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1	STATE OF ALABAMA
2	PUBLIC SERVICE COMMISSION
3	ADMINISTRATIVE LAW DIVISION
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6	IN THE MATTER OF:
7	PARKER FIBERNET, LLC DOCKET NO.: 31630
8	APPALACHIAN VALLEY DOCKET NO.: 31631
9	FIBER NETWORK, LLC
10	
11	* * * * * * * * * *
12	TESTIMONY AND PROCEEDINGS before the
13	Honorable Scott Morris, Administrative Law
14	Judge, Carl L. Evans Chief Administrative Law
15	Judge Hearing Complex, RSA Union Building, 100
16	North Union Street, Room 900, Montgomery,
17	Alabama, on Tuesday, June 21, 2011, commencing
18	at approximately 10:43 a.m.; and reported by
19	Dee Coker, Registered Professional Reporter
20	and Commissioner for the State of Alabama at
21	Large.
22	* * * * * * * * * *
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1	APPEARANCES
2	FOR THE PUBLIC SERVICE COMMISSION:
3	Mr. William C. (Bill) Cook Public Utility Analyst
4	Ms. Janet L. Conway Public Utility Analyst II
5	Telecommunications Division RSA Union, Suite 923-B
6 7	100 North Union Street Montgomery, Alabama 36104
8	FOR PARKER FIBERNET, LLC:
9	Mr. James H. McLemore CAPELL & HOWARD
10	Attorneys at Law 150 South Perry Street
11	Montgomery, Alabama 36104
12	* * * * * * * * * *
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1 ALJ MORRIS: Let's go on the 2 record. Today's date is Tuesday, June 3 21st, 2011. We're here for Docket 31630, which is the application of 4 Parker FiberNet, LLC, for approval of a 5 certificate of public convenience and 6 necessity to provide telecommunication 7 service in the state of Alabama. 8 This application was filed on 9 May 16th, 2011. An original notice was 10 served on May 19th, 2011, setting a 11 hearing date of June 14th, 2011. 12 Subsequent notice was served on May 13 20th, 2011, setting a hearing date for 14 15 today. And there has been no 16 intervention in this docket. We are also here for Docket 17 18 31631, which is the application of 19 Appalachian Valley Fiber Network, LLC. 20 This application was likewise filed --21 I'm sorry. The applicant is 22 Appalachian Valley Fiber Network, LLC. They're seeking approval of a 23

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1	certificate of public convenience and
2	necessity to provide telecommunication
3	services in the state of Alabama. The
4	application of Parker FiberNet reads
5	the same. And there has been
6	intervention or no intervention in
7	either of these matters.
8	The application for Appalachian
9	Valley Fiber Network was identified on
10	May 16th, 2011. And notice of today's
11	hearing was served on May 20th of 2011.
12	With this, we will begin by
13	taking appearances, first on behalf of
14	both applicants, Parker FiberNet, LLC,
15	and Appalachian Valley Fiber Network,
16	LLC.
17	MR. McLEMORE: Good morning, Your
18	Honor. I am James H. McLemore, the
19	attorney for both Appalachian Valley
20	Fiber Network and Parker FiberNet. I
21	practice here in Montgomery with Capell
22	and Howard at 150 South Perry Street.
23	Our telephone number is area code 334,

PARKER FIBERN	ET/APPALACHIAN VALLEY (Docket #31630/#31631) 5
1	241-8000. And with me today, a
2	representative for both companies, is
3	its principal, Mr. David Parker. And
4	I'll have him introduce himself for the
5	record.
6	MR. PARKER: My name is David
7	Parker. Our business address is 1005
8	South Commerce Street in Summerville,
9	Georgia, like summertime, Summerville
10	Georgia, 30747. And I'm the manager of
11	both companies.
12	ALJ MORRIS: And for the staff?
13	MR. COOK: Bill Cook,
14	Telecommunications Division, Commission
15	staff.
16	MS. CONWAY: Janet Conway.
17	ALJ MORRIS: Thank you.
18	And is there anyone else that
19	needs to enter an appearance?
20	Let the record reflect that no
21	one else has come forward.
22	Just as a preliminary matter, I
23	want to note for the record that we are

6

1	taking both of these applications
2	together because of the relationship of
3	the companies under the same owner and
4	the consideration of the parties and
5	the staff that this would best be
6	served by hearing these two together.
7	And with that, we will proceed.
8	Are there any other preliminary matters
9	we need to address before we get
10	started?
11	MR. McLEMORE: No, sir.
12	ALJ MORRIS: Okay. With that,
13	Mr. Parker, if you will stand and raise
14	your right hand, I'll swear you in and
15	we'll get started.
16	DAVID MATTHEW PARKER
17	The witness, having first been sworn
18	to speak the truth, the whole truth and
19	nothing but the truth, testified as follows.
20	ALJ MORRIS: Okay. Be seated.
21	Mr. McLemore.
22	MR. McLEMORE: Yes, sir.
23	

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1		DIRECT EXAMINATION
2	BY	MR. McLEMORE:
3	Q.	State your name for the record, please.
4	Α.	David Matthew Parker.
5	Q.	And, Mr. Parker, you're here on behalf of
6		Appalachian Valley Fiber Network and also
7		on behalf Parker FiberNet; is that
8		correct?
9	Α.	That is correct.
10	Q.	What is your position with respect to the
11		two companies?
12	Α.	I'm the manager of both.
13	Q.	Okay. Where is your business located?
14	Α.	We're located in Summerville, Georgia, at
15		1005 South Commerce Street. And the zip
16		is 30747.
17	Q.	Okay. A little different than what I
18		normally do, I'd like to kind of get into
19		the back story a bit about how these two
20		applications came to be filed and what
21		you're proceeding to do. So first I'll
22		ask you about your existing company,
23		Parker FiberNet. Tell me what that

1	company	does	and	how	long	it's	been	in
2	business	5.						

A. Thank you. Parker FiberNet was began by
myself in approximately 1998. We were a
small company that was doing horizontal
cabling and we would build private
networks for existing businesses.

At that time, we were independently 8 securing public and private right-of-way 9 and access to various infrastructure to 10 11 connect facilities together. For 12 example, a large manufacturing company might have an office just down the street 13 from their manufacturing facility; and we 14 would build network between those two 15 16 facilities.

Being a little bit of a self-Being a little bit of a selfproclaimed geek, I was on the Internet a lot reading about the Telecom Act of '96 and saw that as an opportunity to gain access to the public rights-of-ways, recognizing that at that time that I would have to secure primarily pole

FREEDOM COURT REPORTING (205) 397-2397

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1	attachments from Georgia Power, Southern
2	Company, and some other various
3	utility owners. It became clear that we
4	needed to gain Public Service authority.
5	That's how you made yourself available to
6	the rights-of-ways.
7	So I did research and found out that
8	the largest pole owner in the state of
9	Georgia was Georgia Power, Southern
10	Company. Their attorneys was Troutman
11	and Sanders based out of Atlanta. I felt

12 like that I probably couldn't fight those 13 big guys, so I got the same attorney firm 14 that they did, and I went and seeked 15 approval.

16 Q. Sought?

17 A. Sought, yeah. Well, seeked in past18 tense, sought.

19 Q. He's an engineer and I'm the lawyer.

20 A. That's right. I made 800 on the math

21 part of the SAT. I made 440 on the

22 verbal. That's why it's seeked.

23 Q. Georgia Tech, right?

1	Α.	Georgia Tech. I attended Georgia Tech as
2		an electrical engineer. So, anyway, we
3		sought approval for that. And it became
4		apparent we needed an other common
5		carrier certificate, a CLEC certificate,
6		some various FCC certificates, and those
7		types of things.

8 So we were successful in gaining 9 those; and then we began building fiber 10 networks in secondary markets, secondary 11 tier markets like Rome, Georgia; Athens, 12 Georgia. We then -- we purchased and 13 bought IRUs for fiber from Atlanta to 14 Chattanooga.

15COURT REPORTER: Purchased and16built our -- what kind of use?

17THE WITNESS:IRUs, indefeasible

18 rights of use, IRU.

19 Q. Slow down a little bit.

20 A. I know. I apologize. I get wound up.

21 I apologize to the court reporter.

22 So we -- we then began -- our company 23 expanded and grew, and so that kind of

1		brought us to the present. We we
2		serve commercial customers, no
3		residential. A typical set of customers
4		say in Rome, Georgia, to name one
5		location, would be like Shorter College,
6		Berry College, Floyd Hospital, Redmond
7		Hospital, Harbin Clinic. So we're a
8		large commercial provider. We provide
9		Internet, switched voice through other
10		providers, and ethernet type connectivity
11		services between those larger providers.
12		At that time, the stimulus program
13	Q.	Wait a minute. Before you get to that,
14		let me ask you this question.
15	Α.	Sure.
16	Q.	How long has Parker FiberNet been in
17		business?
18	Α.	Since 1999.
19	Q.	And you're the manager of the company?
20	Α.	I'm the manager.
21	Q.	Are you the owner?
22	Α.	I'm the owner.
23	Q.	How many employees do you have?

1	A.	We have approximately 35 employees.
2	Q.	Okay. And you're all located in
3		Summerville, Georgia?
4	A.	Summerville. And that kind of leads into
5		another point I should have made. We do
6		everything in-house. We have our own
7		engineering firm. We have our own
8		construction. We do and seek our own
9		permits with the DOT, with Georgia Power,
10		BellSouth, AT&T. We have interconnection
11		agreements.

We have our own directional boring machines. We have our own construction equipment. So we provide -- we have bucket trucks, splicing vans. So we provision, design, install. And we're provision CLEC, which means that we have our own infrastructure in place.

19 In the beginning, you know, we 20 started out kind of using a UNE platform 21 that was provided to us from Bell; but as 22 they have sort of taken those options 23 away, our business model has shifted that

1		we only provide directly connected fiber
2		customers to our own network.
3	Q.	You presently, you only have
4		telecommunications authority in Georgia;
5		is that correct?
6	A.	That's correct.
7	Q.	Okay. Let me ask you this. What what
8		is your interest with respect to these
9		two applications for these two applicants
10		to do business in Alabama?
11	Α.	Well, we as I started to say
12	Q.	When you say we, you mean Parker?
13	Α.	Parker. Parker FiberNet and other Parker
14		companies. We have some other companies
15		that do ancillary things. Parker Systems
16		is the construction arm. Parker FiberNet
17		is the CLEC authority in Georgia, for
18		example.
19		And so we sought a BTOP grant under
20		the stimulus program, and we were
21		successful in securing one. And that
22		grant we, in our business or in the
23		plan of the grant, made application to go
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1	into Alabama to provide the middle mile
2	infrastructure fiber connectivity to an
3	underserved portion of Alabama, kind
4	of I get kind of turned around east
5	of
6 Q.	Anniston?
7 A.	Anniston.
8 Q.	Right.
9 A.	Right.
10 Q.	So up in Northeast Alabama with a
11	traditionally underserved area with
12	respect to telephone services?
13 A.	That's right.
14 Q.	There was a stimulus package available
15	that you applied for, received. And
16	that's that's the funding that you've
17	acquired to be able to seek to do
18	business in the state of Alabama?
19 A.	That's right.
20 Q.	Right?
21 A.	That's right. As as we came, we
22	worked closely with some of the regional
23	development stuff. They were working on

1 their auto alley corridor concept to
2 provide just-in-time manufacturing with
3 small businesses, 60 to 80 people, to
4 provide to the auto industry. I know
5 Alabama was real successful in getting
6 some of the larger car makers to come
7 here.

8 Well, there has to be ancillary support, you know, like brake assembly 9 manufacturers and those kind of 10 11 providers. The auto alley concept 12 brought us down, so we kind of mirrored 13 that in our strategy under the grant to provide the middle mile connectivity to 14 support those kind of activities in that 15 16 region. Alabama became clear that they 17 were lacking the connectivity, and it --18 the proximity of Northwest Georgia and Northeast Alabama just made it -- made 19 the two projects mirror together nicely. 20 21 And so while I quess the folks in 22 Alabama don't want to be associated with Georgia and the folks in Georgia don't 23

		· · · · · · · · · · · · · · · · · · ·
1		want to be associated with Alabama, those
2		two regions are very similar in their
3		in their telecommunication and cultures.
4		So it was just a natural extension of
5		where our network was going to include
6		that underserved area.
7		Because we had the connectivity that
8		went Atlanta to Chattanooga and because
9		we followed the railroad track in that
10		region, it came very close to the edge of
11		the state, the state lines.
12	Q.	With your application by Appalachian
13		Valley Fiber Network, you intend to seek
14		the authority to provide the
15		infrastructure for the fiberoptic cable
16		and the other construction services; is
17		that correct?
18	A.	That's correct.
19	Q.	You really don't intend by Appalachian
20		Valley to provide end user services; is
21		that right?
22	Α.	Right. The stipulations under the
23		grant and you guys can probably

1		appreciate more than most the
2		complications and the rules associated
3		with a federal grant and the the
4		guidelines and stringent boundaries that
5		they place us in. The grant project had
6		to be a middle mile only type fiber
7		project serving the infrastructure of
8		underserved communities and large anchor
9		institutions.
10		And so it was a nice marriage to
11		allow Parker FiberNet to come in to be
12		the interface to the customer and
13		Appalachian Valley, under the grant, to
14		provide the middle mile fiber
15		connectivity in those regions.
16	Q.	Okay. And that was what I was going to
17		ask. Parker FiberNet will provide the
18		telecommunications services to the end
19		users
20	A.	Right.
21	Q.	similar to the work that you're doing
22		in Georgia now?

23 A. That's right. That's right. And it was

1		an effort not to use grant or stimulus
2		funds to mirror or duplicate
3		iinfrastructure that existed in Parker
4		FiberNet, that all those funds could then
5		be funneled directly to extending the
6		network into the underserved areas.
7	Q.	How many customers do you anticipate
8		having in Alabama?
9	A.	Probably more than none and less than a
10		hundred.
11	Q.	All right. Well, with that background,
12		let me ask you a few questions about
13		Parker FiberNet. Again, the primary
14		business address for that?
15	A.	Is 1005 South Commerce Street.
16	Q.	Is that true for Appalachian Valley as
17		well?
18	A.	Yes, sir.
19	Q.	And what's the telephone number for the
20		company?
21	A.	It's 800-8-PARKER or 1-800-872-7537.
22	Q.	Is that number true for Appalachian
23		Valley as well?

1 Yes, sir. Α. 2 I'll ask you have you read and are you 0. familiar with both of the applications in 3 this proceeding? 4 Yes, sir, I am. 5 Α. 6 Are they true and correct? 0. Yes, sir. 7 Α. Q. Are you familiar with both of the 8 9 proposed tariffs in this proceeding? 10 Yes, sir. Α. Are they true and correct? 11 0. A. Yes, sir. 12 13 Your company is presently registered to 0. 14 do business in the state of Alabama, 15 correct? 16 No. In the state of Georgia. Α. 17 0. Well, I mean, you don't have the 18 telecommunications authority from the 19 Public Service Commission yet, but you 20 have registered with the Secretary of 21 State's Office. 22 Α. Right. Yes, sir. Yes, sir. Ι apologize. 23

1 9	Q.	Will the company operate either
2		company operate under any fictitious
3		names in Alabama?
4 2	A.	No, sir.
5 9	Q.	And Parker FiberNet is authorized by the
6		Public Utilities Commission of the State
7		of Georgia to do business there, but
8		you're not authorized with
9		telecommunications authority anywhere
10		else. Is that correct?
11 2	A.	That is correct.
12 9	Q.	And Appalachian Valley Fiber Net, does it
13		not have any authority from Georgia for
14		telecommunication services?
15 ž	A.	We're in the process.
16 9	Q.	Okay. You're seeking that application
17		now?
18 2	A.	I don't exactly know the status, but I
19		we're in the process.
20 9	Q.	Okay. Has Parker FiberNet ever applied
21		for telecommunications authority in any
22		other jurisdiction?
23 2	A.	No, sir.

[
1	Q.	Has the company ever been cited for any
2		formal complaints by the Public Service
3		Commission of Georgia?
4	Α.	No, sir.
5	Q.	Has the company or any of the principals
6		or officers of the company ever been
7		indicted for a crime or or other
8		felony?
9	Α.	No, sir.
10	Q.	Are you presently, either company, under
11		investigation for any regulatory
12		breaches?
13	Α.	No, sir.
14	Q.	Does either company plan to operate any
15		physical facilities in the state of
16		Alabama other than the construction of
17		the fiberoptic cable?
18	Α.	No, sir.
19	Q.	Does the company plan to have any
20		employees in the state of Alabama?
21	Α.	Other than during the construction, no,
22		sir.
23	Q.	Okay. Who will Parker FiberNet use for

1		its underlying carrier?
2	Α.	For switched voice?
3	Q.	Yeah.
4	A.	We have interconnection agreements with
5		AT&T. It's now EarthLink. It used to be
6		Deltacom. A company called Momentum out
7		of Birmingham. And I believe that would
8		be all for switched voice.
9	Q.	That's who you presently use?
10	Α.	Yes, sir.
11	Q.	Do you know which of those you'll be
12		using in Alabama?
13	A.	It would probably be a mixture of the
14		three.
15	Q.	But you don't have any agreements in
16		place with that yet?
17	Α.	No. The AT&T agreement, for example,
18		when we secured it, was for seven
19		states. So we went ahead even though
20		we didn't have authority, we made
21		application and have AT&T agreements for
22		all of their seven operating states.
23		Momentum, there's a voice over IP.

1		Perhaps you guys are more learned than I,
2		but under we felt like that under our
3		current agreement, that voice over IP,
4		being voice-packaged switch, was not
5		regulated; that we didn't need an
6		individual application for each state.
7	Q.	And with respect to both companies I
8		guess, really, we're talking about Parker
9		FiberNet. With respect to sending
10		customer bills for telephone services, do
11		you plan to send bills on a monthly
12		basis?
13	Α.	Yes, sir.
14	Q.	And will those bills be paper bills?
15	Α.	Yes, sir.
16	Q.	Will the telephone number of the company
17		be on the bill?
18	Α.	Yes, sir.
19	Q.	And that telephone number will be what?
20	Α.	1-800-8-PARKER or 800-872-7537.
21	Q.	If a customer has a problem or needs to
22		contact the company to about a
23		grievance or any other issue, is that the

1		telephone number that they may call?
2	A.	Yes, sir.

3	Q.	Okay. And what happens when they call
4		during your normal business hours?
5	Α.	They will get the secretary. We don't
б		believe in them machines where you have
7		to push one or two to get somebody. A
8		person answers the phone, and then
9		they'll be directed to we have an
10		in-house engineer that sits in
11		Summerville, and he fields all the calls
12		initially.
13	Q.	Okay. What are your normal business
14		hours?
15	A.	Eight to five Monday through Friday.
16	Q.	And if a customer were to call after
17		business hours, what's your protocol for
18		handling those calls?
19	A.	The call would be handled by the network
20		operations center, and they would direct
21		the call to the various engineer person

22 within the hour. Remembering that our

23 customers are large business customers,

1		the next business day for a response is
2		inadequate. So we return all of our
3		calls. Typically, they're just switched
4		directly to that end user's cell phone
5		because it would be on outage or some
6		complaint. And we require either
7		engineering to do a routing change or
8		look into the the you know, we
9		would look at our equipment to see how it
10		interfaces, if we're up and up against
11		the customer. If we had to, we would
12		begin the troubleshooting at that time.
13		That usually happens within 15
14		minutes, but our procedure is within the
15		hour.
16	Q.	Okay. Do your companies plan to do any
17		marketing in the state of Alabama?
18	A.	No.
19	Q.	Okay. When you do marketing in Georgia,
20		for example, do you use a third party or
21		do you do it yourself?
22	A.	We do it ourself. We don't do any
23		third-party marketing.

PARKER FIBERNET/APPALACHIAN VALLEY (Docket #31630/#31631) 26 You don't. So you don't have any intent 1 Q. 2 to use a third party in Alabama for marketing either, do you? 3 No, sir. 4 Α. Okay. And with respect to your bill that 5 0. is sent to the customer that has the 6 7 telephone number that you mentioned, it has the company's name on the bill as 8 well, right? 9 Yes, sir. 10 Α. 11 Does Parker FiberNet have a website? 0. 12 A. Yes, sir. 13 Okay. Does Appalachian Valley have a 0. website? 14 Yes, sir. 15 Α. 16 Is it the same or different? 0. 17 Α. They link each other, but they're different. 18 19 0. Okay. Is there a telephone number of your company on those websites? 20 21 A. Yes, sir. 22 Q. And what number would that be, the same?

23 A. 1-800-8-PARKER.

		× · · ·
1	Q.	Where will the companies books and
2		records be maintained?
3	A.	In Summerville, Georgia.
4	Q.	Will you maintain accurate, up-to-date
5		tariffs on file with the Commission?
6	A.	Yes, sir.
7	Q.	Okay. Are you familiar with the rules
8		and regulations of the Alabama Public
9		Service Commission?
10	A.	Yes, sir.
11	Q.	Will you abide by them?
12	Α.	Yes, sir.
13	Q.	Are you familiar with the laws, rules,
14		and regulations of the Federal
15		Communications Commission?
16	A.	Yes, sir.
17	Q.	Will you abide by them?
18	A.	Yes, sir.
19	Q.	Are you familiar with federal and state
20		slamming and cramming laws?
21	A.	Yes, sir.
22	Q.	Will you abide by them?
23	Α.	Absolutely.

Г

1	Q.	Have you ever had any formal complaints
2		about slamming or cramming or any
3		telecommunications breach?
4	Α.	No, sir.
5	Q.	In the event you were accused of any
6		slamming or cramming violations, would
7		the company immediately stop those
8		actions and engage in the appropriate
9		discipline of the relevant employees?
10	Α.	Yes, sir.
11	Q.	Do you understand that your companies
12		must file and have approved by the
13		Commission an interconnection agreement
14		with respect to providing services in
15		Alabama?
16	Α.	Yes, sir.
17	Q.	And will you do that?
18	Α.	Absolutely.
19	Q.	Are your companies aware that you must
20		file annually a supervision and
21		inspection report and pay the appropriate
22		fees associated with that?
23	Α.	Yes, sir.

1	Q.	Will your companies do that?
2	Α.	Absolutely.
3	Q.	Are you aware that the company both
4		companies must file annually a financial
5		report with the Public Service
6		Commission?
7	Α.	Yes, sir.
8	Q.	And will your companies comply with that
9		requirement?
10	Α.	Yes, sir.
11		MR. McLEMORE: That's all.
12		ALJ MORRIS: Let's start with
13		Mr. Cook.
14		CROSS-EXAMINATION
15	BY	MR. COOK:
16	Q.	Mr. Parker, my compliments to your
17		attorney.
18	Α.	Thank you.
19	Q.	He's asked about all my questions. Does
20		your company plan to use a d/b/a? I
21		noticed that you got Parker filed as an
22		LLC, hereafter PFN.
23	A.	The PFN is just for convenience of the

		×
1		Commission. Parker FiberNet. So we
2		don't we don't have a d/b/a that would
3		not be intuitively apparent. We felt
4		like PFN is Parker FiberNet, just an
5		acronym; so that's but there's no
6		d/b/a like John's Telephone Company or
7		anything like that.
8		That was just for the convenience of
9		or the documents. I apologize if we
10		shouldn't have done it that way.
11	Q.	No. That's okay. It was just kind of
12		confusing.
13	A.	Yes, sir.
14	Q.	The financial information that you filed,
15		is that the latest and current?
16	A.	Yes, sir.
17	Q.	Who will be the contact person for
18		Alabama tariff-specific questions?
19	A.	Kristy Parker.
20	Q.	And what is her title?
21	A.	She's the office manager.
22	Q.	She any kin to you?
23	A.	She might be. She's my wife. We're a
1		

1		small company, as I stated. She went to
2		Georgia, too, which creates some
3		conflict.
4	Q.	Oh, that gets kind of interesting at the
5		end of the year, don't it?
6	Α.	For the last nine years, it's been real
7		interesting except for one year.
8	Q.	Has your company ever been filed or
9		presently in any bankruptcy proceedings?
10	Α.	No, sir.
11	Q.	There will not be a marketing or sales
12		staff located in Alabama?
13	A.	No, sir.
14	Q.	Your underlying carrier, you said, is
15		going to be AT&T, EarthLink, which used
16		to be Deltacom, Momentum, which is the
17		VOiP?
18	A.	That's correct.
19	Q.	Okay.
20	Α.	And and I don't know. I apologize for
21		my ignorance. I don't know if EarthLink
22		is going to be the survivor or if
23		Deltacom is going to be the survivor, but

I know they've merged. And I think -- I 1 2 noticed the other day that the EarthLink 3 logo was now on the bill. MS. CONWAY: I think it's 4 5 EarthLink. THE WITNESS: Yes, ma'am. 6 Т 7 apologize. 8 And then our -- we aggregate our Internet Α. 9 product ourselves. So the underlying carrier I guess would be us because we 10 11 BGP pier with our tier one. 12 COURT REPORTER: BGP what? THE WITNESS: BGP, border gateway 13 14 protocol, so it's BGP pier. I'm sorry. I sort of rattle off. 15 16 Α. We take -- we take multiple Internet 17 providers, like AT&T or the larger 18 companies, UNET, cable and wireless; and 19 we aggregate that product ourselves. We 20 have a colocation at 56 Marietta, a 21 telecom hotel for the Southeast. So we 22 have a presence there. So we don't have 23 an underlying carrier for our Internet.

1		We do it ourselves.
2	Q.	Okay. The locations you plan to serve in
3		Alabama is basically going to be
4		Northeast?
5	Α.	That's correct.
6	Q.	Okay.
7	Α.	Basically from Breman in Georgia to
8		Anniston.
9	Q.	Are you aware that the Commission must be
10		notified if there are any changes in key
11		contact personnel
12	A.	Yes, sir.
13	Q.	company ownership via merger,
14		transfers or acquisitions?
15	A.	Yes, sir?
16	Q.	And and/or mailing or phone address?
17	A.	Yes, sir.
18	Q.	Your company name will appear on the
19		bill?
20	Α.	Yes, sir.
21	Q.	And the bill will be paper?
22	A.	Yes, sir.
23	Q.	Who will provide operator service or

		× /
1		directory assistance?
2	Α.	The underlying carrier of the switch
3		of the switch provider. So if we if
4		the circuit is derived from AT&T, AT&T
5		provides that service. If the circuit is
6		derived from EarthLink, they will provide
7		that service. If the system is derived
8		by Momentum, then I think they sub it
9		out. But it's provided by the underlying
10		carrier.
11	Q.	Do you agree to provide by all the rules
12		and regulations of this commission?
13	A.	Absolutely.
14		MR. COOK: I turn it over to
15		Ms. Conway.
16		ALJ MORRIS: Ms. Conway.
17		MS. CONWAY: Thank you.
18		CROSS-EXAMINATION
19	BY	MS. CONWAY:
20	Q.	Mr. Parker, is your company currently
21		providing any type of telecommunication
22		services in Alabama?
23	A.	No, ma'am.

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1		Parker, we would be willing to sell to
2		any end user company; AVFN would.
3	Q.	Okay. So you would be actually reselling
4		to another carrier?
5	A.	On a wholesale basis, yes, ma'am.
6	Q.	Okay.
7	A.	It there's not an exclusive
8		arrangement from AVFN to Parker. We
9		wanted to provide an open architecture
10		format to allow we're not into
11		wireless space; but if a wireless company
12		approached us as Parker FiberNet, because
13		we probably would be known to those guys
14		because we provide that to the Verizons
15		and AT&Ts of the world in these rural
16		markets that we're in, we would provide
17		that information to AVFN if a request was
18		made in Alabama. So Alabama could
19		AVFN could have wholesale customers as
20		end users as well as Parker FiberNet.
21	Q.	Okay. So just to clarify, the it
22		would be wholesale resale to other
23		carriers only?

1	Α.	That's right. That's right.
2	Q.	Okay.
3	Α.	And and I don't I don't want to
4		limit ourselves. If AVFN made a business
5		case to, say, a school system or a
6		hospital, we would determine what was
7		best for the customer. And in that case,
8		AVFN might directly take care of the
9		customer. Most likely, it would be
10		Parker FiberNet; but I want to be very
11		transparent.
12	Q.	So it's possible it could be other end
13		users could
14	Α.	But it would be it would be in
15		sophisticated industrial or institutional
16		type venues, right.
17	Q.	Okay.
18	Α.	I think it's highly unlikely, but I just
19		want to be transparent.
20	Q.	Okay. And are you familiar with tariff
21		filing procedures and notification of
22		promotions?
23	Α.	Yes, ma'am.

1	MS. CONWAY: Judge Morris, the
2	actual tariff for Appalachian Valley
3	was not filed until yesterday.
4	ALJ MORRIS: Okay.
5	MS. CONWAY: So I have not had time
6	to thoroughly review it.
7	ALJ MORRIS: Okay.
8	MS. CONWAY: So I'd like to take a
9	few days to be able to thoroughly
10	review it. And I have already seen a
11	couple of issues in it that we'll need
12	to discuss and maybe make some changes.
13	THE WITNESS: Sure.
14	MS. CONWAY: But I will get back
15	with you, Jimmy, on that
16	MR. McLEMORE: Okay.
17	MS. CONWAY: as soon as I've got
18	it completed.
19	MR. McLEMORE: I apologize for
20	that. We thought maybe we would be
21	excused from filing that, and we
22	weren't, so I appreciate that, so we
23	got it to you.

1	MS. CONWAY: That's okay. That's
2	okay. So post-hearing, I will just
3	need the website address also of
4	Appalachian Valley. That's all I have.
5	MR. McLEMORE: Okay.
6	ALJ MORRIS: Okay. I've just got a
7	couple of things. I notice in your
8	financial financial information with
9	the PFN application, there is some sort
10	of a balance sheet for DKSL. Can you
11	tell me what that is?
12	THE WITNESS: That's a holding
13	company for tax that owns all the
14	companies that I have.
15	ALJ MORRIS: Okay.
16	THE WITNESS: It stands for David,
17	Kristy, Seth and Luke. Those are my
18	children's names. So I'm not very
19	creative. Parker Systems, Parker
20	FiberNet.
21	ALJ MORRIS: You like acronyms.
22	Okay.
23	THE WITNESS: Yeah. My tax

1accountant suggested that, and so it's2a holding company.3ALJ MORRIS: Okay. And for4Appalachian Valley Fiber Network, has5that even been capitalized yet?6THE WITNESS: Well, it's funded by7the BTOP stimulus grant.
 ALJ MORRIS: Okay. And for Appalachian Valley Fiber Network, has that even been capitalized yet? THE WITNESS: Well, it's funded by
4 Appalachian Valley Fiber Network, has 5 that even been capitalized yet? 6 THE WITNESS: Well, it's funded by
5 that even been capitalized yet? 6 THE WITNESS: Well, it's funded by
6 THE WITNESS: Well, it's funded by
7 the BTOP stimulus grant.
8 ALJ MORRIS: And that's the sole
9 source of capital for that project?
10 THE WITNESS: And it's more than
11 sufficient to accomplish. We received
12 a \$28 million grant.
13 ALJ MORRIS: Okay. And, you know,
14 there's no plan to put any of your own
15 personal capital into that?
16 THE WITNESS: We matched the grant
17 with \$5 million.
18 ALJ MORRIS: You matched the grant.
19 THE WITNESS: Of in-kind.
20 ALJ MORRIS: All right. And I will
21 need actually for both Parker
22 FiberNet and Appalachian Valley Fiber
23 Network, I will need the articles of

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1	organization. What I've got is the
2	operating agreements were filed, but
3	I'm going to need the articles of
4	organization post-hearing.
5	MR. McLEMORE: Yes, sir.
6	ALJ MORRIS: And as Ms. Conway has
7	already stated, she needs the website
8	for Appalachian Valley and she's going
9	to need some time to review the
10	tariff. And we'll get those issues
11	resolved before we take this to the
12	Commission for final approval.
13	Mr. McLemore, do you have
14	anything else you'd like to add?
15	MR. McLEMORE: No, sir.
16	ALJ MORRIS: Okay. With that, we
17	will take this under advisement. And
18	this hearing is concluded.
19	(Proceedings concluded at
20	11:16 a.m.)
21	* * * END OF PROCEEDINGS * * *
22	
23	

1	REPORTER'S CERTIFICATE
2	STATE OF ALABAMA
3	ELMORE COUNTY
4	I, Dee Coker, Registered Professional
5	Reporter and Commissioner for the State of
6	Alabama at Large, hereby certify that on
7	Tuesday, June 21, 2011, I reported the
8	TESTIMONY AND PROCEEDINGS in the matter of the
9	foregoing cause, and that pages 3 through 41
10	contain a true and accurate transcription of
11	said proceedings.
12	I further certify that I am neither
13	kin nor of counsel to the parties to said
14	cause, nor in any manner interested in the
15	results thereof.
16	
17	
18	/s/Dee Coker
19	DEE COKER, CCR, RPR Commissioner for the
20	State of Alabama at Large CCR 85, Expires 9/30/2011
21	COMMISSION EXPIRES: 1/20/2013
22	
23	

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