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May 23, 2025

VIA ELECTRONIC MAIL

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

In re: Legal Response to May 23, 2025 Email –  
Whistleblower Rights, Document  
Entitlement, and Cease-and-Desist Demand

Dear Mr. Chang:

This will serve as a formal reply to your May 23, 2025 email, in which you acknowledge receipt of my prior whistleblower communications, including those dated May 16 and May 23, 2025. Your message has now established a clear record of corporate awareness of federal whistleblower disclosures, as well as your personal awareness of the legal demands therein.

Your statement that I am “not entitled to those materials” and your characterization of protected whistleblower communications as “harassment” constitute an attempt to intimidate, obstruct, and suppress a federally protected

individual who has submitted evidence under active review by the following agencies:

- U.S. Securities and Exchange Commission – Office of the Whistleblower – Active Case
- Internal Revenue Service – Criminal Investigation Division – Active Case
- Federal Bureau of Investigation – Columbus Field Office, Cyber Division – Active Case
- The Federal Aviation Administration – Active Case
- U.S. Attorney for the Southern District of Ohio – Active Case

I remind you that under 18 U.S.C. § 1513(e), retaliation, harassment, or intimidation of a federal whistleblower—including through legal threat, reputational harm, or communication suppression—constitutes a federal crime.

Furthermore, your refusal to provide omitted schedules from Exhibit 2.5 of the 2003 Asset Purchase Agreement, a document referenced in public SEC filings and tied to ongoing concealment allegations, may be a violation of federal securities law, including:

- 17 C.F.R. §§ 240.13b2-1 (falsification of books and records)
- 17 C.F.R. § 240.12b-20 (failure to disclose material facts necessary to make statements not misleading)
- Under Delaware General Corporation Law § 220 and governing fiduciary precedent (*Saito v. McKesson HBOC, Inc.*), I maintain a right as a former shareholder and original officer of Fiber Network Solutions, Inc. to inspect corporate records related to the FNSI transaction.

- Your use of the phrase “not obligated to provide those to you” in the context of a federal whistleblower demand is likely to be construed by federal investigators as conscious concealment, particularly in light of Cogent’s failure to acknowledge or open more than 30 legally sent, tracked notices.

You are hereby instructed to **CEASE** and **DESIST** from:

- Any further attempts to frame whistleblower activity as harassment, retaliation, or bad faith.
- Any internal directive, IT filter, or legal instruction designed to suppress the review or delivery of protected communications to the Board of Directors.
- Any further obstruction or refusal to produce the materials identified in Exhibit 2.5 or related documents tied to the acquisition of Fiber Network Solutions, Inc.
- This email is being retained as evidence and will be added to the federal record and public disclosure log.

**YOU ARE NOW PERSONALLY ON RECORD AND UNDER DIRECT NOTICE.**

Your continued mischaracterization, suppression, or inaction will be treated accordingly.

Sincerely,



David J. Koch

Federal Whistleblower  
President, CEO, Chairman  
Fiber Network Solutions, Inc.  
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