

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
	)	
Conterra Ultra Broadband, LLC	)	Case No. _____
For a Certificate of Service	)	
Authority To Provide Resold and Facilities-	)	
Based Basic Local, Non-Switched Access	)	
Local Exchange, Exchange Access and	)	
Interexchange Telecommunications	)	
Services in Missouri and to Classify those	)	
Services and the Applicant as Competitive	)	

**APPLICATION FOR CERTIFICATE OF SERVICE  
AUTHORITY TO PROVIDE RESOLD AND FACILITIES-BASED  
BASIC LOCAL, NON-SWITCHED LOCAL EXCHANGE, EXCHANGE ACCESS  
AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN MISSOURI  
AND TO CLASSIFY THOSE SERVICES AND THE APPLICANT AS COMPETITIVE**

Comes now Conterra Ultra Broadband, LLC (“Conterra” or “Applicant”), pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, and 392.470, RSMo, and 4 CSR 240-2.060 and 240-3.510, and in support of its Application for (a) a certificate of service authority to provide resold and facilities-based basic local, non-switched local exchange, exchange access and interexchange telecommunication services in the State of Missouri; (b) designation as a competitive telecommunications provider; (c) classification of its services as competitive; and (d) waiver of certain Commission rules and statutory provisions pursuant to Section 392.420, RSMo<sup>1</sup> states to the Missouri Public Service Commission (“Commission”) as follows:

I. Identification of the Applicant

A. Corporate Information

1. Conterra is a limited liability company organized and existing under and by virtue of the laws of South Carolina. Its headquarters and principal place of business are located at

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<sup>1</sup> All statutory citations herein are to RSMo 2000 as currently supplemented unless otherwise indicated.

2101 Rexford Road, Suite 200E, Charlotte, North Carolina 28211, and its telephone number is (704) 936-1374.

2. A copy of Applicant's certificate of good standing from the South Carolina Secretary of State is attached as **Appendix A.** A copy of Applicant's certificate of authority to transact business in Missouri is attached as **Appendix B.**

3. The name and address of Conterra's registered agent in Missouri for service of process is:

NATIONAL REGISTERED AGENTS, INC.  
120 South Central Avenue  
Clayton, MO 63105

B. Designated Contacts

4. All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to the case should be addressed to:

Mark W. Comley  
Newman Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102  
Telephone: (573) 634-2266  
Facsimile: (573) 636-3306  
comleym@ncrpc.com

With a copy to:

Thomas F. Bardo  
Nelson Mullins Riley & Scarborough LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001  
Telephone: (202) 712-2817  
Facsimile: (202) 712-2839  
tom.bardo@nelsonmullins.com

II. Services

5. Applicant seeks authority to provide basic local and exchange access telecommunications services to and from all points in the State of Missouri that are currently open, and that become open, to competition, and to provide non-switched local exchange and interexchange telecommunications services statewide.

6. In particular, Conterra proposes to provide at a minimum the following product and service packages in Missouri: (1) cellular backhaul transport; and (2) access networks and broadband networks for K-12, healthcare and government entities. Each product and service is delivered over Federal Communications Commission (“FCC”) licensed common carrier microwave and/or fiber optic transport. In addition, each network is customized to a specific customer’s needs and requirements and is available to the general public through retail sales by Conterra.

7. Within cellular backhaul transport, Conterra provides carrier grade Ethernet or TDM connectivity and transport to a wireless carrier’s Mobile Telephone Switching Office or between a lower profile connection point (telecommunications tower, point of presence, or carrier hotel). Conterra supplies customer-specified bandwidth from site A to Z. The contents of that transport, voice or data, are at the discretion of the customer. Conterra’s service does not directly connect to any public network.

8. Within access networks and broadband for K-12, healthcare, and government entities, Conterra provides carrier-grade Ethernet (data) and video between customer locations. These broadband networks are defined as private wide area networks and are not available directly to the public through Conterra.

9. With respect to basic local service, Applicant has planned to initially offer service in exchanges currently served by the following incumbent local exchange telecommunications

companies: Southwestern Bell Telephone d/b/a AT&T Missouri; Embarras Missouri, Inc. d/b/a CenturyLink; CenturyTel of Missouri, LLC d/b/a CenturyLink; and Spectra Communications Group, LLC d/b/a CenturyLink. The specific AT&T and CenturyLink exchanges within which Conterra proposes to offer service are listed in the incumbent providers' respective local exchange tariffs. Conterra seeks authority to provide all forms of switched basic service in the defined exchange areas, and dedicated local and interexchange services throughout the State of Missouri.

10. Applicant proposes to provide its services by and through its own facilities, unbundled network combinations or leased carrier network facilities offered by incumbent telecommunications carriers or a combination thereof. Applicant will, through interconnection with other carriers or resale of other carriers' services, provide access to 911 and enhanced 911 emergency services and provide directory assistance and operator assisted calling, dual party relay services, and other miscellaneous services currently provided by incumbent local exchange carriers.

### III. Classification

11. The Commission may grant Conterra a certificate of service authority if the Commission finds such authority to be in the public interest. Approval of this Application will serve the public interest because Conterra's proposed services are consistent with the public interest and with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Approval of this Application will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

12. Conterra seeks classification of itself and its services as competitive. Conterra submits that the services it provides are subject to sufficient competition to justify competitive

classification and promote the public interest. *See* Section 392.361. Expeditious grant of this Application will further competition and allow Conterra to compete with other companies, consistent with the Commission's policies and the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Conterra submits that the public interest will be served by Commission approval of this Application because Conterra's proposed services will create and enhance competition and expand customer service options. Approval also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri. Accordingly, all the services which Conterra proposes to provide should be designated as competitive, and Conterra should be designated as a competitive telecommunications company.

#### IV. Statements of Compliance and Request for Waiver

13. Conterra will not unjustly discriminate among its customers as is prohibited by Section 392.200 RSMo. Applicant agrees that, pursuant to Section 392.455(3), RSMo, its service area for basic local service shall be no smaller than an exchange. Applicant will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Applicant will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in Applicant's proposed service areas in accordance with applicable law. Applicant is willing to comply with all applicable Commission rules, except those which are specifically waived by the Commission. Consistent with the Commission's treatment of other certificated local telecommunications carriers, Conterra requests that the following statutes and regulations be waived for the Applicant with respect to its local exchange service offerings, pursuant to Sections 392.361.5 and 392.420, RSMo:

## Statutes

392.210.2 Accounting requirements (system of accounts)  
392.240.1 Reasonableness of rates  
392.270 Accounting requirements (valuation of property)  
392.280 Accounting requirements (depreciation rates/accounts)  
392.290 Issuance of stocks, bonds and other indebtedness  
392.300 Transfer of property and ownership of stock  
392.310 Approval of issuing stocks, bonds and other indebtedness  
392.320 Certificate of Commission to be recorded-stock dividends  
392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)  
392.340 Company reorganization

## Rules

4 CSR 240-3.520 Applications to sell or transfer assets  
4 CSR 240-3.525 Applications to merge or consolidate  
4 CSR 240-3.530 Applications to issue stocks, obtain loans  
4 CSR 240-3.535 Applications to acquire stock  
4 CSR 240-3.545(8)(C) Listing of waivers in tariff  
4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))  
4 CSR 240-3.555 Residential Customer Inquiries  
4 CSR 240-3.560 Procedure for Ceasing Operations  
4 CSR 240-10.020 Depreciation Records  
4 CSR 240-30.020 Residential Telephone Underground Systems  
4 CSR 240-30.040 Uniform System of Accounts  
4 CSR 240-32.010 General Provisions  
4 CSR 240-32.040 Metering, Inspections and Tests  
4 CSR 240-32.050 Customer Services  
4 CSR 240-32.060 Engineering and Maintenance  
4 CSR 240-32.070 Quality of Service  
4 CSR 240-32.080 Service objectives and surveillance levels  
4 CSR 240-32.090 Connection of equipment and Inside Wiring  
4 CSR 240-32.100 Provision of basic local and interexchange services  
4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))  
4 CSR 240-32.180-190 Caller ID blocking requirements  
4 CSR 240-33.010 Service and billing practice general provisions  
4 CSR 240-33.040 Billing and payment standards  
4 CSR 240-33.045 Clear identification and placement of charges on bills  
4 CSR 240-33.050 Deposits  
4 CSR 240-33.060 Residential customer inquiries  
4 CSR 240-33.070 Discontinuance of service  
4 CSR 240-33.080 Disputes by residential customers  
4 CSR 240-33.090 Settlement agreements with residential customers  
4 CSR 240-33.130 Operator service requirements  
4 CSR 240-33.140 Payphone requirements (except (2))

4 CSR 240-33.150 “Anti-slamming” requirements  
4 CSR 240-33.160 Customer proprietary network information

14. The above-referenced rules and statutory provisions have been waived previously with regard to other applicants seeking certification. These rules or statutory provisions are principally designed to apply to non-competitive telecommunications carriers. As a result, it would be inconsistent with the goal and purpose of Section 392.185 to apply them to a competitive telecommunications carrier such as Applicant, and, for this reason Conterra respectfully requests that the Commission waive the application of these rules and others the Staff may recommend.

15. Conterra respectfully requests that the Commission grant Applicant a temporary waiver of 4 CSR 240-3.510(1)(C) with respect to its basic local telecommunications services tariff until Conterra has executed interconnection agreements with the underlying ILEC(s). Conterra cannot price its services until it has reached interconnection and/or resale agreements with the ILECs from which it will purchase those services. Once it is possible to do so, Conterra will submit to the Commission for approval a proposed basic local exchange tariff with a minimum 45 day effective date. Conterra however reserves the right to offer its retail services by means of a designated website pursuant to applicable Commission rule. Additionally, Applicant will not offer exchange access services unless and until it has in place a Commission approved tariff for access services. Applicant states that it will undertake all necessary measures to ensure its contracts with other companies and carriers do not contain provisions preventing delivery of traffic to any telephone exchange area, and that such measures include but are not limited to:

- Prevention of call blocking and/or call gapping based on the cost of traffic termination.
- Preventing the alteration or stripping of Calling Party Number Identification.

- Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

V. Description of the Managerial, Technical and Financial Ability of the Applicant

16. Conterra does not have any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of application.

17. Conterra does not have any overdue annual assessment reports or assessment fees due to the Missouri Public Service Commission.

18. Conterra is fully qualified to provide the services requested through this Application and possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Descriptions of the Applicant's key management personnel are attached as **Appendix C**. The descriptions demonstrate that Conterra possesses the required expertise to provide its proposed services in Missouri.

19. Conterra has not been denied authority to provide telecommunications services in any state.

20. Conterra possesses the necessary financial resources to provide the requested services as required by Section 392.455(1), RSMo, and has the necessary capital to conduct its proposed operations in Missouri. Regarding its financial strength and ability to provide the telecommunication services requested herein, Conterra attaches the affidavit of Eric D. Burgess, its Executive Vice President and Chief Financial Officer, as **Appendix D**.

21. Notwithstanding the provisions of Section 392.500, as a condition of certification and competitive classification, Conterra agrees that, unless otherwise ordered by the Commission, Conterra's originating and terminating switched exchange access rates will be no



greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service area(s) Conterra seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Applicant agrees that if the ILEC in whose service area the Applicant is operating decreases its originating and/or terminating access service rates, the Applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched access rates.

WHEREFORE, applicant Conterra Ultra Broadband, LLC respectfully requests that the Commission grant it a certificate of service authority to provide telecommunications services as herein requested, grant competitive status to Conterra and Conterra's requested services, grant a waiver of the aforesaid statutes and regulations set forth in this Application, and grant such other relief as the Commission deems appropriate.

NEWMAN, COMLEY & RUTH P.C.

By: /s/ Mark W. Comley  
Mark W. Comley #28847  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102  
Telephone: (573) 634-2266  
comleym@ncrpc.com

Thomas F. Bardo  
Nelson Mullins Riley & Scarborough LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001  
Telephone (202) 712-2817  
Email: tom.bardo@nelsonmullins.com

*Attorneys for Conterra Ultra Broadband, LLC*

Certificate of Service


I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 29th day of June, 2015, to General Counsel's Office at staffcounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley

## VERIFICATION

[illegible]

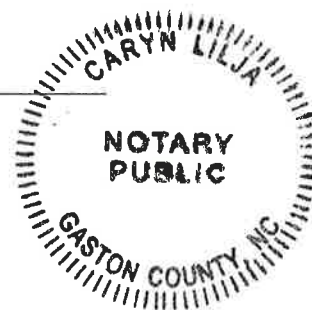
I, S. Shane Turley, being first duly sworn upon oath, do hereby depose and state that I am Senior Vice President and General Counsel of Conterra Ultra Broadband, LLC, Applicant in this proceeding; and am authorized to execute this verification; that I have read the above and foregoing application and know the contents thereof; that the contents are true in substance and in fact, except as those matters which are stated upon information and belief, and as to those, I believe the same to be true.

  
S. Shane Turley

Subscribed and sworn to before me, a Notary Public, this 19<sup>th</sup> day of June, 2015.

Carmel Lige  
Notary Public

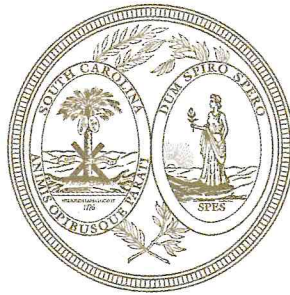
**My Commission Expires 11-12-2019**



### **Index to Exhibits**

Appendix A	Certificate of Good Standing from the South Carolina Secretary of State
Appendix B	Certificate of Authority to transact business in Missouri
Appendix C	Descriptions of the Applicant's key management personnel
Appendix D	Affidavit of Eric D. Burgess

# *The State of South Carolina*



*Office of Secretary of State Mark Hammond*

## **Certificate of Existence**

**I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:**

CONTERRA ULTRA BROADBAND, LLC, A Limited Liability Company duly organized under the laws of the State of South Carolina on April 20th, 2001, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great  
Seal of the State of South Carolina this  
21st day of May, 2015.

  
Mark Hammond, Secretary of State



# STATE OF MISSOURI



Jason Kander  
Secretary of State

## CERTIFICATE OF REGISTRATION

WHEREAS,

**CONTERRA ULTRA BROADBAND, LLC**  
**FL001413334**

existing under the laws of the State of South Carolina has filed with this state its Application of Registration and whereas this Application of Registration conforms to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, JASON KANDER, Secretary of State of the State of Missouri, by virtue of the authority vested in me by law, do hereby certify and declare that on the 2nd day of June, 2015, the above Foreign Limited Liability Company is duly authorized to transact business in the State of Missouri and is entitled to any rights granted Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 2nd day of June, 2015.

  
Secretary of State



## **Managerial and Technical Expertise of Applicant's Key Management and Technical Personnel**

### **Management Team**

Conterra is led by a team of senior executives with deep and relevant industry experience. Having built one of the largest, independently-owned cellular companies in the United States (Vanguard Cellular) in outer suburban and rural areas, we understand and meet our customer's needs because we used to be one.

#### **Stephen R. Leeolou**

Chief Executive Officer

Stephen R. Leeolou has spent the past 30 years in the telecommunications and communications industries. From 1982 to 1999, Mr. Leeolou was co-founder and COO, then CEO of Vanguard Cellular Systems, Inc., one of the first cellular telephone companies in the United States. Headquartered in Greensboro, N.C., Vanguard operated in 28 suburban and rural markets in the eastern U.S. under the Cellular One brand name. Mr. Leeolou helped guide the company through more than \$1 billion of private and public financing transactions, dozens of acquisitions, and operating growth that reached nearly one million subscribers.

Publicly listed on NASDAQ, Vanguard was sold to AT&T in 1999 for approximately \$1.7 billion. After the sale of Vanguard, Mr. Leeolou served for two years as Chairman and CEO of InterAct Electronic Marketing, Inc. which provided on-line and in-store targeted promotional services in the U.S. and U.K. retail grocery and pharmacy industries.

In 2002, Mr. Leeolou formed SouthStar Capital, LLC, a private investment firm owned primarily by Mr. Leeolou and his family which, in 2004, became and remains Conterra's largest owner.

Prior to his 17 years in wireless communications, Mr. Leeolou was a print, radio and television journalist, primarily in the southeastern U.S. He is a 1978 graduate of James Madison University and was appointed by Governors Warner and Kaine of Virginia to serve on the JMU's Board of Visitors, a position held for eight years.

#### **Dennis B. Francis, P.E.**

EVP Operations & CTO

Dennis Francis has been with Conterra since 2005. He has more than 30 years of experience as an engineer, senior technical manager and operating manager in major telecom corporations that include Southwestern Bell, Ericsson, Nortel, Vanguard Cellular Systems, AT&T Wireless, US Wireless and Nextel.

Mr. Francis worked with Mr. Leeolou at Vanguard from 1992 – 1999 as Executive Vice President and Chief Technology Officer where he was in charge of all technology development for both cellular and IT systems. While at Nextel from 2001 to 2005, Mr. Francis was responsible for all IT systems supporting sales, marketing, customer service/operations and new products.

Mr. Francis is a licensed Professional Engineer and served on President Bush's National Security Telecommunications Advisory Committee (NSTAC) in 2002 and 2003. In April 2009, Dennis was recognized by six Texas universities for his achievements and dedication in the field of Industrial Engineering with the first Lifetime Achievement Award for Industrial Engineering given jointly by these universities. He received a B.S. in Engineering from the University of Texas-Arlington.

### **Eric D. Burgess**

#### **Executive Vice President & Chief Financial Officer**

Eric Burgess has more than 20 years of financial management experience including all aspects of accounting, financial reporting, internal controls, budgeting and forecasting. Mr. Burgess has held senior management positions in various entities ranging from start-up, privately held companies to large, publicly traded companies.

Mr. Burgess has been involved in securing financings for these entities ranging from small debt facilities to private and public offerings in excess of several hundred million dollars. Mr. Burgess has extensive mergers and acquisition experience on both the buy and sell sides.

Mr. Burgess was Controller and Chief Accounting Officer of Oakwood Homes which was a publicly traded company with revenues in excess of \$1.5 billion. Subsequent to Oakwood he joined YOUcentric which was a CRM technology company. While at YOUcentric he helped close a \$24 million equity round and subsequent sale of the Company to JDEdwards. Prior to his commercial industry experience, Mr. Burgess was with the international accounting firm PricewaterhouseCoopers for seven years.

Mr. Burgess is a Certified Public Accountant. He obtained a B.S. in Business Administration and a Masters of Accounting from the University of North Carolina at Chapel Hill.

### **Van E. Snowdon**

#### **Executive Vice President, Corporate Development**

Van Snowdon has more than 30 years' experience in developing and operating domestic and international emerging technology, wireless telecom and growth businesses. His expertise includes the recruitment of strategic partners, managing complex bid processes and contracts, authoring business plans, navigating regulatory issues, building diverse management teams and structuring core business processes from network operations to sales and marketing functions. He has participated in the raising of more than \$1 billion in capital.

Previous executive positions held by Mr. Snowdon from 1989 to 1999 include Senior Vice President and founding executive of Vanguard's Government Sales & Services Division, President of Vanguard's International Division, President of International Wireless Corporation and Executive Vice President of International Development at InterAct Electronic Marketing.

Prior to these executive positions, from 1986 – 1988, Mr. Snowdon served as Director of NCR Corporations' Government Services Division in Washington, D.C. where he was responsible for worldwide federal government and defense agencies operations. He has served on the board of directors of seven international companies including two chairmanships.

Mr. Snowdon received his B.A. in Marketing and Management and his M.B.A. from James Madison University.

### **S. Shane Turley**

#### **SVP & General Counsel**

Shane Turley has spent his entire 20 year career practicing law, most of it in the telecommunications industry. One of those two decades was logged at two companies that are now part of Windstream



Communications. From 2002 to 2007, Shane was a Senior Corporate Counsel for US LEC Corporation, a \$400 million publicly traded telecom company that merged with PAETEC Holding Corporation, a \$2 billion publicly traded telecom that was headquartered in Charlotte. At PAETEC, Shane rose to the position of Vice President-Legal, Corporate Compliance Officer. His responsibilities were broad, including M&A transactions, SEC filings, negotiation and drafting of wide-ranging commercial contracts (including carrier MSA's, RFP responses, enterprise customer, supplier, government, software and IT contracts), directing the company's internal corporate ethics and compliance program and overseeing government inquiries and litigation. PAETEC was acquired by Windstream in 2011.

Prior to Shane's years at US LEC and PAETEC, Shane was a Regional Counsel for Telcove, Inc., a publicly traded telecom company headquartered in Pennsylvania where he focused on fiber optic IRU's, rights of way and pole attachment agreements as well as regulatory and municipal franchise agreements, dispute resolution and litigation management.

Shane spent the past two years outside of telecom as General Counsel, Corporate Secretary, VP-Compliance for AvidXchange, Inc., a Charlotte-based software and electronic payments company providing accounts payable automation and on-line payment services to mid-sized businesses.

#### **Mark J. Heller**

Senior Vice President, Wireless & Tower Development

Mark Heller's career includes more than 20 years as a project deployment leader in the wireless and wireline industries, including working for major carriers such as Vanguard Cellular Systems, AT&T Wireless and Cingular Wireless. While at AT&T Wireless and Cingular Wireless, Mr. Heller was responsible for an annual capital budget in excess of \$250 million and a staff of over 40 direct and indirect network deployment personnel, including the assimilation of several nationwide, third-party deployment integrators into his markets.

During his ongoing career in telecommunications, Mr. Heller has been responsible for all aspects of access and backhaul network development for over 6,100 sites including: RF Design Engineering, Site Acquisition, Municipal Approvals, Procurement, Construction, Integration, Commissioning and Network Acceptance. His responsibilities included new site deployments as well as all growth related projects within the existing networks.

Mr. Heller is a graduate of Penn State University.

#### **Keith W. Stines**

Senior Vice President

Keith Stines has more than 30 years of project management and telecommunications experience. He began his career in the commercial construction industry as a Project Manager for a large, regional general contracting firm in the Carolinas. After serving as Senior Project Manager for one of the larger construction companies in coastal South Carolina, he opened his own construction company in 1985, establishing one of the first design/build commercial construction businesses in Myrtle Beach, SC. He continued to own and operate that company for 15 years.

In 1990, Mr. Stines founded an associated business, specifically focused on construction and development services for the cellular industry. Providing turnkey acquisition, permitting, site

planning and construction services for more than 1,500 cell sites, he led that company as it grew to operate in 23 states with 16 different wireless carriers and infrastructure providers. In 2001, having had 15 years of experience as an owner/operator of start-up businesses, Mr. Stines relied on his acquired knowledge of the wireless communications industry, and was instrumental in founding Conterra. He continues to serve a key role in developing Conterra's operations strategy.

**Greg Spraetz**

EVP Sales & Marketing

Greg has spent the past 25 years in the Telecom/Network Services industry on both the carrier and enterprise sides of the business. Most of Greg's career has been in managing the development and sales of fiber solutions, working his way up from Regional Sales Vice President at Global Crossing to, most recently, Senior Vice President, North America/Asia PAC Wholesale, Carrier and Collaboration Services following the company's sale to Level 3 Communications.

In his Senior VP roles at Global Crossing/Level 3, Greg managed, developed and launched fiber optic transport and access marketing and sales strategies and helped integrate sales with his company's technical and financial groups. His sales organizations generated \$2.3 billion in annual carrier and enterprise revenues.

Greg also spent a year as the Managing Partner of Business Development for Cloudsmartz, a telecom consulting firm in Atlanta that specializes in providing go-to-market strategies for companies in the data center business. During his first 10 years after college, Greg was a national account executive with BellSouth Telecommunications.

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Services in Missouri and to Classify those )  
Services and the Applicant as Competitive )


**AFFIDAVIT**

STATE OF NORTH CAROLINA )  
 ) ss  
COUNTY OF MECKLENBURG )


I, Eric D. Burgess, of lawful age and being first duly sworn, do hereby depose and state that:

1. I am Executive Vice President and Chief Financial Officer of Conterra Ultra Broadband, LLC ("Conterra"), the Applicant in the referenced matter, and am authorized to make this Affidavit on its behalf.
2. Conterra possesses sufficient technical, financial and managerial resources and abilities to provide resold and facilities-based basic local, non-switched local exchange, exchange access and interexchange telecommunication services.
3. Conterra has not defaulted on any of its financial obligations within the last three years.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Eric D. Burgess

Subscribed and sworn to before me, a Notary Public, on this 19<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
Notary Public

My Commission Expires 11-12-2019

