

502 W Montgomery St
PBM 578
Willis, Texas 77378

VIA ELECTRONIC MAIL

May 16, 2025

The Board of Directors
and John Chang, Chief Legal officer
Cogent Communications
2450 N St NW
Washington, DC 20037

Subject: Formal Request for Missing Schedules
Referenced in Exhibit 2.5 of the Fiber
Network Solutions Acquisition

Ladies and Gentlemen:

Pursuant to my standing as a federally protected whistleblower under 18 U.S.C. § 1514A (Sarbanes-Oxley Act), 18 U.S.C. § 1513(e) (Whistleblower Retaliation), and the IRS Whistleblower Program, I am formally requesting immediate production of the omitted schedules referenced in [Exhibit 2.5](#) of the acquisition agreement between Cogent Communications and Fiber Network Solutions, Inc.

BACKGROUND:

The document in question—[Exhibit 2.5](#)—is part of a larger evidentiary submission currently under active review by the IRS Criminal Investigation Division, the Securities and Exchange Commission, the Federal Bureau of Investigation, and the U.S. Attorney for the Southern District of Ohio.

Exhibit 2.5, as filed with the SEC, includes a placeholder explicitly stating: “THE FOLLOWING SCHEDULES AND EXHIBITS HAVE BEEN OMITTED FROM THE ELECTRONIC FORMAT OF THIS DOCUMENT FILED WITH THE SECURITIES AND EXCHANGE COMMISSION.”

That language directly implies the existence of a more complete version, whether in physical or alternative electronic format, and therefore triggers an obligation to produce any and all such records. The omitted schedules are believed to be material to the original acquisition, and may include details regarding:

- Copies of Schedule A: Assumed Contracts; Schedule B: Assumed Liabilities; Schedule C: Releases; Schedule D: FNSI NOC Inventory Detail; AttachmentA1 B2: Customer Contracts; Exhibit 1: Form of Option Agreement; and all related revisions, notes, emails, and any reference to these schedules from any person inside Cogent or having any interest in FNSI or the acquisition.
- Executive compensation and bonuses,
- Ownership structures and contingent liabilities,
- Deferred compensation, option agreements, or hidden beneficiary arrangements,
- And documentation tied to unexercised FNSI stock rights, including those connected to Craig Housley.
- Given recent predicate acts and evidence of continuing concealment, these omissions are now potentially actionable under 18 U.S.C. § 371 (Conspiracy to Defraud the United States), 18 U.S.C. § 1512 (Obstruction), 18 U.S.C. § 1001 (False Statements), and 18 U.S.C. § 1962(d) (RICO Conspiracy).

REQUEST FOR IMMEDIATE ACTION:

I am therefore requesting, in good faith and in full alignment with federally protected public interest disclosures, the immediate production—or a detailed written explanation—of all schedules and exhibits expressly omitted from the SEC-filed electronic version of [Exhibit 2.5](#), including any version retained in physical, legacy digital, or internal-only formats. This request includes, but is not limited to, identification of any Cogent officer, legal counsel, or third-party advisor who reviewed, redacted, or authorized the omission of those schedules prior to or following submission to the Securities and Exchange Commission. Further:

1. Whether these schedules exist in Cogent’s internal or archived records;
2. Whether they were reviewed or relied upon in the original transaction or subsequent SEC filings;
3. Whether their omission was intentional, inadvertent, or based on any NDA, payoff, or related concealment;
4. Whether any parties currently or formerly associated with Cogent have knowledge of or access to these schedules.

NOTICE OF PRESERVATION:

This notice also serves as a formal preservation demand for all digital and hard-copy documentation related to:

- The creation, revision, or redaction of Exhibit 2.5;
- Internal communications regarding the FNSI acquisition, including emails, memos, drafts, and legal counsel reviews;

- Communications with or concerning Craig Housley, Inga Housley, Vince Bacon, James Bacon, Kyle Bacon, Diana Ritchie Thomas (formerly Anderson), Emily Foor, William J. Kelly, Esq., David W. Wood, Esq., or Robert Ellis, Esq.

Failure to respond to this formal request—issued by a federally protected whistleblower and tied directly to an active case under review by the IRS Criminal Investigation Division, the SEC, the FBI, and the U.S. Attorney’s Office—may constitute furtherance of an ongoing obstruction scheme under 18 U.S.C. § 1512 and 18 U.S.C. § 371.

Your organization has now been formally placed on notice of the materiality of the missing schedules referenced in [Exhibit 2.5](#), and any refusal to acknowledge or produce those records will be preserved in the case file as evidence of concealment and potential interference with a federal proceeding.

Please be advised that any unauthorized distribution of this notice to individuals named herein—or to any internal parties reasonably believed to be aligned with or potentially participating in the criminal enterprise as documented in the referenced submissions—may constitute a new predicate act in furtherance of the conspiracy under 18 U.S.C. §§ 371, 1512, and 1962(d).

I strongly encourage your team to treat this request with the same gravity that federal agencies have already assigned to the matter. This is not a civil inquiry—it involves a criminal conspiracy under active review by the IRS Criminal Investigation Division, the SEC, the FBI, and the U.S. Attorney’s Office for the Southern District of Ohio.

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Your organization's handling of this request, including any failure to respond, any internal distribution to co-conspirators, or any attempt to suppress or reroute accountability, may be interpreted as furtherance of obstruction or concealment under federal criminal statutes.

I intend to make this request, and any response—or silence—a formal part of the evidentiary update trail preserved within the ongoing federal case file.

Respectfully,

A handwritten signature in blue ink that reads "David Koch". The signature is written in a cursive style with a large, stylized "D" and "K".

David J. Koch
Federal Whistleblower

(614) 406-9766
dave@koch.net
koch.david.j@gmail.com