

**BEFORE THE  
NEW YORK PUBLIC SERVICE COMMISSION**

\_\_\_\_\_ )  
Joint Petition of )  
 )  
Planet Networks, Inc. )  
 )  
and ) Matter/Case No. \_\_\_\_\_  
 )  
FiberLinc, LLC, Licensee, )  
 )  
for Approval of the Transfer of Control of )  
FiberLinc, LLC )  
 )  
\_\_\_\_\_ )

**VERIFIED JOINT PETITION**

Planet Networks, Inc. (“Planet Networks”) and FiberLinc, LLC (“FiberLinc”) (collectively, the “Petitioners”), by their undersigned representatives and pursuant to New York Public Service Law §§ 99 and 100, respectfully request approval, to the extent required, for the transfer of control of FiberLinc to Planet Networks.

In support of this Petition, Petitioners provide the following information:

**I. DESCRIPTION OF PETITIONERS**

**A. FiberLinc, LLC (Licensee)**

FiberLinc, LLC is a New York limited liability company with a principal office at 59 Noble Hill Drive, Poughquag, New York 12570. FiberLinc’s current ownership is depicted in the organizational chart contained in **Exhibit A**. FiberLinc currently provides symmetrical Gigabit fiber optic Internet connectivity to two streets in a small area of Saugerties, NY to less than 20 customers.

FiberLinc is authorized by the Commission to operate in New York as a facilities-based provider and reseller of telephone service, with authority to provide local exchange service, pursuant to a Certificate of Public Convenience and Necessity granted in Matter No. 21-00062. FiberLinc holds no other regulatory authority in any other jurisdiction.

**B. Planet Networks, Inc.**

Planet Networks, Inc. is a New Jersey corporation with a principal office at 4 Park Pl., Newton, New Jersey 07860. Planet Networks is a provider of fiber optic Internet and voice over IP services to residential and business customers in New Jersey. Founded in 1994 as a dial-up ISP to serve a small underserved rural community in and around Newton, New Jersey, Planet Networks now operates an extensive fiber backbone that delivers fiber-based broadband Internet access and VoIP services to over 25 communities in northern New Jersey.

The company holds authority from the New Jersey Board of Public Utilities to provide facilities-based and resold competitive local exchange and interexchange telecommunications services in New Jersey.<sup>1</sup> A detailed history of the company is available at <https://www.planet.net/history>. Biographies of Planet Networks' key management personnel, demonstrating its qualifications to complete the transaction, are provided as **Exhibit B**.

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<sup>1</sup> *In the Matter of the Application of Planet Networks, Inc. for Authorization to Provide Local Exchange and Interexchange Telecommunications Services Throughout the State of New Jersey*, Docket No. TE19020198, Order at 3-4 (N.J. B.P.U. May 28, 2019).

## II. DESIGNATED CONTACTS

Questions or correspondence concerning this Petition should be directed to:

For Planet Networks:

Andrew M. Klein  
Allen C. Zoracki  
KLEIN LAW GROUP <sup>PLLC</sup>  
90 State Street, Suite 700  
Albany, NY 12207  
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518-336-4300  
aklein@kleinlawpllc.com  
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For FiberLinc:

Timothy M. Davis  
Rooney Law  
300 Park Ave.  
New York, NY 10022  
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## III. DESCRIPTION OF THE TRANSACTION

Pursuant to a Membership Interest Purchase Agreement entered into on March 17, 2023 between Planet Networks and FiberLinc, Planet Networks proposes to acquire all outstanding membership interests (including all financial, voting, and equity interests) of FiberLinc. To effectuate the transaction, Planet Networks has made a short-term loan to FiberLinc pursuant to a senior secured promissory note and accompanying security agreement, to be used by FiberLinc to repay all of its outstanding indebtedness.<sup>2</sup> At closing, Planet Networks' payment of the purchase price will be satisfied by (a) forgiveness of the aforementioned loan and (b) payment of the remaining amount of the agreed-upon purchase price. As a result, FiberLinc will become a direct, wholly-owned subsidiary of Planet Capital LLC which is a direct, wholly-owned subsidiary of Planet Networks, Inc. Immediately following the transaction, FiberLinc's name will change to Planet Fiber NY LLC.

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<sup>2</sup> The note matures within less than twelve months from the date of issuance and thus is not subject to the approval requirements of N.Y. Public Service Law § 101.

**Exhibit A** depicts the current and post-closing ownership structure of the Licensee. A copy of the Membership Interest Purchase Agreement is provided in Confidential **Exhibit C**, which is being concurrently filed with the Commission's Record Access Officer. The Consummation of the proposed transaction is contingent upon, among other things, receipt of all necessary approvals.

No assignment of licenses, certificates of public convenience, assets, or customers will occur as a consequence of the proposed transaction. Nor will the proposed transaction trigger any immediate change in the rates, terms, and conditions under which Licensee provides service to its existing customers. The Transaction will be seamless to and will not adversely affect the Licensee's customers. Accordingly, customer notice is not required as there will be no change in service provider as a result of the Transaction.

#### **IV. PUBLIC INTEREST CONSIDERATIONS**

The Petitioners respectfully submit that the proposed transaction will serve the public interest. The transaction will enrich competition in the New York marketplace by enhancing the resources and abilities of FiberLinc as an effective competitor. The financial, technical, and managerial resources that Planet Networks will bring to FiberLinc as its owner are expected to enhance FiberLinc's ability to offer innovative, in-demand services to New York customers. The Petitioners plan to significantly expand the coverage area served upon the approval of the proposed transaction.

Further, the proposed transaction will have no adverse impact on New York customers. The transaction will not alter the manner of service delivery or billing, will not result in any immediate change of carrier or any assignment of authorizations, and in no event will result in the discontinuance, reduction, loss, or impairment of service. Following consummation of the transaction, FiberLinc will continue to provide high-quality communications services to its

customers in New York without interruption and without immediate change in rates, terms, or conditions. Accordingly, the transaction will be, for all practical purposes, imperceptible to customers.

**V. CONCLUSION**

For the reasons set forth above, the Commission should find that the proposed transaction is in the public interest and approve this Petition.

Dated: April 27, 2023

Respectfully submitted,

Timothy M. Davis  
Rooney Law  
300 Park Ave.  
New York, NY 10022  
Tel: 212-545-8022  
tim.davis@rooney.law

*For FiberLinc, LLC*

/s/ **Andrew M. Klein**

Andrew M. Klein  
Allen C. Zoracki  
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*For Planet Networks, Inc.*

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VERIFICATION



STATE OF NEW JERSEY

COUNTY OF SUSSEX

Robert Boyle, being sworn, deposes and states as follows:

1. I am President and CEO for Planet Networks, Inc. and I am authorized to sign this verification on its behalf in this matter.
2. I have reviewed the foregoing Verified Petition and the statements of fact contained therein are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Robert Boyle

Sworn to and subscribed before me this 19<sup>th</sup> day  of April, 2023 

**AARON ENDLY**  
Notary Public, State of New Jersey  
Comm. # 50668758  
My Commission Expires 8/25/2027



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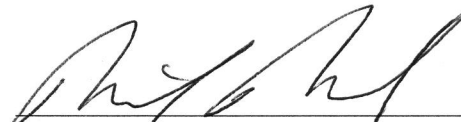
VERIFICATION

STATE OF NEW YORK

COUNTY OF Dutchess

Michael Richard, being sworn, deposes and states as follows:

3. I am Manager for FiberLinc, LLC and I am authorized to sign this verification on its behalf in this matter.
4. I have reviewed the foregoing Verified Petition and the statements of fact contained therein are true and correct to the best of my knowledge, information, and belief.



Michael Richard

Sworn to and subscribed before me this 20 day  
of April, 2023

\_\_\_\_\_  
RICHARD RICCARDI  
NOTARY PUBLIC  
STATE OF NEW YORK  
NO. 01RI5062125  
QUALIFIED DUTCHESS COUNTY  
COMMISSION EXPIRES JUNE 24, 2026

**EXHIBIT A**

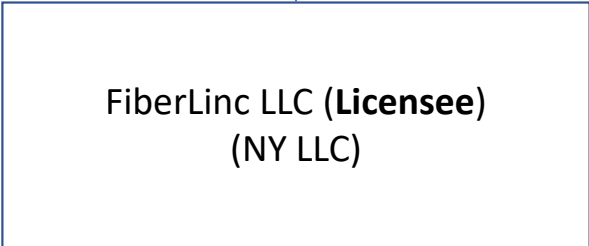
**Pre- and Post-Close Organizational Charts of Licensee**

# Pre-Close Organizational Chart

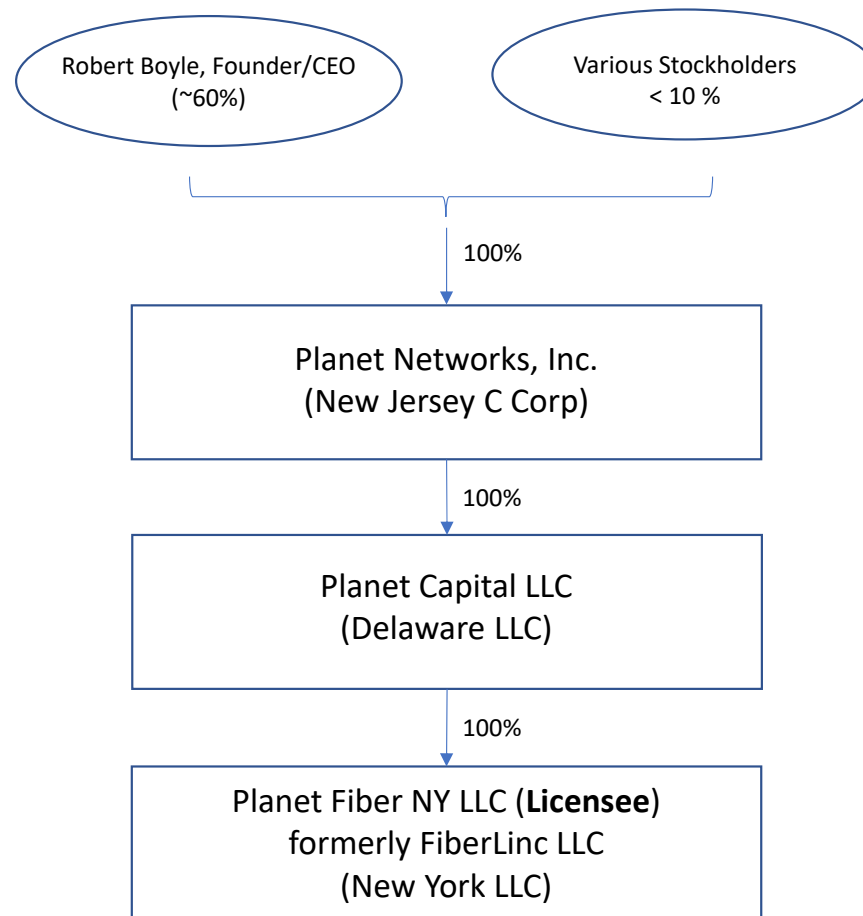
Michael Richard 40%  
Maryanne Richard 40%  
Christopher Richard 10%  
John Forstbauer 10%



100%



## Post-Close Organizational Chart



**EXHIBIT B**

**Management Biographies of Planet Networks, Inc.**

### Robert Boyle, Chief Executive Officer

Robert is a serial entrepreneur and founder of Planet Networks, a leading provider of next-generation cloud, security, communications, and networking services. He has over 30 years of experience building Internet infrastructure, software, and services businesses, including extensive experience driving revenue growth and scaling both small and large organizations. His entrepreneurial background and ability to develop and commercialize new technologies to drive innovation to serve customer needs has resulted in rapid growth for Planet Networks. He creates a culture of rapid adoption and integration of new technologies combined with relentless innovation and vertical integration. Robert focuses his efforts on removing barriers to the success of his team members so they can excel and setting the strategic direction and vision for Planet Networks.

### Brian Slean, Chief Network Officer

Dynamic, results-oriented professional backed with two decades of consistent proven success at companies including AT&T, PPL Telecom, Zayo, Cross River Fiber, and ZenFi while managing high profile teams to develop, launch and deploy technology products ranging from Macro and Small Cell towers, Hollow Core Fiber, Dark Fiber, Native Ethernet, TDM, Wave, Wi-Fi, CBRS, 4G and 5G Wireless, and Dedicated Internet. Brian delivers an unparalleled record of accountability-based leadership: able to coordinate and direct multi-million-dollar project-based efforts while managing, motivating, and leading large-scale teams. He is experienced in customer relationship building, customer satisfaction, sales support, revenue attainment, contract negotiations, training, vendor management, contractor management and sales through network support customer service. Brian is a progressive Leader with diverse leadership experience, strong team building skills, focus on quality, productivity, and results.

### Jim Peragino, Director Facilities/Fleet/Procurement

Jim has been working in the technology sector since 1996. He started with web development and moved to data center and managed services. He created a managed services company; Planet Logic where he worked at for 20 years and then sold it to iTelagen. Jim was also a founding partner of Dynamic Vault a data backup company which was acquired by Lightbeam Health. He also founded Scarlet Holdings, a real estate holding company. Jim has skills in software/database development, managed services, data center & network engineering, commercial and residential real estate as well as construction. He also holds a New Jersey Real Estate license. He previously worked at UPS, Planet Logic as CEO, Dynamic Vault as one of the founders and as principal at Scarlet Holdings. Jim is currently a SVP at Planet Networks who oversees Real Assets, Facilities, Fleet and Procurement.

### Hollie Driscoll, Controller

Hollie has been working in the accounting/finance field since 1995. She graduated from Montclair State University in May 1995 with her BS in Business Administration with a concentration in accounting. Hollie began her career in accounting with her first job out of college at Chubb Computer Services as a staff accountant. The past 12 years prior to joining the Planet team Hollie held the position of CFO at The House of the Good Shepherd, a non-profit CCRC. Her skills are in general ledger and adhering to GAAP, A/P, A/R, cash management, reconciliation, financial reporting, budgeting, and all things accounting related.

### Edward Fiorentine, Chief Technology Officer

Eddie Fiorentine is the Director of Technical Services at Planet Networks. Eddie oversees all technical aspects of Planet ranging from software development, information systems, and technical support. His background includes extensive experience in software development and systems/network engineering. Some of Eddie's key interests include VoIP and systems development / integration. Prior to joining Planet Networks in 2017, Eddie worked as an Infrastructure Engineer at Selective Insurance Group. He attended the New Jersey Institute of Technology studying Computer Science and Information Technology.

### Ryan Stohr, Chief Product Officer

Ryan Stohr is Chief Product Officer & SVP of Infrastructure at Planet Networks. Having a natural fascination with technology from an early age, Ryan has over 15 years of experience with a wide range of low voltage and fiber-optic technologies. He began his journey into the industry working on analog telephone wiring and facsimile technology. This transitioned into maintaining and repairing a wide range of digital PBX systems and other technologies for numerous commercial clients in New Jersey.

Before joining Planet Networks in 2018, Ryan spent 4 years as an apprentice working under the owner/operator of a telecommunications installation company. He learned the ins and outs of the business on both the operational and business sides, eventually taking control of the operations and then ownership of the company. These experiences provide a broad range of versatility which is key in his ability to lead a team quickly and efficiently deploying leading telecommunications technology. Ryan attended the County College of Morris for Telecommunications.

### Joe Giroux, Director of Sales

A highly skilled and experienced business leader with a strong track record of driving growth and exceeding expectation in the tech-enabled services industry. Expert at bridging the gap between business and technical teams and skilled in product innovation, service design, business development, strategic planning, marketing, sales, and partnership. Proven success in restructuring and realigning organization for optimal performance, demonstrated through roles in private firms and as a leader at a fiber-to-the-home provider. Currently leading sales, marketing, and business development efforts at Planet Networks.

### Alex Rubenstein, Director of Special Projects

Alex is a well-rounded, multi-skilled individual with knowledge in numerous sectors. He has over 30 years of experience in the internet and datacenter operations industry. Alex designed and built multiple datacenters, built international network backbones, and grew his company into one of the leading regional ISPs in the metropolitan New York area. Expertise ranges from BGP to optical transport to HVAC design to airflow principles to UPS fault tolerance to design testing, monitoring, and failure analysis.

### Aaron Endly, Director of Systems Engineering

Aaron is the lead in Planet's Systems Engineering group. He is responsible for the Cloud Computing implementation. He has over 20 years of experience in IT, ISP, and Data Center configuration and maintenance. Prior to Planet Networks, he was a manager for the Network Operations Center of Net Access Corporation where he led a team of people who assisted with design, configuration, and 24/7 support of customer systems and networks.

**CONFIDENTIAL EXHIBIT C**

**Membership Interest Purchase Agreement**

**\*\*\* Submitted on a Confidential/Trade Secret Basis with Records Access Officer\*\*\***