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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Application of Varcomm Broadband, Inc. for a  
Certificate of Public Convenience and  
Necessity to Provide Facilities-Based and  
Resold Local Exchange Services and  
Interexchange Services

A. \_\_\_\_\_

**APPLICATION OF VARCOMM BROADBAND, INC.  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE  
FACILITIES-BASED AND RESOLD LOCAL EXCHANGE SERVICES AND  
INTEREXCHANGE SERVICES**

**PUBLIC VERSION**

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Attorneys for Varcomm Broadband, Inc.

December 21, 2020

## I. INTRODUCTION

Varcomm Broadband, Inc. (hereinafter “Varcomm” or “Applicant”) hereby submits this Application to the California Public Utilities Commission (“Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) to provide: (i) facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”), Frontier California Inc., Citizens Telecommunications Company of California, Inc., Frontier Communications of the Southwest Inc. (collectively, “Frontier”), and Consolidated Communications of California Company (“Consolidated”) (collectively, the “Uniform Regulatory Framework Incumbent Local Exchange Carriers,” or “URF ILECs”); and (ii) interexchange services on a statewide basis (the “Application”). This Application is submitted pursuant to Public Utilities Code Section 1001 and satisfies each of the prerequisites to the requested authority in the Commission’s Rules<sup>1</sup> and decisions.

Varcomm is an affiliate of Ducor Telephone Company (“Ducor”), a small, rural Incumbent Local Exchange Carrier (“ILEC”) that has served rural areas of Central and Northern California for more than 80 years. Varcomm currently provides non-regulated Internet access service within Ducor’s service territory in Tulare, Tehama, and Kern counties. Varcomm files this Application to build upon its affiliates’ experience in deploying telecommunications infrastructure in rural areas and meeting the service needs of rural Californians. Varcomm will also leverage its own expertise as an Internet Service Provider (“ISP”) focusing on rural areas. As a Competitive Local Exchange Carrier (“CLEC”), Varcomm will initially look for opportunities to “edge out” by serving in exchange areas adjacent to Ducor’s current footprint. In these areas, and other areas to which Varcomm may expand over time, it is important that it have the option to provide regulated voice services, including special access service, to business and residential customers. Varcomm also expects to offer interexchange service in California, focusing on the areas in and around Ducor’s service territory.

The relief sought in this Application is in the public interest, as Varcomm’s management has a unique background and institutional focus on rural areas. In the current environment, rural connectivity is more important than ever to ensure, and rural Californians face many challenges

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<sup>1</sup> All references to “Rules” refer to the Commission’s Rules of Practice and Procedure.

in accessing the economic, educational, health, and social resources that they need. Varcomm believes that it can play a part in enhancing consumer choice improving the service option for a segment of the California customer base that does not receive adequate attention. Varcomm will look for opportunities to serve rural consumers, starting in Tulare and Tehama Counties and expanding to other areas as appropriate.

This Application is submitted with 10 exhibits, which include material to support the requested relief. Varcomm is also supplying a Motion for Leave to File Under Seal (“Motion for Seal”) pursuant to Rule 11.4. The Motion for Seal identifies the confidential material presented herewith and provides the basis for holding it confidential in the Commission’s files.

## **II. FORMAL REQUIREMENTS**

In support of this Application, Varcomm submits the following information:

A. Name and Address of Applicant (Rule 2.1(a)): Varcomm’s full legal name is Varcomm Broadband, Inc. Varcomm is a California corporation, qualified to do business in California. Its principal place of business is 23473 Ave. 56, Ducor, California 93218. Varcomm’s business telephone number is (888) 539-5234.

B. Correspondence and/or Communications (Rule 2.1(b)): Communications and correspondence regarding this Application should be addressed to:

Mark P. Schreiber  
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with copies to:

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President and Chief Executive Officer  
23473 Avenue 56  
P.O. Box 700, Ducor, CA 93218  
Telephone: (559) 534-2210  
Telecopier: (623) 321-6459  
Email: [evotaw@varcomm.biz](mailto:evotaw@varcomm.biz)

C. Proposed Category; Hearings; Issues; Safety; Schedule (Rule 2.1(c)): Varcomm proposes that the Commission categorize this matter as a ratesetting proceeding. The issues

raised in this Application do not squarely fit into any of the categories as defined in Commission Rules 1.3(a) (adjudicatory), 1.3(e) (ratesetting), or 1.3(d) (quasi-legislative). Therefore, in accordance with Rule 7.1(e)(2), this proceeding should be conducted under the rules applicable to the ratesetting category unless and until the Commission determines that other rules apply. *See, e.g.*, D.16-09-024 at 13-14 (Application of eNetworks, LLC for CLEC authority classified as ratesetting); D.20-07-006 at 13 (Application of Velocity Fiber, LLC for CLEC authority confirming ratesetting designation).

Hearings are not required to address the matters raised in the Application. This Application is straightforward, and Varcomm does not have any reason to believe any factual dispute will arise surrounding this Application.

The central issue to be considered in this proceeding is whether the Commission should grant Varcomm's requested authority. Disposition of this issue requires a consideration of Varcomm's compliance with the Commission's Rules and decisions and whether or not Varcomm's requested authority is consistent with the public interest.

Varcomm's proposed entry into the local exchange and interexchange markets will promote public safety by creating additional service options for consumers in rural areas, including areas that may currently be underserved. Varcomm's management has extensive experience deploying and delivering service in rural areas, and adding an experienced, rural-focused service provider to these areas will increase the overall reliability of telecommunications networks available to rural customers. Varcomm will abide by all applicable state and federal safety regulations, including all Commission requirements.

Varcomm proposes a schedule that would result in a grant of a CPCN in April 2021. The specific proposed schedule is as follows:

|  |                   |
|--|-------------------|
| Application Filing Date:                 | December 21, 2021 |
| Appearance in Commission Daily Calendar: | December 24, 2021 |
| End of Protest Period:                   | January 23, 2021  |
| Issuance of Proposed Decision:           | March 16, 2021    |
| Final Decision:                          | April 15, 2021    |

D. Articles of Incorporation and related corporate documents (Rule 2.2): Varcomm is a California Corporation. Attached as **Exhibit 1** to this Application are copies of Varnet's articles of incorporation, a recent certificate of good standing, and its most recent statement of

information filed with the Secretary of State showing its business address, directors, officers, and registered agent for service of process. Varcomm notes that its corporate name was formally changed from Varnet, Inc. on August 20, 2020, and the corresponding amendment to the articles of incorporation filed with the California Secretary of State is also included in **Exhibit 1**.

E. Financial Statements (Rule 2.3): A true and correct copy of Varcomm's 2019 calendar year financials, which were formally audited and confirmed, is attached as **Exhibit 2-C** to this Application. More recent financials, reflecting financial results through November 30, 2020, are attached separately as **Exhibit 3-C**.

F. CEQA Compliance: Proposed Procedure for Expedited CEQA Review of Proposed Construction Activities (Rule 2.4):

Varcomm has no immediate plans for construction, and it is not seeking approval of any specific construction plans through this Application. Therefore, there are no current or reasonably foreseeable California Environmental Quality Act ("CEQA") impacts from granting this Application.

The extent, location, and nature of Varcomm's construction will depend on a variety of factors, including the evolution of its business plan, the availability of existing facilities through which service could be delivered, and the nature and location of transport, middle mile, and backbone facilities on which its services may rely. Any construction that Varcomm pursues is likely to fall within established CEQA exemptions. These exemptions include, but are not limited to, the following: (Class 1) the existing facilities exemption (Cal. Code Regs., Title 14, § 15301); (Class 2) the exemption for replacement or reconstruction (Cal. Code Regs., Title 14, § 15302); (Class 3) new construction or conversion of small structures (Cal. Code Regs., Title 14, § 15303); (Class 4) minor alterations to land (Cal. Code Regs., Title 14, § 15304) (Class 32) the infill exemption (Cal. Code Regs., Title 14 § 15332) (Class 32); and projects for which no possibility exists that the project will have a significant effect on the environment (Cal. Code Regs., Title 14, § 15061(b)(3)).

As the Commission has done with numerous prior CLEC applications, Varcomm proposes that the Commission adopt the expedited review process described below for any future construction projects that Varcomm may pursue. Specifically, Varcomm proposes that the Commission adopt the following expedited review procedure with respect to any construction that Varcomm proposes.

1. When Varcomm identifies a construction project that it would like to undertake, Varcomm would provide the Commission's Energy Division with:
  - a. A detailed description of the proposed project, including:
    - i. Customer(s) to be served;
    - ii. The precise location of the proposed construction project; and
    - iii. Regional and local site maps.
  - b. A description of the environmental setting, including at a minimum:
    - i. Cultural, historical, and paleontologic resources;
    - ii. Biological resources; and
    - iii. Current land use and zoning.
  - c. A construction workplan, including:
    - i. Commission Preconstruction Survey Checklist Archaeological Resources;
    - ii. Commission Preconstruction Survey Checklist—Biological Resources;
    - iii. A detailed schedule of construction activities, including site restoration activities;
    - iv. A description of construction/installation techniques;
    - v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
    - vi. A list of permits required for the proposed project.
  - d. A statement of the CEQA exemption(s) claimed to apply to the proposed project; and
  - e. Documentation supporting the finding of exemption from CEQA.
2. The Commission's Energy Division will then review the submission and notify Varcomm of either its approval or its denial of its claim for

exemption from CEQA review within 21 days from the time that Varcomm's submission is complete.

3. If the Commission's Energy Division approves Varcomm's claimed CEQA exemption(s), the staff will prepare a Notice to Proceed ("NTP") and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.
4. If the Commission's Energy Division disapproves Varcomm's claimed CEQA exemptions, the staff will issue Varcomm a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.
5. If the Commission's Energy Division disapproves Varcomm's claimed CEQA exemption(s), Varcomm shall either re-design the specific project and facilities and then re-apply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full, facilities-based construction activities.

The Commission has approved this procedure in connection with other facilities-based applications for CLEC authority. *See, e.g.*, D.16-09-024 (eNetworks) at 3-7; D.12-05-009 (Ponderosa Cablevision) at 4-7; D.09-07-043 (Public Wireless, Inc.) at 3-7; D.07-04-045 (NextG Networks) at 3-6; D.06-04-063 (ClearLinx Network Corp.) at 3-7; D.06-04-067 at 3-7 (CA-CLEC LLC); D.13-07-032 (Vodex Communications Corporation) at 4-8; D.19-10-043 (Cal-Ore Communications, Inc.) at 3-7. This established process avoids the need to anticipate the specific construction that Varcomm may undertake, while providing an efficient way to address CEQA compliance once that construction is known. The process will provide for a streamlined identification of any project concerns, and provide a targeted and efficient way to demonstrate that proposed projects fit within established CEQA exceptions. Varcomm understands that this procedure is well established at the Commission, and that it is functioning for the benefit of both the Commission and the providers who are subject to it. The Commission should apply the same streamlined CEQA procedure to Varcomm.

G. Description of Proposed Services to be Offered: Through this Application, Varcomm seeks authority to provide regulated intrastate voice service and special access service

in the territories of the URF ILECs. On a non-regulated basis, Varcomm already provides Internet access within Ducor's ILEC territory, and it intends to expand the scope of that unregulated service to other areas in neighboring local exchanges. In doing so, Varcomm wants to ensure that it is in a position to offer regulated voice services and special access where customer needs and its business plan calls for such services. Varcomm may also provide non-regulated Voice over Internet Protocol ("VoIP") service in the URF ILEC territories. This Application addresses only the intrastate regulated aspects of Varcomm's business plan. Varcomm expects to begin offering services in areas of the URF ILEC territories as soon as reasonably possible following the approval of this Application. Varcomm may also look to leverage state and/or federal grant funding to support its deployment in these areas.

H. Likely Competitors and Service of Application (Rule 3.1(b)):

Varcomm's potential competitors include each of the URF ILECs and potentially any CLEC in the state who is authorized to provide voice service, special access service, or other comparable services. Varcomm notes that a list of possible competitors is accessible on the Commission's website at the following link: <https://apps.cpuc.ca.gov/apex/f?p=102:1:0::::>. This is not an exhaustive list, as Varcomm does not have knowledge of every company that may wish to offer services that might be considered a competitor to Varcomm.

Pursuant to Resolution ALJ-162, Varcomm requests that the Commission grant a partial exemption from Rule 3.1(b) to the extent that this rule requires service on cities and counties throughout the URF ILEC territories in the State of California. Serving this Application on such a wide range of cities and counties that may in the future be impacted by this proposed grant of authority would be overly burdensome on Varcomm, and identification of these communities would be highly speculative. Varcomm does not know at this time precisely which cities or counties it will serve, but as to any municipalities that may in the future be impacted by Varcomm's projects, Varcomm will notify them prior to initiation of those proposed projects and will obtain all necessary local permits at that time. The Commission has granted similar waivers in connection with facilities-based and limited facilities-based CLEC applications. *See, e.g.*, D.10-01-014 at 6-8; D.09-07-043 at 3-7; D.97-05-082 at 3-5. A waiver of this requirement is equally appropriate here.

Notwithstanding Varcomm's requested waiver, it has served a copy of this Application via email on representatives of Tulare and Tehama Counties, as these are the most likely

municipalities to be impacted by Varcomm's business plan. Varcomm will communicate as necessary with affected municipalities as it pursues its business plan.

I. Map of Proposed Service Area (Rule 3.1(c)): Varcomm seeks to provide competitive local exchange services within the territories of the ILEC service territories of AT&T, Frontier, and Consolidated and also seeks authority to provide interexchange services statewide. Maps of the anticipated service areas are attached as **Exhibit 4**. Varcomm notes that the areas designated in red reflect the service territories of the "small independent telephone corporation" or "Small LEC" territories, which are not the subject to this Application.

J. Franchise and Health and Safety Permits (Rule 3.1(d)): Varcomm is not aware of any "franchises or health and safety permits" that are likely to be required in connection with the services identified in this Application.

K. Public Convenience and Necessity (Rule 3.1(e)): The Commission has previously explained that "[i]t is the policy of the . . . Commission that competition in the provision of local exchange telecommunications services is in the public interest." D.95-07-054, Appendix A, § 1A. The Commission has further stated that "[t]he Commission shall grant a Certificate of Public Convenience and Necessity (CPCN) to any applicant that possesses the requisite managerial qualifications, financial resources, and technical competence to provide local telecommunications services." D.97-07-054, at Appendix A, § 4A.

The granting of this Application will result in increased consumer choice and additional competitive service offerings in rural areas from a provider with experience serving rural populations and management who understand the needs of rural communities. Varcomm's principal officers and managers have extensive experience serving consumers in rural California in connection with Ducor's operations, and they are poised to bring the benefits of this experience to other rural areas. Varcomm itself has been providing rural consumers with Internet access in Ducor's service territory for more than a decade. Granting this Application will not only be consistent with the public interest, it will advance the public interest.

L. Estimated Costs (Rule 3.1(f)): Varcomm is not proposing any immediate construction in connection with this Application, so no specific cost estimate is available at this time. As explained above, the nature and extent of any future construction by Varcomm will depend on various factors, and specific construction plans will be presented to the Commission

as necessary to comply with CEQA in accordance with the advice letter process administered by Energy Division.

M. Demonstration of Financial Ability (Rule 3.1(g)): Attached as **Exhibit 5-C** is a bank statement demonstrating that Varcomm has at least to \$150,000 in available cash for its operations, as required to fulfill the “demonstration of financial ability” requirement under Rule 3.1(g) and D.95-07-054, Appendix A, Sections 4B(1) and 4B(4)(c). These funds are readily available to meet Varcomm’s startup expenses. The funds available are also more than sufficient to satisfy the requirement under D.93-05-010 that a prospective local exchange carrier be prepared to pay potential deposits to other local exchange carriers. Varcomm hereby certifies that the funds identified in **Exhibit 5-C** will remain unencumbered and available to fulfill the financial ability requirements and deposit requirements for at least 12 months following the issuance of a CPCN to Varcomm. Varcomm will finance any potential future construction projects using cash, anticipated revenues generated by its provision of services, equity investments, and/or debt.

N. Proposed Rates (Rule 3.1(h)): Varcomm intends to provide its services and facilities on an individually negotiated contract basis, which will determine specific rates. General terms and conditions governing regulated services may be governed by Varcomm’s tariff, which will be incorporated by reference to the extent applicable in customer agreements.

O. General Order 104-A Statement (Rule 3.1(i)): Varcomm has no officers, directors, or stockholders with a material financial interest (owners of securities having ten percent or more voting power) in any actual or proposed transaction involving the purchase of materials or equipment, or the contracting, arranging, or paying for construction, maintenance, or service. *See* G.O. 104-A § 2. Varcomm is not a publicly traded company, and has no proxy statements or 10-Ks to provide.

P. Estimated Number of Customers (Rule 3.1(j)): The number of customers that Varcomm expects to attract in the short run will depend on many factors. Initially, Varcomm will look for opportunities to “edge out” in neighboring communities to Ducor’s current footprint. In the mid-term and long-term, Varcomm hopes to expand its customer base and pursue similar opportunities in other rural areas of California. While the relative success of this business plan cannot be known in advance, a confidential estimate of the number of customers

that Varcomm reasonably believes it can attract within the first five years is attached hereto as **Exhibit 6-C**.

R. Management and Technical Expertise:

1. Executive Management Team.

The names and resumes of the executive management of Varcomm are included in **Exhibit 7**. As reflected in **Exhibit 7**, Varcomm has the required telecommunications industry and experience and operational expertise to operate as a provider of competitive local exchange and interexchange services. Mr. Eric N. Votaw, Varcomm's CEO, has over twenty-five years of experience in telecommunications culminating in his appointment as the President and CEO of Ducor Telephone Company in 2017. Ms. Jenifer Vellucci, Varcomm's CFO, is a certified public accountant and has over seventeen years' experience managing accounting activities for telecommunications companies.

2. Affiliates and Organizational Chart.

As noted above, Varcomm is an affiliate of Ducor, a well-established ILEC with a long history of serving rural communities. Both companies are subsidiaries of a common holding company, Varcomm Holdings Inc. An organizational chart showing Varcomm, Ducor, and other affiliates of Varcomm is provided herewith as **Exhibit 8**.

3. Certification Regarding Association with Insolvent Companies or Sanctions (Compliance with D.13-05-035).

In compliance with the disclosure requirements of D.13-05-035, Varcomm hereby discloses that Ms. Jenifer M. Vellucci, a director and officer of Varcomm, was the Chief Financial Officer of Accipiter Communications d/b/a Zona Communications ("Zona") in Peoria, Arizona, before she joined Varcomm in 2017. On March 28, 2014, Zona filed a voluntary petition in the United States Bankruptcy Court for the District of Arizona (Case No. 2:14-bk-04372-GBN) wherein the company sought to restructure its debt under Chapter 11 of the Federal Bankruptcy Code. After filing the petition, Zona operated its business as a debtor-in-possession under applicable provisions of the Federal Bankruptcy Code. On December 15, 2016, the Bankruptcy Court issued an order confirming a Second Amended Chapter 11 Plan of Reorganization for Zona (the "Bankruptcy Order"). A true and correct copy of that Bankruptcy Order is provided herewith as **Exhibit 9**.

Except for this limited historical involvement by one of Varcomm's officers with an insolvent company, to the best of Varcomm's knowledge, neither it, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of applicant, or anyone acting in a management capacity for Varcomm has: (1) held one of these positions with a company that filed for bankruptcy; (2) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (3) been convicted of a felony; (4) been the subject of a criminal referral by a judge or public agency; (5) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (6) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000, *et seq.*, 17200, *et seq.*, or 17500, *et seq.* of the California Business and Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (7) been found to have violated any statute, law, or rule pertaining to public utilities or regulated industries; or (8) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general, except as described in the following paragraph. Similarly, to the best of Varcomm's knowledge, neither Varcomm, any affiliate, officer, director, partner, nor owner of more than 10% of Varcomm, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission ("FCC") or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

### 3. Technical Operating Details.

As explained above, the specific network architecture and operational detail surrounding Varcomm's business plan depends on contingencies that have not yet been resolved. However, Varcomm can confirm that, in general, it intends rely on a combination of fiber and fixed wireless technology. Where it utilizes fiber, the facilities may be leased or licensed, or Varcomm may deploy the facilities, depending on the availability of existing facilities and conduits and their proximity to the target customers.

4. Experience with Commission Tariff Requirements.

Varcomm's management has significant experience with Commission tariff and regulatory requirements through their operation of Ducor, a tariffed ILEC. Varcomm has provided a draft tariff with this Application as found in **Exhibit 10**. As explained above, Varcomm intends to principally rely on customer contracts, but it will utilize and incorporate the tariff provisions as appropriate given the nature and extent of each customer's service offering.

S. Exemption from Performance Bond Requirement:

In accordance with D.13-05-035, Varcomm is exempt from the requirement to provide a performance bond because of its affiliation with Ducor. D.13-05-035 expressly "[e]xempts . . . General Rate Case Incumbent Local Exchange Carriers where they serve as Carriers of Last Resort and their wholly owned/majority owned affiliates . . . ." D.13-05-035, at 2, 25-27, 56 (O.P. 5). Varcomm is an affiliate of Ducor, a "General Rate Case ILEC" that acts as a Carrier of Last Resort, so Varcomm falls squarely within the Commission's exemption. *See* D.15-06-048 (establishing a general rate case plan for Rural Local Exchange Carriers, including Ducor Telephone Company); D.96-10-066, Appendix B, Rule 6.D.1 (requiring incumbent local exchange carriers to serve as carrier of last resort.) Both Ducor and Varcomm are "wholly owned" by a common parent company, Varcomm Holdings Inc. Therefore, Varcomm Broadband, Inc. is in compliance with the performance bond requirement of D.15-05-035 because it is exempt from the requirement to provide one.

T. Request for Non-Dominant Treatment: Varcomm requests that it be accorded the same regulatory treatment as other non-dominant carriers. Such treatment includes exemptions from the requirements of Public Utilities Code Sections 816-830 (pertaining to the issuance of stocks and securities) and Section 851 for the transfer or encumbrance of property, whenever such transfer or encumbrance serves to secure debt. *See, e.g.,* D.97-05-082 at 13 (O.P. 14, 15); *see also* D.98-07-094 at 10 (O.P. 1).

### III. CONCLUSION

Based on the foregoing, Varcomm requests that Commission grant it the requested CPCN without hearings to provide facilities-based and resold competitive local exchange services in each of the URF ILEC territories in California and interexchange services statewide. Varcomm is an experienced provider with management focused on the interests of rural consumers. The Commission should grant this Application to facilitate the delivery of additional

services and higher-quality services to rural consumers.

Dated this 21<sup>st</sup> day of December, 2020, at San Francisco, California.

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By: /s/ Patrick M. Rosvall  
Patrick M. Rosvall  
Attorneys for Varcomm Broadband, Inc.


**VERIFICATION**

I, Eric N. Votaw, declare:

I am the President and Chief Executive Officer of Varcomm Broadband, Inc. (“Varcomm”) and I am authorized to make this verification for it and on its behalf. I have read the foregoing Application and know the contents thereof and the same is true of my own knowledge except as to matters therein stated on information and belief, and as to those matters, I believe them to be true. I further affirm that Varcomm agrees to comply with all federal and state statutes, rules, and regulations for a Certificate of Public Convenience and Necessity (“CPCN”), and state contractual rules and regulations, if granted the request as stated in this Application.

I declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission’s Rules of Practice and Procedure, that, to the best of my knowledge, the foregoing is true and correct.

Executed at PHOENIX, ARIZONA, this 21<sup>st</sup> day of December, 2020

  
\_\_\_\_\_  
Eric N. Votaw  
President and Chief Executive Officer,  
Varcomm Broadband, Inc.

**Exhibit 1**

Corporate Documents

1. Articles of Incorporation
2. Certificate of Good Standing
3. Statement of Information

**Exhibit 2-C**

**Confidential; Redacted from Public Filing**

A copy of Varcomm's most current reviewed financial statements

**Exhibit 3-C**

**Confidential; Redacted from Public Filing**

A copy of Varcomm's most current unreviewed financial statements for portion of 2020

**Exhibit 4**

Maps or proposed service territories

**Exhibit 5-C**

**Confidential; Redacted from Public Filing**

Bank Statement

**Exhibit 6-C**

**Confidential; Redacted from Public Filing**

Estimate of Customers

**Exhibit 7**

Officer Resumes

**Exhibit 8**

Organizational Chart

**Exhibit 9**

The Accipiter Communications d/b/a Zona Communications  
Bankruptcy Order Case No. 2:14-bk-04372-GBN

**Exhibit 10**

Draft Tariff