



Arizona Corporation Commission  
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OCT 13 2015

Transcript Exhibit(s)

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Docket #(s): T-20925A-15-0113

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Exhibit #: S-1, S-2

A-1 - A-5

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AZ CORP COMMISSION  
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2015 OCT 13 P 3:34

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ORIGINAL

MEMORANDUM



TO: Docket Control

FROM: Thomas M. Broderick *T.M. Broderick*  
Director  
Utilities Division

DATE: August 20, 2015

RE: IN THE MATTER OF THE APPLICATION OF WANRACK, LLC FOR A TELECOMMUNICATIONS CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE PRIVATE LINE TRANSPORT SERVICES AND PETITION FOR COMPETITIVE CLASSIFICATION. (DOCKET NO. T-20925A-15-0113)

Attached is the Staff Report for the above Application requesting approval for a Certificate of Convenience and Necessity ("CC&N") to provide the following service:

- Private Line Telecommunications Services

Staff is recommending approval of the Application with conditions.

TMB:LLM:nr\BES

Originator: Lori L. Morrison

Attachment: Original and Thirteen copies

Arizona Corporation Commission

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AUG 20 2015

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2015 AUG 20 PM 2 38

SERVICE LIST FOR: WANRACK, LLC  
DOCKET NO.: T-20925A-15-0113

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Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Mr. Dwight Nodes Farmer  
Acting Chief Administrative Law Judge, Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

STAFF REPORT  
UTILITIES DIVISION  
ARIZONA CORPORATION COMMISSION

WANRACK, LLC  
DOCKET NO. T-20925A-15-0113

IN THE MATTER OF THE APPLICATION OF WANRACK, LLC FOR A  
TELECOMMUNICATIONS CERTIFICATE OF CONVENIENCE AND NECESSITY TO  
PROVIDE PRIVATE LINE TRANSPORT SERVICES AND PETITION FOR COMPETITIVE  
CLASSIFICATION

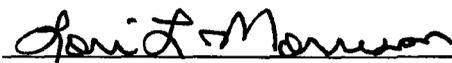
AUGUST 20, 2015

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## STAFF ACKNOWLEDGMENT

The Staff Report for WANRack, LLC, Docket No. T-20925A-15-0113, was the responsibility of the Staff member listed below. Lori L. Morrison was responsible for the review and analysis of the Applicant's application for a Certificate of Convenience and Necessity to provide Private Line Telecommunications Services within the State of Arizona, in addition to the petition for a determination that its proposed services should be classified as competitive.



Lori L. Morrison  
Utilities Consultant

## 1. INTRODUCTION

On April 3, 2015, WANRack, LLC ("WANRack" or "Applicant") filed an Application for a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based private line telecommunications services within the State of Arizona. The Applicant also petitioned the Arizona Corporation Commission ("Commission") for a determination that its proposed services should be classified as competitive. On April 7, 2015, the Applicant filed a copy of its Certificate of Good Standing as issued by the Corporations Division.

On April 24, 2015, Dr. Darwin J. Stiffler, on behalf of the Yuma Elementary School District #1, and Ms. Toni Badone, on behalf of the Yuma High School District #70, each filed a letter in support of WANRack's application.

On May 5, 2015, WANRack filed a revised Private Line tariff which replaces the Private Line Tariff that was filed with the Application. Staff requested that WANRack revise its proposed tariff to include maximum rates for its proposed services.

Staff's review of this Application addresses the overall fitness of the Applicant to receive a CC&N. Staff's analysis also considers whether the Applicant's services should be classified as competitive and if the Applicant's initial rates are just and reasonable.

## 2. TECHNICAL CAPABILITY TO PROVIDE THE REQUESTED SERVICES

WANRack, LLC is a privately held, limited liability foreign corporation organized under the laws of the State of Kansas. WANRack's headquarters is located at 25656 West 97<sup>th</sup> Street, Lenexa, Kansas. The three members of the Applicant's senior management team each average over fourteen years' experience in the telecommunications industry.

The Applicant indicated that it is authorized and currently offering telecommunications services similar to those that it will or intends to offer in Arizona in Missouri<sup>1</sup> and Wyoming<sup>2</sup> and was recently approved to provide telecommunications services in Kansas<sup>3</sup> and Texas.<sup>4</sup> Staff contacted the regulatory Commissions of each of these states/jurisdictions to determine if WANRack is certificated or registered to provide telecommunications services in these states as listed by the Applicant. Staff also inquired whether there were any consumer complaints filed against the Applicant in those jurisdictions. The information Staff obtained indicates that WANRack is authorized to provide telecommunications services in each of these states/jurisdictions and there have

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<sup>1</sup> WANRack, LLC is authorized to provide interexchange and private lines services in Missouri – File No. TA-2015-0051.

<sup>2</sup> WANRack, LLC is authorized to provide local telecommunications services - Docket No. 70244-I-TA-14 (local exchange) and registered to provide interexchange services in Wyoming.

<sup>3</sup> WANRack, LLC is authorized to provide local telecommunications services - Docket No. 15-WRKT-497-COC.

<sup>4</sup> WANRack, LLC is authorized to provide local exchange, interexchange and private lines services in Texas – Docket No. 44595.

been no consumer complaints filed against WANRack in any of the above listed states/jurisdictions.

WANRack proposes to offer site-to-site fiber optic transport and wide area network services to connect the sites of enterprise customers such as businesses and schools in Arizona. WANRack states<sup>5</sup> its initial project requires WANRack to build, own and operate a private fiber optic network to connect all schools in the Yuma Elementary and Yuma Unified High School Districts. As its customer base and service offerings grow, WANRack may resell services obtained from CenturyLink QC and other carriers, based on whether a leased, resold or WANRack-owned facility will provide the best solution for each of the new customers. The Applicant has a Network Operations Center ("NOC"), located in Kansas City, Kansas that is operated by two full time employees on a 24x7x365 basis.<sup>6</sup> Customer Service may be reached at 1-855-482-7225. The NOC can remotely monitor and troubleshoot WANRack's services.<sup>7</sup> For its initial customer, Applicant will not have any Arizona employees as the services can be provided, maintained and operated with the use of contracted field technicians and repair crews in the case of a service outage.

Based on the above information, Staff believes WANRack possesses the technical capabilities to provide the services it is requesting the authority to provide in Arizona.

### **3. FINANCIAL CAPABILITY TO PROVIDE THE REQUESTED SERVICES**

The Applicant was established on April 29, 2013, and provided unaudited financial statements for the periods of April – December 2013, January – December 2014 and January – June 30, 2015. The financial statements for April - December 2013 list total assets of \$60,924; total equity of \$113,600 and a net income of negative \$52,676. The financial statements for January - December 2014 list total assets of \$404,665; total equity of \$230,246 and a net income of negative \$70,678. The financial statements for January – June 30, 2015 list total assets of \$808,372; total equity of \$144,883 and a net income of negative \$86,363. The Applicant did not provide notes related to the financial statements.

### **4. ESTABLISHING RATES AND CHARGES**

The Applicant would initially be providing service in areas where an incumbent local exchange carrier ("ILEC"), along with various competitive local exchange carriers ("CLECs") and interexchange carriers are providing telephone service. Therefore, the Applicant would have to compete with those providers in order to obtain subscribers to its services. The Applicant would be a new entrant and would face competition from both an incumbent provider and other competitive providers in offering service to its potential customers. Therefore, the Applicant would generally not be able to exert market power. Thus, the competitive process should result in rates that are just and reasonable.

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<sup>5</sup> WANRack's response to Staff Data Request STF 1.1(c) (see Attachment 1)

<sup>6</sup> WANRack's Response to Staff Data Request STF 1.4 and STF 1.5(a)-(d) (see Attachment 1).

<sup>7</sup> WANRack's Response to Staff Data Request STF 1.2 (see Attachment 1).

In general, rates for competitive services are not set according to rate of return regulation. In response to item (B-4) of the Application, WANRack estimates its expected net book value or fair value rate base after the first twelve months of operation to be \$1,400,000. The rate to be ultimately charged by the Applicant will be heavily influenced by the market. While Staff considered the fair value rate base information submitted by the Applicant, it did not accord that information substantial weight in its analysis.

The rates proposed by this filing are for competitive services. WANRack will not provide service to small business or residential end users. WANRack provides non-switched private line services, and also proposes to offer customized private line services to meet the individual needs of enterprise entities such as schools and business entities in Arizona. WANRack's customers will be sophisticated school, government and business customers that typically negotiate contract rates through a competitive process with the ultimate rates provided on an individual case basis ("ICB") by WANRack. Customers who do not need individualized offerings and do not require an ICB contract to meet their needs will be able to purchase services at the rates contained in WANRack's proposed tariff.

Staff has reviewed the proposed rates to be charged by the Applicant. WANRack's rates are for highly competitive services and the services are targeted for schools and business entities. These entities have ample resources and bargaining power to protect their business interests while negotiating for the best market prices for services. The proposed tariff rates are similar to those charged by other providers of point to point services in Arizona. The rate charged for a service shall not be less than the Company's total service long-run incremental cost of providing the service pursuant to Arizona Administrative Code ("A.A.C.") R14-2-1109. Therefore, Staff believes that WANRack's proposed rates are just and reasonable.

## **5. REVIEW OF COMPLAINT INFORMATION**

The Consumer Services Section of the Utilities Division ("Consumer Services") reports that there have been no complaints, inquiries, or opinions filed against WANRack from January 1, 2012 to April 14, 2015. Consumer Services also reports that WANRack is in Good Standing with the Corporations Division of the Commission. A search of the Federal Communications Commission's website found that there have been no formal or informal complaint proceedings involving the Applicant.

The Applicant states that it has neither had an application for service denied, nor had its authority to provide service revoked in any jurisdiction. Staff did not find any instances of denied applications or revocation of authority to provide service. The Applicant indicated in the Application that neither it nor any of its officers, directors or partners have been or are currently involved in any formal or informal complaint proceedings pending before any state or federal regulatory commission, administrative agency or law enforcement agency. Staff has found no instances of any formal or informal complaint proceedings pending before any state or federal regulatory commission, administrative agency or law enforcement agency involving the Applicant or any of its officers, directors or managers.

## 6. COMPETITIVE SERVICES ANALYSIS

### 6.1 *Private Line Services*

WANRack proposes to provide private line service. Private line service is a direct circuit or channel specifically dedicated to the use of an end user organization for the purpose of directly connecting two or more sites in a multi-site enterprise. Private line service provides a means by which customers may transmit and receive messages and data among various customer locations over facilities operated and provided by the Applicant.

### 6.2 *A Description Of The General Economic Conditions That Exist That Make The Relevant Market For The Service One That Is Competitive.*

IXCs, ILECs and CLECs each hold a substantial share of the private line market. The Applicant will be entering the market as an alternative provider of private line service and, as such, the Applicant will have to compete with the existing providers of the service in order to obtain customers.

### 6.3 *The Number Of Alternative Providers Of The Service.*

IXCs are providers of private line service in the State of Arizona. In addition, ILECs and CLECs also provide private line service.

### 6.4 *The Estimated Market Share Held By Each Alternative Provider Of The Service.*

IXCs, ILECs and CLECs each hold a substantial share of the private line market.

### 6.5 *The Names And Addresses Of Any Alternative Providers Of The Service That Are Also Affiliates Of The Telecommunications Applicant, As Defined In A.A.C. R14-2-801.*

WANRack does not have any affiliates that are alternative providers of private line service in Arizona.

### 6.6 *The Ability Of Alternative Providers To Make Functionally Equivalent Or Substitute Services Readily Available At Competitive Rates, Terms And Conditions.*

IXCs, ILECs and CLECs have the ability to offer the same services that the Applicant has requested in their respective service territories.

## 7. RECOMMENDATIONS

The following sections contain Staff recommendations on the Application for a CC&N and the Applicant's petition for a Commission determination that its proposed services should be classified as competitive.

*7.1 Recommendations On The Application For A CC&N*

Staff recommends that Applicant's Application for a CC&N to provide intrastate telecommunications services, as listed in this Report, be granted. In addition, Staff further recommends:

1. That the Applicant comply with all Commission Rules, Orders and other requirements relevant to the provision of intrastate telecommunications services;
2. That the Applicant abide by the quality of service standards that were approved by the Commission for Qwest in Docket No. T-01051B-13-0199;
3. That the Applicant be prohibited from barring access to alternative local exchange service providers who wish to serve areas where the Applicant is the only provider of local exchange service facilities;
4. That the Applicant be required to notify the Commission immediately upon changes to the Applicant's name, address or telephone number;
5. That the Applicant cooperate with Commission investigations including, but not limited to, customer complaints;
6. The rates proposed by this filing are for competitive services. In general, rates for competitive services are not set according to rate of return regulation. Staff obtained information from the Applicant and has determined that its fair value rate base is zero. Staff has reviewed the rates to be charged by the Applicant and believes they are just and reasonable as they are comparable to other competitive local carriers and local incumbent carriers offering service in Arizona and comparable to the rates the Applicant charges in other jurisdictions. The rate to be ultimately charged by the Company will be heavily influenced by the market. Therefore, while Staff considered the fair value rate base information submitted by the company, the fair value information provided was not given substantial weight in this analysis; and
7. That the Commission authorize the Applicant to discount its rates and service charges to the marginal cost of providing the services.

Staff further recommends that the Applicant be ordered to comply with the following. If it does not do so, the Applicant's CC&N shall be null and void after due process.

1. The Applicant shall docket conforming tariff pages for each service within its CC&N within 365 days from the date of an Order in this matter or 30 days prior to providing service, whichever comes first. The tariffs submitted shall

coincide with the Application.

2. The Applicant shall notify the Commission through a compliance filing within 30 days of the commencement of service to end-user customers; and
3. The Applicant shall abide by the Commission adopted rules that address Universal Service in Arizona. A.A.C. R14-2-1204(A) indicates that all telecommunications service providers that interconnect into the public switched network shall provide funding for the Arizona Universal Service Fund ("AUSF"). The Applicant will make the necessary monthly payments required by A.A.C. R14-2-1204(B).

7.2 *Recommendation On The Applicant's Petition To Have Its Proposed Services Classified As Competitive*

Staff believes that the Applicant's proposed services should be classified as competitive. There are alternatives to the Applicant's services. The Applicant will have to convince customers to purchase its services, and the Applicant has no ability to adversely affect the local exchange or interexchange service markets. Therefore, the Applicant currently has no market power in the local exchange or interexchange service markets where alternative providers of telecommunications services exist. Staff therefore recommends that the Applicant's proposed services be classified as competitive.



# ATTACHMENT 1

**STAFF'S FIRST SET OF DATA REQUESTS TO  
WANRACK, LLC ("WANRACK" or "COMPANY")  
DOCKET NO. T-20925A-15-0113  
MAY 7, 2015**

**STF 1.1**

Referencing the Company's application, Section A-1, the Company indicates it is seeking authority to provide Facilities-Based Private Line Service.

- a. Does the Company intend to provide Facilities-Based Private Line Services? If yes, does it intend to provide intraLATA private line service, interLATA private line service or both? If no, please explain.
- b. Does the Company intend to provide resold private line services?
- c. Will the Company provide private line services using another carrier, such as Qwest Corporation dba CenturyLink QC ("Qwest")? If so, please indicate the carrier(s) whose private line facilities will be used to provide private line services to customers.

**RESPONSE:**

- a) Yes, the Company will provide Facilities Based Private Line Services. We will initially provide intraLATA private line services but depending on customer growth, we will potentially provide interLATA service as well in the future.
- b) Not initially. See response in Section C below.
- c) Not initially. Our initial project in Arizona requires us to build a private fiber optic network to connect all the schools in the Yuma Elementary and Yuma Unified High School Districts. The service we are providing the School Districts is a Leased Lit service over a Private Fiber Network. The Company will own and operate this fiber optic network we are building in Yuma. As we grow our customer base and service offerings, we may resell facilities from Centurylink and other carriers. We will evaluate whether a leased, resold or company owned facility will provide the best solution for each of the new customers.

**RESPONDENT:**

Gerardo Garza  
Chief Executive Officer

**STAFF'S FIRST SET OF DATA REQUESTS TO  
WANRACK, LLC ("WANRACK" or "COMPANY")  
DOCKET NO. T-20925A-15-0113  
MAY 7, 2015**

**STF 1.2**

Will the Company have any employees located in Arizona? If so, please indicate how many and provide a general description of each employee's job function. If not, please explain how it will provide facilities-based private line services to customers in Arizona.

**RESPONSE:**

Not initially. Services to our initial customer can be provided, maintained and operated with the use of contracted field technicians and repair crews in the case of an outage. We can also remotely monitor and troubleshoot our service through our NOC in Kansas City. All sales are managed through our national sales team located outside Arizona. We plan on growing our customer base in Yuma and Arizona in the future. As we add more customers, we intend on hiring local field maintenance and customer support personnel to ensure a high level of service and responsiveness to our customers.

**RESPONDENT:**

Gerardo Garza  
Chief Executive Officer

**STAFF'S FIRST SET OF DATA REQUESTS TO  
WANRACK, LLC ("WANRACK" or "COMPANY")  
DOCKET NO. T-20925A-15-0113  
MAY 7, 2015**

**STF 1.4**

Does the Company have a Network Operations Center ("NOC") or operate a call center where calls are taken from customers when they have concerns about their bills, service or complaints? If so, where is the NOC or call center located, what are its hours of operation and how many employees work at this location?

**RESPONSE:**

Yes. Our NOC is located in Kansas City, KS and it is operated by two full time employees. The NOC operates 24x7x365.

**RESPONDENT:**

Gerardo Garza  
Chief Executive Officer

**STAFF'S FIRST SET OF DATA REQUESTS TO  
WANRACK, LLC ("WANRACK" or "COMPANY")  
DOCKET NO. T-20925A-15-0113  
MAY 7, 2015**

**STF 1.5**

Regarding the provision of WANRack customer service for Arizona customers:

- a. Does the Company have a Network Operations Center ("NOC") or operate a call center where calls are taken from customers when they have concerns about their bills, service or complaints?
- b. Please provide the telephone number and the location of the Company's NOC or customer service call center(s) that will provide assistance to Arizona customers.
- c. Please provide the hours of operation and how many employees work at this location of the NOC or customer service call center(s).
- d. In the event of a service outage occurring during the Company's non-business hours of customer service center, whom would the customer contact should such an event occur? In your response, please be specific as to organization and the location of the organization that provides support for service outages to Arizona customers.

**RESPONSE:**

- a) Yes.
- b) The call center is located in Kansas City, KS. The customer service phone number is 1-855-482-7225.
- c) 24 hours a day, 7 days a week, 365 days a year with two employees.
- d) Customer can reach our customer support department through our NOC 24 hours a day. The customer support department is located in Kansas City.

**RESPONDENT:**

Gerardo Garza  
Chief Executive Officer

**Snell & Wilmer**  
LLP  
LAW OFFICES

One Arizona Center  
400 East Van Buren Street  
Suite 1900  
Phoenix, Arizona 85004-2202  
602.382.6000  
602.382.6070 (Fax)  
www.swlaw.com

NEW APPLICATION



0000161626

EXHIBIT

A-1

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AZ CORP COMMISSION  
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LOS ANGELES  
LOS CABOS  
ORANGE COUNTY  
PHOENIX  
RENO  
SALT LAKE CITY  
TUCSON

April 3, 2015

Arizona Corporation Commission

DOCKETED

APR 3 2015

**By hand delivery**

Docket Control Center  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona 85007

DOCKETED BY

Re: In the matter of the application of WANRack, LLC for a Telecommunications Certificate of Convenience and Necessity to Provide Private Line Transport Services and Petition for Competitive Classification.

**Expedited Treatment Requested**

Docket No. T-20925A-15-0113

To whom it may concern:

Enclosed please find the Application of WANRack, LLC ("Company") for a telecommunications CC&N pursuant to A.A.C. R14-2-1105 and A.R.S. §§ 40-281 and 40-182.

The Company requests a certificate to offer private line transport services. The Company proposes to offer site-to-site fiber optic transport and wide area network services to connect the sites of enterprise customers such as businesses and schools. In addition, the Company requests that its services be classified as competitive under A.A.C. R14-2-1108.

The Company requests expedited consideration of this Application. The Company has a prospective customer ready to receive service as soon as the Application is approved. The customer is a school that has a need for the Company's services.

The Application uses the form provided on the Commission's website, and includes WANRack, LLC's proposed tariff. Please direct any communications regarding this Application, including data requests, to the Company's attorneys:

Snell & Wilmer  
LLP

ACC Docket Control  
April 3, 2015  
Page 2

Michael W. Patten  
Timothy J. Sabo  
SNELL & WILMER L.L.P.  
One Arizona Center, Suite 1900  
400 West Van Buren  
Phoenix, Arizona 85004-2202  
602.382.6347  
602.382.6070 (fax)  
[mpatten@swlaw.com](mailto:mpatten@swlaw.com)  
[tsabo@swlaw.com](mailto:tsabo@swlaw.com)

with a copy to the Company addressed to:

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143  
305-495-9849  
[gerry.garza@WANRack.com](mailto:gerry.garza@WANRack.com)

Please do not hesitate to contact us if there are any questions with the Application.

Very truly yours,

SNELL & WILMER L.L.P.

  
Timothy J. Sabo

**APPLICATION  
CERTIFICATE OF CONVENIENCE & NECESSITY**

If the Applicant wants to provide any type of Non-Customer Owned Pay Telephone ("COPT") telecommunications services in Arizona, provide the Arizona Corporation Commission ("Commission") with information being requested.

Remember that information submitted for a Certificate of Convenience and Necessity ("CC&N") will be made part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. Mail your original CC&N application plus thirteen (13) copies to Arizona Corporation Commission, Docket Control, 1200 W. Washington Street, Phoenix, AZ 85007-2927.

Make sure you use the Application form dated May 24, 2010. Also, make sure you answer each numbered item and part of the item in each section of the Application form. If you do not use the correct Application form and/or do not completely answer the numbered item(s), Staff will request the Applicant to re-submit the Application form and/or complete any of the numbered item(s) and part of the item in a data request. In order for Staff to review your Application, complete the following form. Thank you.

ARIZONA CORPORATION COMMISSION

Application and Petition for Certificate of Convenience and Necessity to Provide  
Intrastate Telecommunications Services

Mail original plus 13 copies of completed application to: For Docket Control Only:  
(Please Stamp Here)

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Please indicate if you have current applications pending  
in Arizona as an Interexchange reseller, AOS provider,  
or as the provider of other telecommunication services.

Type of Service: \_\_\_\_\_

Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_ Date Docketed: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_ Date Docketed: \_\_\_\_\_

**A. COMPANY AND TELECOMMUNICATION SERVICE INFORMATION**

(A-1) Please indicate the type of telecommunications services that you want to provide in Arizona and mark the appropriate box(s).

Resold Long Distance Telecommunications Services (Answer Sections A, B).

Resold Local Exchange Telecommunications Services (Answer Sections A, B, C).

Facilities-Based Long Distance Telecommunications Services (Answer Sections A, B, D).

Facilities-Based Local Exchange Telecommunications Services (Answer Sections A, B, C, D, E)

Alternative Operator Services Telecommunications Services (Answer Sections A, B)

Other \_\_\_\_\_ (Please attach complete description)

Private Line Service – facilities based private fiber optic network between customer facilities.

(A-2) The name, address, telephone number (including area code), facsimile number (including area code), e-mail address, and World Wide Web address (if one is available for consumer access) of the Applicant:

**WANRack, LLC**  
25656 W 97<sup>th</sup> Street  
Lenexa, KS 66227  
1-855-482-7225 (voice)  
(no facsimile number)  
[gerry.garza@WANRack.com](mailto:gerry.garza@WANRack.com)  
<http://wanrack.com/>

(A-3) The d/b/a ("Doing Business As") name if the Applicant is doing business under a name different from that listed in Item (A-2):

N/A

(A-4) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Management Contact:

**Gerardo Garza**  
**Chief Executive Officer**  
**WANRack, LLC**  
**7950 SW 54<sup>th</sup> Avenue**  
**Miami, FL 33143**  
**305-495-9849**  
(no facsimile number)  
[gerry.garza@WANRack.com](mailto:gerry.garza@WANRack.com)

(A-5) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Attorney and/or Consultant:

**Michael W. Patten**  
**Timothy J. Sabo**  
**SNELL & WILMER L.L.P.**  
**One Arizona Center, 19<sup>th</sup> Floor**  
**400 West Van Buren**  
**Phoenix, Arizona 85004-2202**  
**602-382-6000 (voice)**  
**602-382-6070 (facsimilie)**  
[tsabo@swlaw.com](mailto:tsabo@swlaw.com)

(A-6) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Complaint Contact Person:

**Gerardo Garza**  
**Chief Executive Officer**  
**WANRack, LLC**  
**7950 SW 54<sup>th</sup> Avenue**  
**Miami, FL 33143**  
**305-495-9849**  
(no facsimile number)  
[gerry.garza@WANRack.com](mailto:gerry.garza@WANRack.com)

(A-7) What type of legal entity is the Applicant? Mark the appropriate box(s) and category.

- Sole proprietorship
- Partnership:    \_\_\_ Limited, \_\_\_ General, \_\_\_ Arizona, \_\_\_ Foreign
- Limited Liability Company:    \_\_\_ Arizona, \_\_\_ Kansas \_\_\_ Foreign
- Corporation:    \_\_\_ "S", \_\_\_ "C", \_\_\_ Non-profit
- Other, specify: \_\_\_\_\_

(A-8) Please include "Attachment A":

Attachment "A" must include the following information:

1. A copy of the Applicant's Certificate of Good Standing as a domestic or foreign corporation, LLC, or other entity in Arizona.
2. A list of the names of all owners, partners, limited liability company managers (or if a member managed LLC, all members), or corporation officers and directors (specify).
3. Indicate percentages of ownership of each person listed in A-8.2.

**See Attachment A.**

(A-9) Include your Tariff as "Attachment B".

Your Tariff must include the following information:

1. Proposed Rates and Charges for each service offered (reference by Tariff page number).  
**WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.**
2. Tariff Maximum Rate and Prices to be charged (reference by Tariff page number).  
**WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.**
3. Terms and Conditions Applicable to provision of Service (reference by Tariff page number).  
**WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.**
4. Deposits, Advances, and/or Prepayments Applicable to provision of Service (reference by Tariff page number).  
**WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B. WANRack does not require customer deposits.**
5. The proposed fee that will be charged for returned checks (reference by Tariff page number).  
**WANRack will offer only ICB service. The proposed ICB tariff is attached.**

(A-10) Indicate the geographic market to be served:



Statewide. (Applicant adopts statewide map of Arizona provided with this application).



Other. Describe and provide a detailed map depicting the area.

(A-11) Indicate if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any formal or informal complaint proceedings before any state or federal regulatory commission, administrative agency, or law enforcement agency.

Describe in detail any such involvement. Please make sure you provide the following information:

1. States in which the Applicant has been or is involved in proceedings.
2. Detailed explanations of the Substance of the Complaints.
3. Commission Orders that resolved any and all Complaints.
4. Actions taken by the Applicant to remedy and/or prevent the Complaints from re-occurring.

**None.**

(A-12) Indicate if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any civil or criminal investigation, or had judgments entered in any civil matter, judgments levied by any administrative or regulatory agency, or been convicted of any criminal acts within the last ten (10) years.

Describe in detail any such judgments or convictions. Please make sure you provide the following information:

1. States involved in the judgments and/or convictions.
2. Reasons for the investigation and/or judgment.
3. Copy of the Court order, if applicable.

None.

(A-13) Indicate if the Applicant's customers will be able to access alternative toll service providers or resellers via 1+101XXXX access.

Yes

No WANRack does not provide voice services

(A-14) Is Applicant willing to post a Performance Bond? Please check appropriate box(s).

For Long Distance Resellers, a \$10,000 bond will be recommended for those resellers who collect advances, prepayments or deposits.

Yes

No

If "No", continue to question (A-15).

For Local Exchange Resellers, a \$25,000 bond will be recommended.

Yes

No

If "No", continue to question (A-15).

For Facilities-Based Providers of Long Distance, a \$100,000 bond will be recommended.

Yes

No

If "No", continue to question (A-15).

For Facilities-Based Providers of Local Exchange, a \$100,000 bond will be recommended.

Yes

No

If any box in (A-14) is marked "No", continue to question (A-15).

Note: Amounts are cumulative if the Applicant is applying for more than one type of service.

(A-15) If any box in (A-14) is marked "No", provide the following information. Clarify and explain the Applicant's deposit policy (reference by tariff page number). Provide a detailed explanation of why the Applicant's superior financial position limits any risk to Arizona consumers.

**WANRack, LLC requests that no bond be required. WANRack, LLC does not require customer deposits. Recent Commission decisions have moved away from the bond requirement. WANRack, LLC is currently providing similar services in Missouri and Wyoming without incident. WANRack, LLC is requesting authority to provide private line service, more specifically to provide private fiber network services to enterprise customers (including businesses and schools). This is a highly competitive market with numerous other providers. No residential customers will be served. Thus, a bond is not necessary. Please see Attachment D for financial information.**

(A-16) Submit copies of affidavits of publication that the Applicant has, as required, published legal notice of the Application in all counties where the Applicant is requesting authority to provide service.

Note: For Resellers, the Applicant must complete and submit an Affidavit of Publication Form as Attachment "C" before Staff prepares and issues its report. Refer to the Commission's website for Legal Notice Material (Newspaper Information, Sample Legal Notice and Affidavit of Publication). For Facilities-Based Service Providers, the Hearing Division will advise the Applicant of the date of the hearing and the publication of legal notice. Do not publish legal notice or file affidavits of publication until you are advised to do so by the Hearing Division.

**WANRack, LLC will publish the form of notice required in the Procedural Order to be issued in this docket.**

(A-17) Indicate if the Applicant is a switchless reseller of the type of telecommunications services that the Applicant will or intends to resell in Arizona:

Yes

No

If "Yes", provide the name of the company or companies whose telecommunications services the Applicant resells.

(A-18) List the States in which the Applicant has had an application approved or denied to offer telecommunications services similar to those that the Applicant will or intends to offer in Arizona:

Note: If the Applicant is currently approved to provide telecommunications services that the Applicant intends to provide in Arizona in less than six states, excluding Arizona, list the Public Utility Commission ("PUC") of each state that granted the authorization. For each PUC listed provide the name of the contact person, their phone number, mailing address including zip code, and e-mail address.

**WANRack, LLC applied for and received telecommunications authority in Wyoming and Missouri. Wyoming CLEC authority (CCN for Local Exchange) was granted in Docket No. 70244-1-TA-14. Missouri PSC granted WANRack was granted interexchange and nonswitched local exchange certificates of service authority in File No. TA-2015-0051. Copies of the Missouri and Wyoming orders are included as Attachment E. WANRack, LLC also has an application pending in the State of Texas, but has not yet commenced service in Texas.**

(A-19) List the States in which the Applicant currently offers telecommunications services similar to those that the Applicant will or intends to offer in Arizona.

Note: If the Applicant currently provides telecommunication services that the Applicant intends to provide in Arizona in six or more states, excluding Arizona, list the states. If the Applicant does not currently provide telecommunications services that the Applicant intends to provide in Arizona in five or less states, list the key personnel employed by the Applicant. Indicate each employee's name, title, position, description of their work experience, and years of service in the telecommunications services industry.

**WANRack, LLC provides similar services in Missouri and Wyoming. Please see Attachment F for information regarding key personnel.**

(A-20) List the names and addresses of any alternative providers of the service that are also affiliates of the telecommunications company, as defined in R14-2-801.

None.

(A-21) Check here if you wish to adopt as your petition a statement that the service has already been classified as competitive by Commission Decision:

- Decision # 64178 Resold Long Distance  
 Decision # 64178 Resold LEC  
 Decision # 64178 Facilities Based Long Distance  
 Decision # 64178 Facilities Based LEC

**Private Line Services have been classified as competitive services by the Commission in Decision No. 72050 (January 6, 2011) for Telequality Communications, Inc., and Decision No. 74899 (January 22, 2015) for Threshold Communications, Inc.**

#### B. FINANCIAL INFORMATION

(B-1) Indicate if the Applicant has financial statements for the two (2) most recent years.

Yes  No

If "No," explain why and give the date on which the Applicant began operations.

(B-2) Include "Attachment D".

Provide the Applicant's financial information for the two (2) most recent years.

1. A copy of the Applicant's balance sheet.
2. A copy of the Applicant's income statement.
3. A copy of the Applicant's audit report.
4. A copy of the Applicant's retained earnings balance.
5. A copy of all related notes to the financial statements and information.

Note: Make sure "most recent years" includes current calendar year or current year reporting period.

**WANRack, LLC is not a publicly traded company and will provide the financial statements to the Commission Staff upon execution of a protective agreement. WANRack, LLC agrees that the total assets, shareholder equity and net income in those reports may be made public in the Staff Report for this docket.**

(B-3) Indicate if the Applicant will rely on the financial resources of its Parent Company, if applicable.

N/A

(B-4) The Applicant must provide the following information.

1. Provide the projected total revenue expected to be generated by the provision of telecommunications services to Arizona customers for the first twelve months following certification, adjusted to reflect the maximum rates for which the Applicant requested approval. Adjusted revenues may be calculated as the number of units sold times the maximum charge per unit.

**WANRack projects total revenues for Arizona-jurisdictional telecommunications services in Arizona in the first twelve months following certification to be between \$0 to \$480,000.**

2. Provide the operating expenses expected to be incurred during the first twelve months of providing telecommunications services to Arizona customers following certification.

**WANRack projects operating expenses incurred during the first twelve months of providing Arizona-jurisdictional telecommunications services in Arizona to be between \$0 and \$40,000.**

3. Provide the net book value (original cost less accumulated depreciation) of all Arizona jurisdictional assets expected to be used in the provision of telecommunications service to Arizona customers at the end of the first twelve months of operation. Assets are not limited to plant and equipment. Items such as office equipment and office supplies should be included in this list.

**WANRack projects that the net book value of all Arizona jurisdictional assets used to provide telecommunications services in Arizona to Arizona customers at the end of its first twelve months of operation to be \$1,400,00.00.**

4. If the projected value of all assets is zero, please specifically state this in your response.

N/A

5. If the projected fair value of the assets is different than the projected net book value, also provide the corresponding projected fair value amounts.

**WANRack, LLC accepts the net book value as the fair value of the assets in Arizona.**

**C. RESOLD AND/OR FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**

(C-1) Indicate if the Applicant has a resale agreement in operation,

Yes  No

If "Yes", please reference the resale agreement by Commission Docket Number or Commission Decision Number.

**D. FACILITIES-BASED LONG DISTANCE AND/OR FACILITIES BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**

(D-1) Indicate if the Applicant is currently selling facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services in Arizona. This item applies to an Applicant requesting a geographic expansion of their CC&N:

Yes  No

If "Yes," provide the following information:

1. The date or approximate date that the Applicant began selling facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services in Arizona.
2. Identify the types of facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services that the Applicant sells in Arizona.

If "No," indicate the date when the Applicant will begin to sell facilities-based long distance telecommunications AND/OR facilities-based local exchange telecommunications services in Arizona.

**WANRack anticipates beginning to provide services immediately upon Commission approval of this application.**

**E. FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**

(E-1) Indicate whether the Applicant will abide by the quality of service standards that were approved by the Commission in Commission Decision Number 59421:

Yes  No

(E-2) Indicate whether the Applicant will provide all customers with 911 and E911 service, where available, and will coordinate with incumbent local exchange carriers ("ILECs") and emergency service providers to provide this service:

Yes  No WANRack does not provide voice services.

(E-3) Indicate that the Applicant's switch is "fully equal access capable" (i.e., would provide equal access to facilities-based long distance companies) pursuant to A.A.C. R14-2-1111 (A):

Yes  No WANRack does not provide voice services

I certify that if the applicant is an Arizona corporation, a current copy of the Articles of Incorporation is on file with the Arizona Corporation Commission and the applicant holds a Certificate of Good Standing from the Commission. If the company is a foreign corporation or partnership, I certify that the company has authority to transact business in Arizona. I certify that all appropriate city, county, and/or State agency approvals have been obtained. Upon signing of this application, I attest that I have read the Commission's rules and regulations relating to the regulations of telecommunications services (A.A.C. Title 14, Chapter 2, Article 11) and that the company will abide by Arizona state law including the Arizona Corporation Commission Rules. I agree that the Commission's rules apply in the event there is a conflict between those rules and the company's tariff, unless otherwise ordered by the Commission. I certify that to the best of my knowledge the information provided in this Application and Petition is true and correct.

  
\_\_\_\_\_  
(Signature of Authorized Representative)

April 2, 2015  
\_\_\_\_\_  
(Date)

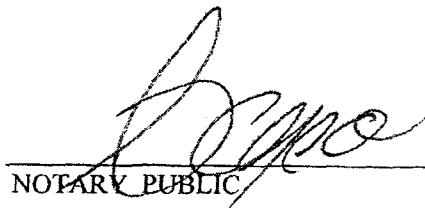
Gerardo Garza  
\_\_\_\_\_  
(Print Name of Authorized Representative)

CEO  
\_\_\_\_\_  
(Title)

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of April, 2015



LUIS F. CAMPO  
MY COMMISSION # FF 147589  
EXPIRES: August 4, 2018  
Bonded Thru Budget Notary Services

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires August 4, 2018

**ATTACHMENT A**

**CC&N Application of WANRack, LLC**

**Certificate of Good Standing**

Applicant is in the process of applying for registration to conduct business as a foreign LLC in Arizona. The application is currently pending. Applicant will provide a good standing certificate when the application for authority is approved by the Corporations Division.

**Owners**

The members (owners) of the LLC are:

Gerardo Garza  
7950 SW 54th Ave  
Miami, FL 33143

Rob Oyler  
25656 W. 97th St.  
Lenexa, KS 66227

Darren Bonawitz  
25656 W 97th St.  
Lenexa, KS 66227

The LLC is a member-managed LLC.

**Ownership percentage**

Gerardo Garza	33.33%
Rob Oyler	33.33%
Darren Bonawitz	33.33%

**ATTACHMENT B**

**CC&N Application of WANRack, LLC**

**ICB TARIFF**

**WANRack, LLC**

25656 W 97<sup>th</sup> Street  
Lenexa, KS 66227  
<http://wanrack.com/>

**PRIVATE LINE TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Private Line Services by WANRack, LLC. This tariff applies to services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**CHECK SHEET**

<b><u>PAGE</u></b>	<b><u>REVISION</u></b>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

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Issued: April 2, 2015

Effective: [DATE] 2015

Issued by:

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**EXPLANATION OF SYMBOLS**

- (C) To signify changed regulation
- (D) To signify discontinued rate or regulation
- (I) To signify increased rate
- (M) To signify that material has been transferred from another sheet or place in the tariff.
- (N) To signify new rate or regulation
- (O) To signify no change\*
- (R) To signify reduced rate
- (S) To signify reissued matter
- (T) To signify a change in text but no change in rate or regulations.

\* The use of the symbol (O) shall be discretionary unless its use in the interest of clarity or is evident or specifically requested by the Commission.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of private line services statewide.

SERVICE OFFERING

The Company will offer facilities-based private line transport services including WAN services.

CUSTOMER SERVICE

The Company's Customer Service number is 1-855-ITC-RACK (1-855-482-7225)

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 1 -  
DEFINITIONS

**Commission:** The Arizona Corporation Commission.

**Company:** WANRack, LLC, a Kansas limited liability company, which is the issuer of this tariff.

**Customer:** The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to customer locations and for compliance with tariff regulations.

**Individual Case Basis ("ICB"):** A service arrangement in which the regulations rates and charges are developed based on the specific circumstances of the Customer's situation.

**Internet Protocol Transfer:** Transfer of information through the use of software that tracks the Internet address of nodes, routes outgoing messages, and recognizes incoming messages.

**Private Line Transmission:** A dedicated nonswitchable link from one or more customer-specified locations to one or more customer-specified locations.

**Packet Based Data Services:** Data services sent in packets through a network to some remote location. The data to be sent is assembled by the Packet Assembler/Disassembler in to individual packets of data, involving a process of segmentation or subdivision of larger sets of data as specified by the native protocol of the transmitting device.

**Service Commencement Date:** The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order, Service Contract or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

of service. The parties may mutually agree upon a substitute Service Commencement Date.

**Service Order:** The written request for interexchange services executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

**Services:** The Company's private line offered on the Company's network.

**WAN:** Wide Area Network.

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Issued: April 2, 2015  
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Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION – RULES AND REGULATIONS

2.1 Use of Services

- 2.1.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the WAN facilities utilized in the provision of services, subject to any limitations set forth in Section 2.2.
- 2.1.2 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 The Company's services may be denied for non-payment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

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**SECTION 2 – RULES AND REGULATIONS (CONTINUED)****2.2 Liability of the Company**

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff service provided. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company (continued)

- 2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.
- 2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 3 - SERVICES, LOCATIONS, PRICES AND CHARGES

3.1 Description of Service

The Company will provide private line transportation service consisting of high capacity transport on a leased long-term basis. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

3.2 Location of Service

The Company is a metropolitan network solutions provider that designs, builds and maintains custom network solutions for its customers. The location of the service is dependent on facilities constructed or leased by the Company.

3.3 Rates for Service

The Company may offer individualized arrangements on a case-by-case basis to enterprise customers including businesses, schools, and government organizations in response to a request from a bona fide customer or potential customer. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis. The terms, conditions, and prices of such of the Company's services will be set forth in a contract between the customer and Company.

3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**ATTACHMENT C**

**CC&N Application of WANRack, LLC**

**CUSTOMER NOTICE**

Customer notice will be published in accordance with the Procedural Order to be issued in this docket.

*May 24, 2010*

**ATTACHMENT D**

**CC&N Application of WANRack, LLC**

**FINANCIAL STATEMENTS**

Financial statements will be provided confidentially pursuant to a Protective Agreement with the Commission Staff.

*May 24, 2010*

## ATTACHMENT E

### CC&N Application of WANRack, LLC

#### KEY EMPLOYEES

##### **Gerardo (Gerry) Garza, CEO**

Gerardo joined WANRack in September 2014 and serves as the company's CEO. Prior to joining WANRack, Gerardo spent 9 years at FPL FiberNet, where he led the company's growth from a niche player in the carrier market in Florida to the premier provider of fiber based transport for carriers, enterprise, and cell site backhaul in the Southeastern region. At FPL FiberNet, Gerardo worked in multiple roles including Network Planning, Business Development, Sales, and ultimately served as Vice President of Sales & Marketing.

Gerardo also worked for GE in Mexico for 5 years where he worked in Finance and Business Development. He holds a BS in Mechanical & Electrical Engineering and an MBA from Harvard Business School.

##### **Rob Oyler, President & Founder**

Rob founded WANRack after spending the last 10 years building fiber optic networks for the K-12 market and hearing firsthand challenges with technology, budgets, and personnel. He has experience building over 100 school districts nationwide. Previously, Rob was one of the original employees of Unite Private Networks (UPN) and the largest non-founding shareholder. As EVP, he was responsible for all sales, marketing, and business development. He personally sold over 47% of company revenue under his tenure and built record breaking national sales teams. He participated in a successful exit after a Private Equity investment at UPN and founded WANRack to continue delivering Fiber Optic WANs to the K-12 Education vertical.

Rob is a Kauffman Foundation FastTrac alumnus and holds a BS in Finance and Business Management from Baker University.

##### **Darren Bonawitz, Vice President & Co-Founder**

Darren has over 17 years of experience in information technology, telecommunications and data centers. Darren has served as President & CEO of 1102 Grand, one of the largest Midwest colocation facilities, where he guided the company from start-up to successful sale of the business to Private Equity.

In 2012, Darren started his own private equity firm, Third20 Group, which focuses on early stage investments in growth oriented companies. Darren has also served in business development and engineering roles at Birch Telecom and Lucent Technologies and attended Kansas State University majoring in Electrical Engineering.

ORIGINAL



0000163003

EXHIBIT  
tabbles  
A-2  
ADMITTED



**Yuma School District One**  
ONE Community Pursuing Excellence

RECEIVED

2015 APR 24 P 4: 34

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

450 W. Sixth Street  
Yuma, Arizona 85364-2973  
Phone: 928.502.4300  
Fax: 928.783.7807

Darwin J. Stiffler, Ed.D.  
Superintendent

Chairman Susan Bitter Smith  
Commissioner Bob Stump  
Commissioner Bob Burns  
Commissioner Doug Little  
Commissioner Tom Forese

Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Re: In the matter of the application of WANRack, LLC for a telecommunications certificate of convenience and necessity to provide private line transport services and petition for competitive classification, Docket No. T-20925A-15-0113

Dear Madame Chairman and Commissioners:

The Yuma Elementary School District #1 serves over 9,000 elementary school students in Yuma, Arizona. As we continue to leverage computing devices to provide personalized learning opportunities for our students, high-speed network connectivity has become integral; however, it comes at a significant expense to our District. To improve our high-speed connectivity and to reduce the total cost of service, our District has entered into a contract with WANRack, LLC. Through this contract our District will receive 10Gbps fiber optic network connectivity, which will link our schools to each other at high-speed, at a price point that saves our District considerable funding in comparison to our current cost for less service. This is possible because WANRack, LLC is certified under the Federal E-Rate program.

We understand that WANRack, LLC may require a certificate of convenience and necessity from the Commission to provide this high-speed service. We respectfully ask that the Commission act upon WANRack's certificate application as soon as possible. Doing so will enable WANRack, LLC to provide this service in the timeframe that meets the needs of our school district. Thank you for your consideration in this matter.

Respectfully

Dr. Darwin J. Stiffler  
Superintendent  
Yuma Elementary School District One

Arizona Corporation Commission  
DOCKETED

APR 24 2015

DOCKETED BY RC

GOVERNING BOARD

Barbara Foote

Karen Griffin

Maureen Irr

Joseph Melchionne

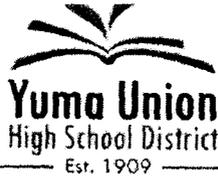
Irene Montoya



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Yuma Union High School District  
3150 South Avenue A  
Yuma, Arizona 85364  
Ph: 928.502.4605  
Fax: 928.344.9157

Toni Badone, Superintendent



Governing Board:  
Teri Brooks  
Bruce Gwynn  
Yira Hoffmann  
Linda Munk  
Phillip Townsend

April 22, 2015

**ORIGINAL**

Chairman Susan Bitter Smith  
Commissioner Bob Stump  
Commissioner Bob Burns  
Commissioner Doug Little  
Commissioner Tom Forese

Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

RECEIVED  
2015 APR 24 P 11:30  
AZ CORP COMMISSION  
DOCKET CONTROL

Re: In the matter of the application of WANRack, LLC for a telecommunications certificate of convenience and necessity to provide private line transport services and petition for competitive classification, Docket No. T-20925A-15-0113

Dear Madame Chairman and Commissioners:

The Yuma High School District #70 serves over 10,500 high school students in Yuma, Arizona. As we continue to use computing devices to provide unique educational opportunities for our students, high-speed network connectivity has become integral; however, it comes at a significant expense to our District. To improve our high-speed connectivity and to reduce the total cost of service, our District has entered into a contract with WANRack, LLC. Through this contract our District will receive 10Gbps fiber optic network connectivity, which will link our schools to each other at high-speed, at a price point that saves our District considerable funding in comparison to our current cost for less service. This is possible because WANRack, LLC is certified under the Federal E-Rate program.

We understand that WANRack, LLC may require a certificate of convenience and necessity from the Commission to provide this service. We respectfully ask that the Commission act upon WANRack's certificate application as soon as possible. Doing so will enable WANRack, LLC to provide this service in the timeframe that meets the needs of our school district. Thank you for your consideration in this matter.

Regards,

Toni Badone  
Superintendent

Arizona Corporation Commission

**DOCKETED**

APR 24 2015

DOCKETED BY

ORIGINAL

EXHIBIT  
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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

COMMISSIONERS  
SUSAN BITTER SMITH, CHAIRMAN  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

2015 APR -7 P 4:30  
AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. T-20925A-15-0113  
WANRACK, LLC FOR A )  
TELECOMMUNICATIONS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY TO ) **NOTICE OF FILING**  
PROVIDE PRIVATE LINE TRANSPORT )  
SERVICES AND PETITION FOR )  
COMPETITIVE CLASSIFICATION. )

WANRack, LLC provides notice of filing of its Certificate of Good Standing. A copy of the certificate is attached as Exhibit A.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of April, 2015.

By Timothy J. Sabo  
Michael W. Patten  
Timothy J. Sabo  
SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004

Attorneys for WANRack, LLC

Original and thirteen copies of the foregoing filed this 7<sup>th</sup> day of April, 2015, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Arizona Corporation Commission  
**DOCKET D**  
APR 07 2015

DOCKETED BY PC

1 Copy of the foregoing hand-delivered  
this 7<sup>th</sup> day of April, 2015, to:

2 Lyn A. Farmer  
3 Chief Administrative Law Judge  
4 Hearing Division  
5 Arizona Corporation Commission  
6 1200 West Washington  
7 Phoenix, Arizona 85007

8 Janice M. Alward  
9 Chief Counsel  
10 Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Steve Olea  
15 Director  
16 Utilities Division  
17 Arizona Corporation Commission  
18 1200 West Washington Street  
19 Phoenix, Arizona 85007

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By \_\_\_\_\_  
21341472

*Jacklyn Howard*

**Exhibit A**

# STATE OF ARIZONA



Office of the  
**CORPORATION COMMISSION**

**CERTIFICATE OF GOOD STANDING**

To all to whom these presents shall come, greeting:

I, Jodi A. Jerich, Executive Director of the Arizona Corporation Commission, do hereby certify that

\*\*\*WANRACK, LLC\*\*\*

a foreign limited liability company organized under the laws of the jurisdiction of Kansas did obtain a Certificate of Registration in Arizona on the 2nd day of April 2015.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said limited liability company has not had its Certificate of Registration revoked for failure to comply with the provisions of A.R.S. section 29-601 et seq., the Arizona Limited Liability Company Act; and that the said limited liability company has not filed a Certificate of Cancellation as of the date of this certificate.

This certificate relates only to the legal authority of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 7th Day of April, 2015, A. D.



  
Jodi A. Jerich, Executive Director

By: \_\_\_\_\_ 1213133

ORIGIN

EXHIBIT  
A-4  
ADMITTED

0000163169

BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**  
SUSAN BITTER SMITH, CHAIRMAN  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

2015 MAY -5 P 4: 32

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF )  
WANRACK, LLC FOR A )  
TELECOMMUNICATIONS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY TO )  
PROVIDE PRIVATE LINE TRANSPORT )  
SERVICES AND PETITION FOR )  
COMPETITIVE CLASSIFICATION. )

DOCKET NO. T-20925A-15-0113

**NOTICE OF FILING**

On April 3, 2015, WANRack, LLC ("Company") filed an application for a Private Line CC&N, including a proposed tariff. The tariff was based on the approved tariff of OnFiber Carrier Services filed in Docket Number T-03874A-03-0766. Commission Staff has asked the Company to revise the tariff to include maximum rates. Accordingly, the Company files the attached revised tariff. Exhibit A is a clean copy of the revised tariff, and Exhibit B is a "red-line" copy showing revisions from the original tariff.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of May, 2015.

By Timothy J. Sabo  
Michael W. Patten  
Timothy J. Sabo  
SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004

Arizona Corporation Commission  
**DOCKETED**

MAY 05 2015

DOCKETED BY RC

Attorneys for WANRack, LLC

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Original and thirteen copies of the foregoing  
filed this 5<sup>th</sup> day of May, 2015, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Copy of the foregoing hand-delivered  
this 5<sup>th</sup> day of May, 2015, to:

Lyn A. Farmer  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Janice M. Alward  
Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Steve Olea  
Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

By Jacklyn Howard  
21546413.1

**Exhibit A**

**WANRack, LLC**

25656 W 97<sup>th</sup> Street  
Lenexa, KS 66227  
<http://wanrack.com/>

**PRIVATE LINE TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Private Line Services by WANRack, LLC. This tariff applies to services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**CHECK SHEET**

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Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

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3.3 Rates of Service	11
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3.6 Standard and maximum rates for non-ICB private line transmission service.	12

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Issued: April 2, 2015

Effective: [DATE] 2015

Issued by:

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

---

**EXPLANATION OF SYMBOLS**

- (C) To signify changed regulation
- (D) To signify discontinued rate or regulation
- (I) To signify increased rate
- (M) To signify that material has been transferred from another sheet or place in the tariff.
- (N) To signify new rate or regulation
- (O) To signify no change\*
- (R) To signify reduced rate
- (S) To signify reissued matter
- (T) To signify a change in text but no change in rate or regulations.

\* The use of the symbol (O) shall be discretionary unless its use in the interest of clarity or is evident or specifically requested by the Commission.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of private line services statewide.

SERVICE OFFERING

The Company will offer facilities-based private line transport services including WAN services.

CUSTOMER SERVICE

The Company's Customer Service number is 1-855-ITC-RACK (1-855-482-7225)

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 1 -  
DEFINITIONS

**Commission:** The Arizona Corporation Commission.

**Company:** WANRack, LLC, a Kansas limited liability company, which is the issuer of this tariff.

**Customer:** The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to customer locations and for compliance with tariff regulations.

**Individual Case Basis ("ICB"):** A service arrangement in which the regulations rates and charges are developed based on the specific circumstances of the Customer's situation.

**Internet Protocol Transfer:** Transfer of information through the use of software that tracks the Internet address of nodes, routes outgoing messages, and recognizes incoming messages.

**Private Line Transmission:** A dedicated nonswitchable link from one or more customer-specified locations to one or more customer-specified locations.

**Packet Based Data Services:** Data services sent in packets through a network to some remote location. The data to be sent is assembled by the Packet Assembler/Disassembler in to individual packets of data, involving a process of segmentation or subdivision of larger sets of data as specified by the native protocol of the transmitting device.

**Service Commencement Date:** The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order, Service Contract or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

of service. The parties may mutually agree upon a substitute Service Commencement Date.

**Service Order:** The written request for interexchange services executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

**Services:** The Company's private line offered on the Company's network.

**WAN:** Wide Area Network.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION – RULES AND REGULATIONS

2.1 Use of Services

- 2.1.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the WAN facilities utilized in the provision of services, subject to any limitations set forth in Section 2.2.
- 2.1.2 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 The Company's services may be denied for non-payment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

---

**SECTION 2 – RULES AND REGULATIONS (CONTINUED)****2.2 Liability of the Company**

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff service provided. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company (continued)

- 2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.
  
- 2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, **INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

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Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

SECTION 3 - SERVICES, LOCATIONS, PRICES AND CHARGES

3.1 Description of Service

The Company will provide private line transportation service consisting of high capacity transport on a leased long-term basis.

3.2 Location of Service

The Company is a metropolitan network solutions provider that designs, builds and maintains custom network solutions for its customers. The location of the service is dependent on facilities constructed or leased by the Company.

3.3 ICB Rates for Service

The Company typically offers individualized arrangements on a case-by-case basis to enterprise customers including businesses, schools, and government organizations in response to a request from a bona fide customer or potential customer. Contracts for high capacity transport may be negotiated and performed on an individual case basis. The terms, conditions, and prices of such of the Company's services will be set forth in a contract between the customer and Company.

3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

---

Issued: April 2, 2015  
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Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

3.6 Standard and maximum rates for non-ICB private line transmission service.

Where Company facilities are available, and where private line transmission service is not covered an ICB contract under Section 3.3, then the following rates apply:

<b>Transmission Speed</b>	<b>Monthly Recurring Charge Per DS1 Mile</b>	<b>Installation Charge</b>
DS-0	Not available	Not available
DS-1	\$8.34	\$2000.00
DS-3 / OC-1	\$19.52	\$3,000.00
OC-3	\$52.98	\$8,000.00
OC-12	\$184.02	\$25,000.00
OC-48	\$589.58	\$60,000.00

The above rates constitute the current price levels of the Company per A.A.C. R14-2-1109(B) and the maximum tariff rates per A.A.C. R14-2-1109(A). The following definitions apply to this Section 3.6:

DS-0 Service DS-0 Service provides a digital transmission path at speeds of up to and including 64 Kbps or, if provided over analog facilities, within the normal frequency range of 300 and 3,000 Hz.

DS-1 Service DS-1 Service provides the Customer a high capacity channel for the transmission of 1.544 Mbps.

DS-3 Service DS-3 Service provides the Customer a high capacity channel for the transmission of 44.736 Mbps.

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

OC-3 Service OC-3 Service provides the Customer a high capacity channel for the transmission of 155.52 Mbps.

OC-12 Service OC-12 Service provides the Customer a high capacity channel for the transmission of 622.08 Mbps.

OC-48 Service OC-48 Service provides the Customer a high capacity channel for the transmission of 2.4 Gbps.

Mbps Megabits or 1,000,000 bits per second. Used in reference to data transmission speed.

Gbps Gigabits (1,000 Megabits) per second. Used in reference to data transmission speed.

---

Issued: April 2, 2015  
Issued by:

Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**Exhibit B**

WANRack, LLC

Arizona Tariff No. 1  
Original Sheet No. 1

---

**WANRack, LLC**

25656 W 97<sup>th</sup> Street  
Lenexa, KS 66227  
<http://wanrack.com/>

**PRIVATE LINE TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Private Line Services by WANRack, LLC. This tariff applies to services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

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Issued: April 2, 2015  
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Effective: [DATE] 2015

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Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

CHECK SHEET

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Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

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<u>3.6 Standard and maximum rates</u>	<u>12</u>
<u>for non-ICB private line transmission service.</u>	

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Issued: April 2, 2015  
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Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

**EXPLANATION OF SYMBOLS**

- (C) To signify changed regulation
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Effective: [DATE] 2015

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Issued: April 2, 2015  
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Effective: [DATE] 2015

Gerardo Garza  
Chief Executive Officer  
WANRack, LLC  
7950 SW 54th Avenue  
Miami, FL 33143

of service. The parties may mutually agree upon a substitute Service Commencement Date.

**Service Order:** The written request for interexchange services executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

**Services:** The Company's private line offered on the Company's network.

**WAN:** Wide Area Network.

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Issued by:

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SECTION – RULES AND REGULATIONS

2.1 Use of Services

- 2.1.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the WAN facilities utilized in the provision of services, subject to any limitations set forth in Section 2.2.
- 2.1.2 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 The Company's services may be denied for non-payment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff service provided. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company (continued)

- 2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.
- 2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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SECTION 3 - SERVICES, LOCATIONS, PRICES AND CHARGES

3.1 Description of Service

The Company will provide private line transportation service consisting of high capacity transport on a leased long-term basis. ~~There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.~~

3.2 Location of Service

The Company is a metropolitan network solutions provider that designs, builds and maintains custom network solutions for its customers. The location of the service is dependent on facilities constructed or leased by the Company.

3.3 ICB Rates for Service

The Company ~~typically offers~~ ~~may offer~~ individualized arrangements on a case-by-case basis to enterprise customers including businesses, schools, and government organizations in response to a request from a bona fide customer or potential customer. ~~There will be no standard offering as all e~~Contracts for high capacity transport may will be negotiated and performed on an individual case basis. The terms, conditions, and prices of such of the Company's services will be set forth in a contract between the customer and Company.

3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

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3.6 Standard and maximum rates for non-ICB private line transmission service.

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Where Company facilities are available, and where private line transmission service is not covered an ICB contract under Section 3.3, then the following rates apply:

<u>Transmission Speed</u>	<u>Monthly Recurring Charge Per DSL Mile</u>	<u>Installation Charge</u>
<u>DS-0</u>	<u>Not available</u>	<u>Not available</u>
<u>DS-1</u>	<u>\$8.34</u>	<u>\$2000.00</u>
<u>DS-3 / OC-1</u>	<u>\$19.52</u>	<u>\$3,000.00</u>
<u>OC-3</u>	<u>\$52.98</u>	<u>\$8,000.00</u>
<u>OC-12</u>	<u>\$184.02</u>	<u>\$25,000.00</u>
<u>OC-48</u>	<u>\$589.58</u>	<u>\$60,000.00</u>

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The above rates constitute the current price levels of the Company per A.A.C. R14-2-1109(B) and the maximum tariff rates per A.A.C. R14-2-1109(A). The following definitions apply to this Section 3.6:

DS-0 Service DS-0 Service provides a digital transmission path at speeds of up to and including 64 Kbps or, if provided over analog facilities, within the normal frequency range of 300 and 3,000 Hz.

DS-1 Service DS-1 Service provides the Customer a high capacity channel for the transmission of 1.544 Mbps.

DS-3 Service DS-3 Service provides the Customer a high capacity channel for the transmission of 44.736 Mbps.

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OC-3 Service OC-3 Service provides the Customer a high capacity channel for the transmission of 155.52 Mbps.

OC-12 Service OC-12 Service provides the Customer a high capacity channel for the transmission of 622.08 Mbps.

OC-48 Service OC-48 Service provides the Customer a high capacity channel for the transmission of 2.4 Gbps.

Mbps Megabits or 1,000,000 bits per second. Used in reference to data transmission speed.

Gbps Gigabits (1,000 Megabits) per second. Used in reference to data transmission speed.

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EXHIBIT  
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH, CHAIRMAN  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

AZ CORP COMMISSION  
DOCKET CONTROL

2015 SEP 3 PM 4:23

IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. T-20925A-15-0113  
WANRACK, LLC FOR A )  
TELECOMMUNICATIONS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY TO ) NOTICE OF FILING AFFIDAVIT  
PROVIDE PRIVATE LINE TRANSPORT ) OF PUBLICATION  
SERVICES AND PETITION FOR )  
COMPETITIVE CLASSIFICATION. )

WANRack, LLC files the attached Affidavit of Publication in the above-captioned matter.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of September, 2015.

By Timothy J. Sabo  
Michael W. Patten  
Timothy J. Sabo  
SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004

Attorneys for WANRack, LLC

Original and thirteen copies of the foregoing  
filed this 30<sup>th</sup> day of September, 2015, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Arizona Corporation Commission  
DOCKETED  
SEP 03 2015

DOCKETED BY  
BTU

1 Copy of the foregoing hand-delivered  
2 this 3<sup>rd</sup> day of September, 2015, to:

3 Dwight D. Nodes  
4 Acting Administrative Law Judge  
5 Hearing Division  
6 Arizona Corporation Commission  
7 1200 West Washington  
8 Phoenix, Arizona 85007

9 Janice M. Alward  
10 Chief Counsel  
11 Legal Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007

15 Thomas Broaderick  
16 Director  
17 Utilities Division  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

21 By Jacklyn Howard

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# THE ARIZONA REPUBLIC

**IN THE MATTER OF THE APPLICATION OF WANRACK, LLC  
FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO PROVIDE PRIVATE LINE TRANSPORT SERVICES AND  
PETITION FOR COMPETITIVE CLASSIFICATION.**

**DOCKET NO. T-20925A-15-0113**

On April 3, 2015, WANRack, LLC ("WANRack" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CCN") to provide private line transport services in Arizona. WANRack's application also requests a determination that its proposed services are competitive in Arizona. The Commission's Utilities Division ("Staff") has recommended approval of WANRack's application, subject to certain conditions. The Commission will issue a Decision following consideration of testimony and evidence presented at an evidentiary hearing. The Commission is not bound by the proposals made by WANRack, Staff, or intervenors. If the Company's application is approved, WANRack will be required to provide services under the rates, charges, terms, and conditions established by the Commission. Copies of WANRack's application, the Staff Report, and any written objections to the Staff Report filed by the Company are available at WANRack's office at 29356 W. 97th Street, Lawesa, KS 66227 and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

The Commission will hold a hearing on WANRack's application on **October 9, 2015 at 10:00am**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. You may also file your written comments electronically by going to the Commission's homepage at [www.azcc.gov](http://www.azcc.gov) and clicking on the "Submit a Public Comment" button, or by mailing a letter referencing Docket No. T-20925A-15-0113 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-322-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to WANRack or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, telephone number of the proposed intervenor, and of any person upon whom service of documents is to be made if different from the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Company, a member or shareholder of the Company, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case; and
4. If the proposed intervenor is not represented by an attorney who is an active member of the Arizona State Bar, and is not an individual representing himself or herself, information and any appropriate documentation demonstrating the intervenor's compliance with Arizona Supreme Court Rules 31, 30, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C.R. 14-3-105, except that all motions to intervene must be filed on or before **September 25, 2015**. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. All parties must comply with Arizona Supreme Court Rules 31, 30, and 42 and A.R.S. § 40-243 with respect to the practice of law.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request the document in an alternative format, by contacting the ADA Coordinator, Sharilyn Barsal, at [SABarsal@azcc.gov](mailto:SABarsal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

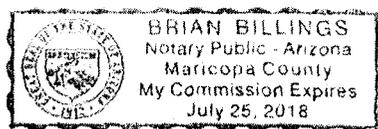
STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

Manuel Vargas, being first duly sworn, upon oath deposes and says: That he is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

August 31, 2015

Sworn to before me this  
31<sup>ST</sup> day of  
August A.D. 2015

  
Notary Public