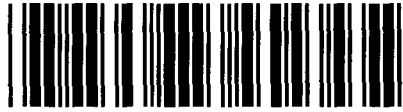


Control Number: 49626



Item Number: 1

Addendum StartPage: 0

49626

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY CORPORATION

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, DC 20007

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

CHICAGO, IL

HOUSTON, TX

LOS ANGELES, CA

SAN DIEGO, CA

PARSIPPANY, NJ

STAMFORD, CT

BRUSSELS, BELGIUM

AFFILKYTE OFFICE

MUMBAI, INDIA

(202) 342-8400

June 10, 2019

Public Utility Commission of Texas
Central Records
1701 N Congress, Suite 8-100
Austin, Texas 78701

RECEIVED
2019 JUN 11 AM 9:56
PUBLIC UTILITY COMMISSION
FILING CLERK

Re: Network Billing Systems, LLC, Cbeyond Communications, LLC and Birch
Communication Notice of Filing of Chapter 11 Bankruptcy (Reorganization)

To Whom It May Concern:

Network Billing Systems, LLC (“NBS”), Cbeyond Communications, LLC (“Cbeyond”) and Birch Communication (“BC”)¹ (together, the “Fusion TX Companies”) respectfully submit this letter to notify the Public Utility Commission of Texas (the “Commission”) that on June 3, 2019, their parent company, Fusion Connect, Inc. and all of its U.S. subsidiaries, including the Fusion TX Companies (collectively, “Fusion”), filed for protection under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “Petition”).²

Fusion filed for Chapter 11 protection in order to restructure its capital structure. Following completion of the proposed restructuring, Fusion expects to emerge financially stronger. **Importantly, the filing of the Petition does not reflect, or result in, any immediate changes to Fusion’s current operations. The Fusion TX Companies continue to serve their customers on an uninterrupted basis and the Chapter 11 filing does not in any way alter the rates, terms and conditions under which they provide those services to their customers. Thus, the bankruptcy filing itself will be transparent to the customers of the Fusion TX Companies, as they will not experience any difference in how their service is provided or in the caliber of customer service available to them.**

¹ The Fusion TX Companies are authorized to provide telecommunications services in Texas. NBS: Dkt. 28217; SPCOA 60557; Cbeyond: Dkt. 22754; SPCOA 60394; BC: Dkt. 20430/35739; SPCOA 60400.

² *In re Fusion Connect, Inc., et al., Debtors*, Case No. 19-11811 (Bankr. S.D.N.Y. Jun. 3, 2019). As a consequence of this filing, the legal status of Fusion is now changed to debtors-in-possession. A complete copy of the Petition and related information is available at <https://CTses.primeclerk.com/Fusion>.

1 (1)

KELLEY DRYE & WARREN LLP

Public Utility Commission of Texas
June 7, 2019
Page Two

The Fusion TX Companies submit this initial notice for the Commission's information and will follow up with any required filings, including those necessary for the implementation of the reorganization. In the interim, as noted, all Fusion operations continue uninterrupted and contact information for each of the Fusion TX Companies remains unchanged.

Pursuant to TAC § 26.101(g)(3), the Fusion TX Companies also provide information regarding their affected customers in Texas, the types of services received by these customers and the identity of the associated providers of last resort in **confidential Attachment 1**. This customer information is confidential pursuant to Section 552.110 of the Texas Public Information Act, Tex. Gov't Code Ann. 552.110, and Section 22.71(d) of the Commission's Procedural Rules, P.U.C. Proc. Rule § 22.71(d) inasmuch as it consists of commercially sensitive and competitively significant data that is not available to the general public. Disclosure of this information would place the Applicants at a significant competitive disadvantage, impede full and fair competition, and undermine their business plans in Texas. In contrast, confidential treatment will not adversely affect any interested party.

Please direct any questions, communications or other correspondence regarding this notice and the Fusion Petition to:

Winafred Brantl
Denise Smith
Kelley Drye & Warren LLP
3050 K Street, NW Suite 400
Washington, DC 20007
Tel: (202) 945-6649 (Brantl)
(202) 342-8614 (Smith)
Email: wbrantl@kelleydrye.com
dsmith@kelleydrye.com

with a copy to:

James P. Prenetta, Jr.
Executive Vice President and General Counsel
Fusion Connect, Inc.
420 Lexington Avenue, Suite 1718
New York, New York 10170



Winafred Brantl
Denise Smith
Kelley Drye & Warren LLP
3050 K Street, NW Suite 400
Washington, DC 20007

Counsel for the Fusion TX Companies