

BEFORE THE
NEW YORK PUBLIC SERVICE COMMISSION

Joint Petition of
Phoenix Fiber Network, LLC f/k/a Cleareon Fiber Networks, LLC
Licensee
and
Annex Fiber, Inc.

Matter/Case No. _____

for Approval of (1) the Proposed Transfer of NYS CPCN of
Cleareon Fiber Networks, LLC to Annex Fiber, Inc.

JOINT PETITION

Phoenix Fiber Network, LLC f/k/a Cleareon Fiber Networks, LLC ("Phoenix"), the Licensee and Annex Fiber, Inc. ("Annex") collectively, the "Petitioners", pursuant to New York Public Service Law §§ 99, 100, and 101, respectfully request New York Public Service Commission ("Commission") approval, to the extent such approval is required, for the transfer of Phoenix's NYS CPCN to Annex (the "Transfer"). Our request is the result of a simple transaction where Annex acquired certain assets of Phoenix to include Phoenix's NYS CPCN and status with the NEW YORK PUBLIC SERVICE COMMISSION.

HISTORY OF TRANSACTION

Cleareon's business, in the same manner, and in direct correlation with, commercial real estate in NYC, had been decimated by Covid. Consequently, Cleareon sold its customers and supporting network in an asset sale to 11:11 Systems closing on or about March 31, 2022 and began winding down. Cleareon's name and website was included with the sale to 11:11.

Cleareon changed its name to Phoenix Fiber Network LLC to complete wind down, without requesting approval from PSC which was overlooked at that time since the company had ceased operations and there were no employees.

In December of 2022, Phoenix sold its remaining assets to Annex Fiber including their CPCN. Sometime in June 2023, Annex filed a petition to transfer the CPCN from Phoenix to Cleareon. In September 2023, the PSC sent notice approving the transfer with the customary 90-day provision, which has long since elapsed. The Matter number for this transaction was 23-02726.

To the degree that it might be relevant, Cleareon always operated as a "carrier's carrier" providing local access and transport services for other carriers. As a wholesaler that did not serve end users, Cleareon was not responsible for TAF or contributions based on NY intrastate revenues, which was confirmed by DPS, TAF and PSC personnel in January of 2019. Annex operates the same business model.

DESCRIPTION OF PETITIONERS

Phoenix is a Delaware limited liability company with a mailing address of PO Box 1702, New York, NY 10268. Phoenix was a wholesale carrier's carrier providing local access services in NY to other carriers which sold its customers and operations in 2022 (the "Transaction"). Throughout its history Phoenix did not generate any regulated revenues as it did not provide service to end users, but only provided service to other carriers. After the Transaction, certain assets remained with Phoenix including its NYS CPCN and status with the NEW YORK PUBLIC SERVICE COMMISSION. At this time Phoenix respectfully requests and petitions the NY Public Service Commission to approve the transfer (the "Transfer") of its NYS CPCN and associated regulatory status to Annex. Conversations with DPS Office of Telecommunications have said this is possible.

Annex is an "S" corporation incorporated in New York State with a mailing address of 15 Storer Ave, Suite A, Staten Island, NY, 10309. Annex plans to pursue building and operating fiber optic networks in NY State and elsewhere to initially provide internet services and possibly other services in future. Currently Annex is not generating revenue and has no operations but has obtained an information services franchise from New York City in preparation to provide services in NYC. Annex intends to build and operate fiber to the premise networks and provide network services to enterprises and carriers in New York City and elsewhere.

DESIGNATED CONTACTS

Questions or correspondence concerning this Petition should be directed to:

For Phoenix:

Cliff Kane
Phoenix Fiber Network, LLC
PO Box 1702
New York, NY 10268
Tel: 561 542 4755
Email: ckane@thedealshop.biz

For Annex:

Michael Scalici
Annex Fiber, Inc
15 Storer Ave, Suite A,
Staten Island NY 10309
Tel: 917 621 7782
Email: m.scalici@annexfiber.com

DESCRIPTION OF THE TRANSACTION

Annex acquired certain assets of Phoenix in a simple asset sale, memorialized by a bill of sale with assignment and assumption schedule. No financing or third parties were involved.

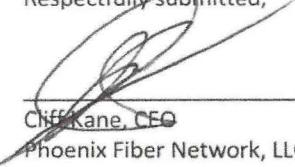
PUBLIC INTEREST CONSIDERATIONS

The proposed Transfer is in the public interest as it will enable Annex to expeditiously develop its operations, increase competition in the planned service areas to offer higher quality, fiber-based services than are currently available. The principals of Annex are innovative telecom entrepreneurs with extensive experience in developing and operating fiber optic networks, and desire to bring a high level of service to their markets. The Transfer will not harm consumers or negatively impact the telecommunications market in New York. Further, the proposed Transfer will not adversely affect, but rather enhance, competition.

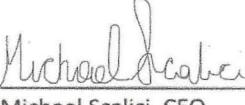
CONCLUSION

For the foregoing reasons, Petitioners submit the public interest, convenience, and necessity would be furthered by the grant of this Petition.

Respectfully submitted,



Cliff Kane, CEO
Phoenix Fiber Network, LLC



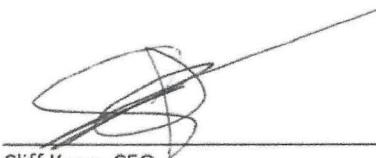
Michael Scalici
Michael Scalici, CEO
Annex Fiber, Inc.

STATE OF NEW YORK
COUNTY OF WESTCHESTER

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§ ss:
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VERIFICATION

I, Cliff Kane, state that I am the Chief Executive Officer of Phoenix Fiber Network, LLC (the "Company"); that I am authorized to make this Verification on behalf of the Company; that I have read the foregoing document; and that any statements in the foregoing document with respect to the Company, except as otherwise specifically attributed, are true and correct to the best of my knowledge, information, and belief.



Cliff Kane, CEO
Phoenix Fiber Network, LLC



MEETA KUMAR
10/4/24

STATE OF NEW YORK

§

COUNTY OF RICHMOND

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VERIFICATION

I, Michael Scalici, state that I am the Chief Executive Officer of Annex Fiber, Inc. (the "Company"); that I am authorized to make this Verification on behalf of the Company; that I have read the foregoing document; and that any statements in the foregoing document with respect to the Company, except as otherwise specifically attributed, are true and correct to the best of my knowledge, information, and belief.

Michael Scalici

Michael Scalici, CEO
Annex Fiber, Inc.

*Sworn to before me this
4th day of October 2024*

Maria Cusack

