your company currently providing telecommunications service in any other state? If so, in an Exhibit, please name the state(s), provide a description of your company's operations therein and list the approximate number of customers in each state.

We do not own any other telecommunications service in the U.S. currently.

13. Financial Information:

A. Stock

**CAPITAL STOCK**

Line No.	Class of Stock Common Or Preferred etc.	No. of Shares Authorized by charter	No. of Shares Actually Sold	No. of Shares Cancelled	No. of Shares Held for Resale	No. of Shares Outstanding	Par Value per Share	Total Amnt. Outstanding per Fin. Stmtn	Dividends Declared During Year (J)
(a)	(b)		(d)	(e)	(f)	(g)	(h)		
1	Membersh ip Interest		1 (100%)			1 (100%)			
2									
3									

4									
etc.									

- B. List information concerning the stockholders holding the highest number of shares of stock.

**LIST OF PRINCIPAL STOCKHOLDERS**

Line No.	Name of Stockholder	Address	No. of Shares	No. of Votes	Total Par or Stated Value (f)
(a)	(b)	(c)	(d)	(e)	(f)
1	Boulevard Digital Partners Holding Company LLC	33 Benedict Place, 2nd Floor Greenwich, CT 06830	1 Membership Interest (100%)		
2					
3					
4					
etc.					

14. Applicant's Financial Qualifications (provide as Exhibits):

- A. Comparative Income Statements for the immediately preceding three (3) year period. See attached Exhibit A. (filed under seal with public version of the Application).
- B. Balance Sheets for the immediately preceding three (3) year period. See attached Exhibit A. (filed under seal with public version of the Application).
- C. A forward-looking management narrative discussing any significant activity that may impact either the Income Statement or Balance Sheet provided.

The Applicant will provide a network to be gigabit capable, combined with renewed focus on sales and marketing and local management we expect to grow subscriber base and hence revenues meaningfully. The Applicant anticipates that these activities will result in favorable improvements in the financial performance of the Kansas City operation.

15. As an attachment, please provide state of incorporation and proof of incorporation in that state.

See Exhibit B.

16. As an attachment, please provide proof of registration with the Kansas Secretary of State.

See Exhibit C

17. Name and telephone number of the contact person for customer service.

Name: Craig Reed

Title: Sr. Network Architect

Email Address: craig.reed@consolidated.com

913-322-9805

Note that the email address is expected to change once new email domain is established following receipt of regulatory approvals. Furthermore, the Applicant

anticipates recruiting additional people in this department as the customer base expands, so the contact person may be updated in the future.

18. Competitive Local Exchange (CLEC) applicants need to provide an interconnection or resale agreement with the incumbent local exchange carrier(s) for the service territory designated above, if consummated.

The Company has not entered into any interconnection agreements at this point, but will do when necessary. The same is true with respect to pole attachment agreements, which the Company will enter into if and when necessary.

19. CLEC Applicants must provide a copy of the Company's proposed Intrastate Access tariff.

The Company intends to adopt the Kansas tariff of Consolidated Communications, Inc., from which it is acquiring assets to initiate the provision of service.

Complete, sign and attach the KCC Telecommunications Carrier Code of Conduct form as part of this application.

See Exhibit D

WHEREFORE, the Applicant requests the Commission to issue an order granting the Company certification to offer and provide the indicated services identified in this application.

Respectfully submitted,



Mark P. Johnson KS #22289  
Dentons US LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111  
Phone: 816/460-2424  
Fax: 816/531-7545  
mark. [johnson@dentons.com](mailto:johnson@dentons.com)


Attorneys for Everfast Fiber Networks  
LLC

OATH


State of New York

County, Westchester ss.

James Metcalfe, being duly sworn, deposes and says that s/he is the  
President, of Everfast Fiber Networks LLC  
and that the facts set forth in the foregoing application have been prepared under his/her  
direction, from the original books, papers and records of said company, that he/she examined  
same, and declares same to be true and correct to the best of his/her knowledge and belief.  
Further, that applicant has full knowledge of the Kansas Corporation Commission's jurisdiction  
affecting local service providers and will comply with the applicable requirements of this  
Commission.

  
James Metcalfe

Subscribed and sworn to before me on this 22<sup>nd</sup> day of August, 2022.



Notary Public

JOANNE R. RICCIARDELLA  
Notary Public, State of New York  
Reg. No. 01R18190851  
Qualified in Westchester County  
My Commission Expires Aug. 4, 2024

**EXHIBIT A**

**(filed under seal with public version)**

**Competitively sensitive information**

## **EXHIBIT B**

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "EVERFAST FIBER NETWORKS LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE THIRD DAY OF DECEMBER, A.D. 2021, AT 2:45 O`CLOCK P.M.

CERTIFICATE OF AMENDMENT, CHANGING ITS NAME FROM "BOULEVARD DIGITAL LLC" TO "EVERFAST FIBER NETWORKS LLC", FILED THE TWENTY-SIXTH DAY OF MAY, A.D. 2022, AT 10:51 O`CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "EVERFAST FIBER NETWORKS LLC".



6441768 8100H  
SR# 20223284014

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 204180724  
Date: 08-17-22

**STATE of DELAWARE  
CERTIFICATE of FORMATION  
OF LIMITED LIABILITY COMPANY**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:45 PM 12/03/2021  
FILED 02:45 PM 12/03/2021  
SR 20213973901 - File Number 6441768

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Boulevard Digital LLC.
2. The registered office of the limited liability company in the State of Delaware is to be located at 200 Bellevue Parkway, Suite 210, in the City of Wilmington, County of New Castle, Zip Code 19809. The name of the registered agent at such address upon whom process against this limited liability company may be served is Intertrust Corporate Services Delaware Ltd.

DocuSigned by:  
BY: Elliott Beale  
EA819801C9D84E1  
Authorized Person  
Name: Elliott Beale

## STATE OF DELAWARE CERTIFICATE OF AMENDMENT

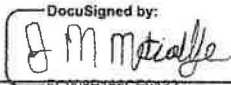
1. Name of Limited Liability Company: Boulevard Digital LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

Item 1 shall be amended to change the name and shall be restated as follows:

1. The name of the limited liability company is Everfast Fiber Networks LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 25 day of May, A.D. 2022.

By:   
Authorized Person(s)

Name: James Metcalfe

Print or Type

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "EVERFAST FIBER NETWORKS LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE SIXTEENTH DAY OF AUGUST, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "EVERFAST FIBER NETWORKS LLC" WAS FORMED ON THE THIRD DAY OF DECEMBER, A.D. 2021.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



6441768 8300

SR# 20223280213

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 204177480

Date: 08-16-22

**EXHIBIT C**

**STATE OF KANSAS**  
**OFFICE OF**  
**SECRETARY OF STATE**  
**SCOTT SCHWAB**

I, SCOTT SCHWAB, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 2042514

Entity Name: EVERFAST FIBER NETWORKS LLC

Entity Type: FOR: LTD LIABILITY COMPANY

State of Organization: DE

was filed in this office on May 19, 2022, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of August 18, 2022

**SCOTT SCHWAB**  
**SECRETARY OF STATE**

Certificate ID: 1232316 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.

## **EXHIBIT D**

**Telecommunications Carrier Code of Conduct**  
**Kansas Corporation Commission**

As a provider of telecommunications services in the state of Kansas, Applicant, by and through its undersigned officer, commits to comply with the following:

- If applying for certification to provide local telecommunications service, provide:
  - Access to 911 and E911 services;
  - White page directory listings;
  - Access to telephone relay services;
  - Access to directory assistance;
  - Access to operator services;
- Equal access to interLATA long distance carriers;
- Free blocking of 900- and 700-type services
- Interconnection on a nondiscriminatory basis with other local exchange carriers
- If requesting Eligible Telecommunications Carrier (ETC) designation, provide all applicable federal Lifeline discounts.
- Follow all applicable Commission rules and regulations.
- Maintain required registration with the Office of the Kansas Secretary of State. To contact the Kansas Secretary of State: Memorial Hall, First Floor, 120 SW 10 Ave., Topeka, KS 66612-1594 (785) 296-4564 or [www.kssos.org](http://www.kssos.org).
- File Annual Interrogatory Form in accordance with the Commission's Order in Docket 13-GIMT-736-GIT dated December 3, 2013.
- Pay all assessments due to the Commission and/or the Citizen's Utilities Ratepayer Board (CURB) pursuant to K.S.A. 66-1501, 66-1502, 66-1503, and 66-1504.
- File reports and pay assessments to the Kansas Universal Service Fund (KUSF) as set forth in K.S.A. 66-2008(a) and the Commission's December 27, 1996 Order in Docket No. 94-GIMT-478-GIT. KUSF instructions and remittance forms may be obtained online at [www.gvntw.com/usf/kansas/index.htm](http://www.gvntw.com/usf/kansas/index.htm).
- A competitive local exchange carrier wishing to discontinue service shall notify customers and the Commission in accordance with Order No. 7 in the Commission's Docket No. 01-GIMT-649-GIT. An inter-exchange carrier providing service in Kansas wishing to discontinue service shall notify customers in accordance with FCC regulations.
- Promptly notify the Commission of any change of address and contact information.

- Treat each customer equally to all other similarly situated customers, free of prejudice or disadvantage.
- Respect customers' right to select different telecommunications services and vendors.
- Administer procedures to prevent deceptive and unfair marketing practices aimed at potential or existing customers.
- Protect customers' right to privacy, by safeguarding records and personal information against unauthorized use.
- Respond to consumer complaints or inquiries submitted by Commission Staff thoroughly and quickly.

### Verification

I, James Metcalfe, of lawful age, and being first duly sworn, now state: As an officer of the Applicant, I am authorized to and do hereby make the above commitment. Further, I acknowledge that failure to comply with the above commitments or other lawful requirements of the Commission will subject Applicant to potential fines, penalties, revocation of certification, or other sanctions and remedies.

J. M. Metcalfe

Subscribed and sworn to before me on this 22<sup>nd</sup> Day of August, 2022

Joanne R. Ricciardella  
Notary Public

(8-26-14)

**JOANNE R. RICCIARDELLA**  
Notary Public, State of New York  
Reg. No. 01R16190851  
Qualified in Westchester County  
My Commission Expires Aug. 4, 2024