

MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

September 24, 2020

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2020 SEP 24 A 9:35

Via Hand Delivery

Ms. Catherine P. Awakuni Colón, Director
Ms. Ji Sook "Lisa" Kim, Cable Television Administrator
Department of Commerce and Consumer Affairs
King Kalakaua Building
335 Merchant Street, Room 101
Honolulu, Hawai'i 96813

Re: State of Hawai'i Application to Transfer Control of Cable Franchise held by Hawaiian Telcom Services Company, Inc. from Cincinnati Bell Inc. to Red Fiber Parent LLC: Supplemental Letter Clarifying Roles of Hawaiian Telcom Services Company, Inc., Cincinnati Bell Inc. and Red Fiber Parent LLC

Dear Ms. Colón and Ms. Kim:

This supplemental letter pertains to the Application listed above and the Federal Communications Commission Form 394 both filed on July 17, 2020, as amended, (collectively, the "Transfer Application") with the Department of Commerce and Consumer Affairs ("DCCA"). The purpose of this supplemental letter is to clarify the roles of Hawaiian Telcom Services Company, Inc. ("HTSC"), Cincinnati Bell Inc. ("Cincinnati Bell") and Red Fiber Parent LLC ("RFP").

As noted above, the purpose of the Transfer Application is to request approval to transfer the control of the Cable Franchise held by HTSC from Cincinnati Bell to RFP. In an attempt to clarify each entity and their place in the subject transfer, the July 17, 2020 cover letter submitting the Transfer Application referred to HTSC as the "Franchisee" (i.e., the franchise holder), Cincinnati Bell as the "Transferor" (i.e., the entity transferring its indirect control to RFP) and RFP as the "Applicant" (i.e., the entity that would indirectly obtain the cable franchise held by HTSC through the subject transfer). We then utilized these terms for the purpose of discussing HTSC, Cincinnati Bell and RFP individually within the Transfer Application.

However, it is recognized that through the Transfer Application, all three entities are in effect requesting approval to indirectly transfer control of the Cable Franchise held by HTSC from Cincinnati Bell to RFP. In addition, questions have been asked of the "Applicant" in this proceeding that are more applicable to or best to be responded by HTSC and/or Cincinnati Bell in addition or instead of RFP.¹ As such, to attempt to

¹ See for example the DCCA's information requests issued by letter on August 19, 2020, where Information Request No. 2(b) asks for the efforts that have been made to fulfill the WiFi service commitment made in D&O 370, Information Request No. 4(g) asks for when the customer service office will expand its hours to 24 hours a day, 7 days a week, and Information Request No. 10 requests information on any plans for future capital spending to expand and upgrade the cable system and communications infrastructure.


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address any ambiguity going forward in only referring to RFP as the "Applicant", the term "Applicant" or "Applicants" shall hereafter be used to refer to HTSC, Cincinnati Bell and RFP as all three entities together (i.e., HTSC as the franchise holder, Cincinnati Bell as the indirect transferor, and RFP as the indirect transferee). To the extent HTSC, Cincinnati Bell or RFP hereafter intend to refer only to RFP, they will no longer refer to RFP as the "Applicant" individually, but instead by its direct name or a different defined term that clearly indicates a reference to only RFP (such as "Red Fiber," "Red Fiber Parent" or "RFP"). This change was made starting with the responses to the DCCA's information requests that were submitted by letter dated September 4, 2020, in which the term "Applicants" was used to collectively refer to HTSC, Cincinnati Bell and RFP.

The parties apologize for any confusion caused by the above and we hope this letter provides the clarification needed to avoid any further confusion on this matter going forward.

Thank you for your time and consideration.

Red Fiber Parent LLC

By: 
Name: Anton Moldan
Title: Vice President

Cincinnati Bell Inc.

By: _____
Name: Christopher J. Wilson
Title: Vice President & General Counsel

Hawaiian Telcom Services Company, Inc.

By: _____
Name: _____
Title: _____

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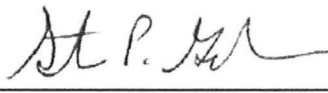
Red Fiber Parent LLC

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Name: Anton Moldan
Title: Vice President

Cincinnati Bell Inc.

By: _____
Name: Christopher J. Wilson
Title: Vice President & General Counsel

Hawaiian Telcom Services Company, Inc.

By: 
Name: Steven P. Golden
Title: Vice President, External Affairs