

**FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF COMMUNICATIONS  
BUREAU OF SERVICE EVALUATION**

**APPLICATION FORM  
for  
AUTHORITY TO PROVIDE  
INTEREXCHANGE TELECOMMUNICATIONS SERVICE  
WITHIN THE STATE OF FLORIDA**

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**Instructions**

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

**Florida Public Service Commission  
Division of Communications  
Bureau of Service Evaluation  
2540 Shumard Oak Boulevard  
Gunter Building  
Tallahassee, Florida 32399-0850  
(904) 413-6600**

- E. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250.00 to:

**Florida Public Service Commission  
Division of Administration  
2540 Shumard Oak Blvd.  
Gunter Building  
Tallahassee, Florida 32399-0850  
(904) 413-6251**

1. Select what type of business your company will be conducting (check all that apply):
- Facilities based carrier** - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
  - Operator Service Provider** - company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
  - Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
  - Switchless rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
  - Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers. Then offers the resold service by enrolling unaffiliated customers.
  - Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.

Not applicable.

- (a) Provide proof of compliance with the foreign partnership statute (Chapter 620.169 FS), if applicable.
- (b) Indicate if the individual or any of the partners have previously been:
- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.
- (2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with the company, give reason why not.

9. If incorporated, please give:

- (a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

Corporate charter number:

- (b) Name and address of the company's Florida registered agent.

National Registered Agents Services, Inc.  
526 East Park Avenue  
Tallahassee, Florida 32301

- (c) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.

Fictitious name registration number: **Not Applicable**

(d) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.

**No officer, director or stockholder of the Company has been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime. No officer, director or stockholder of the Company are involved in proceedings which may result in such action.**

- (2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with the company, give reason why not.

**Charles E. Edwards, President of Legends Communications, Inc. is also President of ETS Payphones, Inc., a Florida Certificated telephone company.**

10. Who will serve as liaison with the Commission in regard to (please give name, title, address and telephone number):

(a) The application:

Connie Wightman  
Consultant to Legends Communications, Inc.  
Technologies Management, Inc.  
P.O. Drawer 200  
Winter Park, FL 32790-0200  
Telephone: (407) 740-8575  
Facsimile: (FAX) 740-0613

(b) Official Point of Contact for the ongoing operations of the company:

Regulatory Contact: Thomas L. Childers, CEO  
Telephone: (770) 956-9900  
Facsimile: (770) 956-9911

Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

**Not Applicable**

2. **CONTACT PERSON:** The name, title address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

Connie Wightman  
Consultant to Legends Communications, Inc.  
210 North Park Avenue  
Winter Park, FL 32789  
Telephone: (407) 740-8575  
Facsimile: (407) 740-0613

(c) Tariff:

Connie Wightman  
Consultant to Legends Communications, Inc.  
Technologies Management, Inc.  
P.O. Drawer 200  
Winter Park, FL 32790-0200  
Telephone: (407) 740-8575  
Facsimile: (FAX) 740-0613

(d) Complaints/Inquiries from customers:

Legends Communications, Inc.  
2500 Windy Ridge Parkway  
Suite 365  
Atlanta, Georgia 30339  
Telephone: (770) 956-9900  
Facsimile: (770) 956-9911

11. List the states in which the applicant:

(a) Has operated as an interexchange carrier.

**None**

(b) Has applications pending to be certificated as an interexchange carrier.

**None**

(c) Is certificated to operate as an interexchange carrier.

**Georgia**

(d) Has been denied authority to operate as an interexchange carrier and the circumstances involved.

**None**

(e) Has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

**None**

(f) Has been involved in civil court proceedings with an interexchange carrier, local exchange carrier or other telecommunications entity, and the circumstances involved.

**None**

12. What services will the applicant offer to other certified telephone companies:

Facilities

Operators

Billing and Collection

Sales

Maintenance

Other: **None anticipated at this time**

13. Do you have a marketing program?

**Yes**

14. Will your marketing program:

- Pay commissions?
- Offer sales franchises?
- Offer multi-level sales incentives?
- Offer other sales incentives?

**None of the above.**

15. Explain any of the offers checked in question 14 (to whom, what amount, type of franchise, etc.).

**Not applicable.**

16. Who will receive the bills for your service (check all that apply)?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Residential customers                                    | <input checked="" type="checkbox"/> Business customers |
| <input type="checkbox"/> PATS providers  | <input type="checkbox"/> PATS station end-users        |
| <input type="checkbox"/> Hotels & motels   | <input type="checkbox"/> Hotel & motel guests          |
| <input type="checkbox"/> Universities  | <input type="checkbox"/> Univ. dormitory residents     |
| <input type="checkbox"/> Other:(specify) <u>Anyone who uses the services of the company.</u> |  |

17. Please provide the following (if applicable):

- (a) Will the name of your company appear on the bill for your services, and if not, who will the billed party contact to ask questions about the bill (provide name and phone number) and how is this information provided?

**Yes.**

- (b) The name and address of the firm who will bill for your service.

**ZPDI  
7411 John Smith Drive  
Suite 200  
San Antonio, Texas 78229-4898**



18. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide interexchange telecommunications service in Florida.

A. Financial Capability

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements for the most recent 3 years, including:

1. the balance sheet
2. income statement
3. statement of retained earnings

**See Attachment III.**

Further, a written explanation, which can include supporting documentation, regarding the following should be provided to show financial capability.

1. Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served
2. Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.
3. Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

**NOTE:** This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

If available, the financial statements should be audited financial statements. If the applicant does not have audited financial statements, it shall be so stated. The unaudited financial statements should then be signed by the applicant's chief executive officer and chief financial officer. The signatures should affirm that the financial statements are true and correct.

B. Managerial capability.

**See Attachment IV.**

C. Technical capability.

**As a reseller, Applicant relies on the technical expertise of its underlying carrier for maintenance of the network.**

(X) **Operator Services**

- (X) Available to presubscribed customers
- ( ) Available to non presubscribed customers (for example, patrons of hotels, students in universities, patients in hospitals.
- ( ) Available to inmates

**Services included are:**

- (X) Station assistance
- (X) Person to person assistance
- (X) Directory assistance
- (X) Operator verify and interrupt
- (X) Conference calling

21. What does the end user dial for each of the interexchange carrier services that were checked in services included (above).

**For direct dialed calls, the caller dials 1+ the destination number. For toll-free calls, the end user dials 1+888 or 1+800, plus the destination number. For travel service calls: a toll free access number, plus identification number, plus the destination telephone number.**

22. Other:

**APPENDICES:**

- A - CERTIFICATE TRANSFER STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - INTRASTATE NETWORK
- D - FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES

**ATTACHMENTS:**

- I - AUTHORITY TO OPERATE IN FLORIDA
- II - PROPOSED TARIFF
- III - FINANCIAL STATEMENTS
- IV - MANAGERIAL AND TECHNICAL CAPABILITIES

**CERTIFICATE OF TRANSFER STATEMENT**

I, \_\_\_\_\_, of (Name of Company), and current holder of certificate number \_\_\_\_\_, have reviewed this application and join in the petitioner's request for a transfer of the above-mentioned certificate.

**Not Applicable**

**UTILITY OFFICIAL:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Client Name and Title

\_\_\_\_\_  
Telephone

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- (X) **The applicant will not collect deposits nor will it collect payments for service more than one month in advance.**
  
- ( ) **The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)**

**UTILITY OFFICIAL:**

  
Signature

12-17-98  
Date

Thomas L. Childers, CEO  
Legends Communications, Inc.  
2500 Windy Ridge Parkway  
Suite 365  
Atlanta, Georgia 30339  
Telephone: (770) 956-9900  
Facsimile: (770) 956-9911

6. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has ( ) or has not (X) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

(a) What services have been provided and when did these service begin?

**Not applicable**

(b) If the services are not currently offered, when were they discontinued?

**Not applicable.**

**UTILITY OFFICIAL:**

  
\_\_\_\_\_  
Signature

12-17-98  
Date

Thomas L. Childers, CEO  
Legends Communications, Inc.  
2500 Windy Ridge Parkway  
Suite 365  
Atlanta, Georgia 30339  
Telephone: (770) 956-9900  
Facsimile: (770) 956-9911

ST. PETERSBURG:	Clearwater.
LAKELAND:	Bartow, Mulberry, Plant City, Polk City and Winter Haven.
ORLANDO:	Apopka, East Orange, Lake Buena Vista, Oviedo, Windermere, Winter Garden, Winter Park, Montverde, Reedy Creet, and Oviedo-Winter Springs.
WINTER PARK:	Apopka, East Orange, Lake Buena Vista, Orlando, Oviedo, Sanford, Windermere, Winter Garden, Oviedo-Winter Springs, Reedy Creek, Geneva and Montverde.
TITUSVILLE:	Cocoa and Cocoa Beach.
COCOA:	Cocoa Beach, Eau Gallie, Melbourne and Titusville.
MELBOURNE:	Cocoa, Cocoa Beach, Eau Gallie and Sebastian.
SARASOTA:	Bradenton, Myakka and Venice.
FT. MYERS:	Cape Coral, Ft. Myers Beach, North Cape Coral, North Ft. Myers, Pine Island, Lehigh Acres and Sanibel-Captiva Islands.
NAPLES:	Marco Island and North Naples.
WEST PALM BEACH:	Boynton Beach and Jupiter.
POMPANO BEACH:	Boca Raton, Coral Springs, Deerfield Beach and Ft. Lauderdale.
FT. LAUDERDALE:	Coral Springs, Deerfield Beach, Hollywood and Pompano Beach.
HOLLYWOOD:	Ft. Lauderdale and North Dade.
NORTH DADE:	Hollywood, Miami and Perrine.
MIAMI:	Homestead, North Dade and Perrine.

**Legends Communications, Inc. intends to offer service throughout the State of Florida.**

# State of Florida



Department of State

I certify from the records of this office that LEGENDS COMMUNICATIONS, INC., is a corporation organized under the laws of Georgia, authorized to transact business in the State of Florida, qualified on December 17, 1998.

The document number of this corporation is F98000006887.

I further certify that said corporation has paid all fees and penalties due this office through December 31, 1998, and its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Eighteenth day of December, 1998



CR2EO22 (2-85)



Sandra B. Northam  
Secretary of State



## APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

**IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS  
SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE  
STATE OF FLORIDA:**

1. Legends Communications, Inc.

(Name of corporation: must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)

2. Georgia

(State or country under the law of which it is incorporated)

3. 62-1757855

(FEI number, if applicable)

4. 9-24-98

(Date of incorporation)

5. Perpetual

(Duration: Year corp. will cease to exist or "perpetual")

6. Upon Qualification

(Date first transacted business in Florida. (SEE SECTIONS 607.1501, 607.1502, AND 817.155, F.S.)

7. 2500 Windy Ridge Parkway, Ste. 365

Atlanta, Georgia 30339

(Current mailing address)

8. Telecommunications Services

(Purpose(s) of corporation authorized in home state or country to be carried out in the state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box **NQT** acceptable)

Name: NRAI Services, Inc.

Office Address: 526 E. Park Avenue

Tallahassee, Florida, 32301  
(Zip Code)

10. Registered agent's acceptance:

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

*Tina Leland*

Tina Leland (Registered agent's signature) Asst. Sec. for

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

50 DEC 17 PM 1:05  
 [Stamp: RECEIVED STATE DEPARTMENT OF REVENUE]

**ATTACHMENT II**

**PROPOSED TARIFF**

**TITLE SHEET**

**INTEREXCHANGE TELECOMMUNICATIONS TARIFF  
OF FLORIDA**

**Legends Communications, Inc.**

This tariff is filed in accordance with the Florida Public Service Commission. All services contained in this tariff are competitive.

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for interexchange telecommunications services provided by Legends Communications, Inc., within the State of Florida. This tariff is on file with the Public Service Commission. Copies may be inspected during normal business hours at the Company's principal place of business, at 2500 Windy Ridge Parkway, Suite 365, Atlanta, Georgia 30339.

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ISSUED: December 29, 1998

EFFECTIVE:

ISSUED BY: Thomas L. Childers, CEO  
2500 Windy Ridge Parkway, Suite 365  
Atlanta, Georgia 30339  
(888) 308-8583

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### SYMBOLS

The following symbols are used for the purposes indicated below:

- \* - Indicates new or revised tariff sheet included with this filing.
- D - Delete or discontinue.
- I - Increase to a rate.
- M - Moved from another tariff location.
- N - New.
- R - Reduction to a rate.
- T - Change in text but no change in rate or regulation.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Access Line** - A local channel for voice, data, or video communications which connects the Customer location to a location of the Company or its underlying carrier.

**Account** - The Customer who has agreed, orally or in writing, to honor the terms of service established by the Company. An Account may have more than one service billed to the same Customer address. An Account may include multiple locations for the same Customer.

**Aggregator** - Any person or other legal entity that may be a Customer and, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for telephone calls using a provider of operator services.

**Authorization Code** - A pre-defined series of numbers to be dialed by the Customer upon access to the Company's system to identify the caller and validate the caller's authorization to use the services provided. The Customer is responsible for charges incurred through the use of his or her assigned Authorization Code.

**Business Customer** - For the purpose of this tariff, a Business Customer is a Customer of the Company whose primary use of the Company's service is for business purposes. A Business Customer is also a Customer who accesses the Company's service using an access line that has been assigned a business class of service by the local service provider.

**Collect Call** - A billing arrangement by which the charges for a call may be billed to the called party, provided the called party agrees to accept the charges.

**Commission** - The Florida Public Service Commission.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)**

**Company** - Legends Communications, Inc., unless stated otherwise.

**Company's Point of Presence** - Location of the serving central office associated with access to the Company's or its underlying carrier's network.

**Consumer** - A person who is not a Customer who initiates any telephone calls using operator services.

**Customer** - Any person, firm, partnership, corporation or other entity which subscribes to or uses service under the terms and conditions of this tariff. The Customer is responsible for the payment of charges for service offered by the Company which are subscribed to or used by the Customer. The Customer is also responsible for payment of charges for a third person's use of service to which the Customer subscribes.

**Customer Dialed Calling Card** - A service whereby the Customer dials all of the digits necessary to route and bill the call to a valid non-Legends calling card or credit card.

**Debit Account** - An account which consist of a prepaid usage balance depleted on a real time basis during each debit service call.

**Debit Card** - A card issued by the Company which provides the Customer with a Personal Account code and instructions for accessing the Carrier's network.

**Debit Service Call** - A service accessed via a "1-800" or other access code dialing sequence whereby the Customer or Authorized User dials all of the digits necessary to route a call. Network usage for each call is deducted from the available balance on a Company-issued Debit Account.

**Equal Access** - The ability of the Company to serve Customers on a presubscribed basis rather than through the use of dial access codes.

**Initial And Additional Period** - The Initial Period denotes the interval of time allowed at the rate specified for a connection between given service points. The Additional Period denotes the interval of time used for measuring and charging for time in excess of the Initial Period.

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**SECTION 2 - RULES AND REGULATIONS**

**2.1 Undertaking of Legends**

- 2.1.1 The Company offers intrastate telecommunications service in conjunction with interstate service.
- 2.1.2 Legends installs, operates, and maintains the communications services provided hereunder in accordance with the terms and conditions set forth under this tariff. Legends may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Customer. The Company's services are provided on a monthly basis, unless ordered on a longer term basis, and are available twenty-four hours per day.
- 2.1.3 No charges apply to incomplete calls.

**2.2 Limitations**

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, or both facilities and equipment, and subject to the provisions of this tariff.
- 2.2.2 The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff, or in violation of the law.
- 2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)**

**2.2 Limitations, (Cont'd)**

2.2.4 All facilities provided under this tariff are directly controlled by the Company and the Customer may not transfer or assign the use of service or facilities without the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

2.2.5 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.

**2.3 Use**

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

**2.4 Liabilities of the Company**

2.4.1 The Company liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the faults in transmission occur.

2.4.2 The Company shall not be liable for claim or loss, expense or damage (including indirect, special or consequential damage) , for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.

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FL19800

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)**

**2.4 Liabilities of Company, (Cont'd)**

**2.4.3** The Company shall not be liable for, and shall be fully indemnified and held harmless by Customer against any claim or loss, expense, or damage (including indirect, special or consequential damage) for defamation, libel, slander, invasion, infringement of copy-right or patent, unauthorized use of any trademark, tradename, or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by the Company under this tariff; or for any act or omission of the Customer; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by the Company, if not directly caused by negligence of the Company.

**2.4.4** The Company shall not be liable for any defacement of or damages to the premises of a Customer resulting from the furnishing of service which is not the direct result of the Company's negligence.

---

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)****2.7 Taxes and Fees, (cont'd.)****2.7.3 Public Pay Telephone Surcharge**

In order to recover the Company's expenses to comply with the FCC's pay telephone compensation plan effective on October 7, 1997 (FCC 97-371), an undiscountable per call charge is applicable to all intrastate that originate from any domestic pay telephone used to access the Company's services for which the pay telephone operator is not other compensated, including calls that originate by dialing 1+800 or 888+NXX+XXXX; 1+950+XXXX; NPA-NXXX; or 0+. The Public Pay Telephone Surcharge, which is in addition to standard tariffed usage any applicable service charges and surcharges associated with the Company's service, applies for the use of the instrument used to access the Company service and is unrelated to the Company's service accessed from the pay telephone.

Pay telephones include coin-operated and coinless phones owned by local telephone companies, independent companies and other interexchange carriers. The Public Pay Telephone Surcharge applies to the initial completed call and any reoriginated call (i.e., using the "\*" symbol).

Whenever possible, the Public Pay Telephone Surcharge will appear on the same invoice containing the usage charges for the surcharged call. In cases where proper pay telephone coding digits are not transmitted to the Company prior to completion of a call, the Public Pay Telephone Surcharge may be billed on a subsequent invoice after the Company has obtained information from a carrier that the originating station is an eligible pay telephone.

The Public Pay Telephone Surcharge does not apply to calls placed from pay telephones at which the Customer pays for service by inserting coins during the progress of the call.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)**

**2.8 Terminal Equipment**

The Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or Customer-provided communications systems, such as a PBX or key system. Such terminal equipment shall be furnished and maintained at the expense of the Customer.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)****2.12 Cancellation and Restoration of Service**

Service continues to be provided until canceled by the Customer or until canceled by the Company as set forth below. The Company may render bills subsequent to the termination of service for charges incurred before termination. The Customer shall pay such bills in full in accordance with the payment terms of this tariff.

**2.12.1 Cancellation by the Customer**

The Customer may have service discontinued upon written or verbal notice to the Company. The Customer shall pay the Company for service furnished until the cancellation date specified by the Customer or until the date that the written cancellation notice is received, whichever is later.

**2.12.2 Refusal, Suspension or Cancellation by the Company**

- A.** The Company may disconnect service to any Customer after five (5) days written notice for any reason stated below:
1. For failure of the Customer to pay a bill for service when due;
  2. For failure of the Customer to meet the Company's deposit and credit requirements;
  3. For failure of the Customer to make proper application for service;
  4. For the Customer's violation of any of the utility's rules on file with the Commission;
  5. For failure of the Customer to provide the utility reasonable access to its equipment and property;
  6. For failure of the Customer to furnish such service, equipment and/or rights-of-way necessary to service said Customer as shall have been specified by the Company as a condition of obtaining service; or

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)**

**2.12 Cancellation and Restoration of Service, (Cont'd)**

**2.12.2 Refusal, Suspension or Cancellation by the Company, (Cont'd)**

**A. (cont'd.)**

7. When necessary for the utility to comply with any order or request or any governmental authority having jurisdiction.

**B. Disconnection of Service without Notice**

Without notice, the Company may disconnect service to any Customer for any reason stated below:

1. In the event of tampering with the Company's equipment
2. In the event of a condition determined to be hazardous to the Customer, to other Customers of the Company, to the Company's equipment, the public, or to employees of the Company; or;
3. In the event of a Customer's use of equipment in such a manner as to adversely affect the Company's equipment or the Company's service to others.

**2.12.3 Restoration of Service**

If service has been discontinued for a valid cause by the Company as otherwise provided herein and the Customer wishes it continued, service shall, at the Company's discretion, be restored when all past due amounts are paid or the event giving rise to the discontinuance (if other than nonpayment) is corrected.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)**

**2.13 Inspection, Testing, and Adjustment**

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for tests and adjustments as may be deemed necessary by the Company for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D)****2.19 Rules Applicable to Operator Services Provided to Aggregator Locations**

**2.19.1** Subscribers who provide service to the transient public (aggregators) must place a notice on or near each instrument that provides transient access to the Company's operator services. The notice will be provided by the Company unless contractual agreement transfers the requirement to the call aggregator (as is frequently the case for LEC-provided public or semi-public service.) In all cases the notice will include the following information, customized for the individual installation:

- (A) InterLATA operator service is provided by Legends Communications, Inc.
- (B) Per Call Service Charges: [as per product description and rate described elsewhere in this tariff]
- (C) Calls may be billed to most telephone company calling cards or to major credit cards such as MasterCard or American Express.
- (D) Please consult the local telephone company directory or local telephone company operator for intraLATA dialing instructions and rates.
- (E) To place an interLATA call dial [access code where applicable] + 0 + area code + interLATA telephone number.
- (F) The establishment surcharge for Local Calls is: \$X.XX/X% (to be billed by establishment).
- (G) The establishment surcharge for Long Distance Calls is: \$X.XX/X% (to be billed by establishment).
- (H) The Company's interLATA rates may be obtained by dialing [the toll free number provided by Legends Communications, Inc.

When the premises equipment functions differently than stated above, the tent card or sticker will be modified to reflect the actual dialing pattern.

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**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1 General**

The Company provides intrastate, interexchange switched and dedicated telecommunications services between locations in Florida.

Customers can expect a call completion rate of not less than 90% during peak use periods for Feature Group D 1+ dialing. The call completion rate is calculated as the number of calls completed (including calls completed to a busy line or to a line which remains unanswered by the called party) divided by the number of calls attempted.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)****3.2 Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between the Rate Centers associated with the originating and terminating points of the call.

The distance between the originating and terminating points is calculated by using the "V" and "H" coordinates of the Rate Centers as defined by BellCore (Bell Communications Research), in the following manner:

- Step 1 -** Obtain the "V" and "H" coordinates for the Rate Center of the originating and the destination points.
- Step 2 -** Obtain the difference between the "V" coordinates of each of the Rate Centers. Obtain the difference between the "H" coordinates.
- Step 3 -** Square the differences obtained in Step 2.
- Step 4 -** Add the squares of the "V" difference and "H" difference obtained in Step 3.
- Step 5 -** Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.
- Step 6 -** Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the originating and terminating points of the call.

**Formula:**

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)**

**3.3 Call Timing**

- 3.3.1 Long distance usage charges are based on the actual usage of the Company's network. Chargeable time begins when the calling and the called station are connected. Call timing is determined using industry standard methods of answer supervision, including hardware and software answer detection.
- 3.3.2 Chargeable time ends when the calling service point terminates, thereby releasing the network connection.
- 3.3.3 Unless otherwise specified in this tariff, usage is measured in one (1) minute increments for billing purposes. Partial usage will be rounded up to the next highest whole minute. All calls are rounded to the next highest billing increment. Any partial cents per call will be rounded up to the next highest cent.
- 3.3.4 Unless flat rated, usage charges are determined by the time of day rate periods and minutes of use within each rate period. The rate period is determined by the time and day of call originating at the Customer's Location.
- 3.3.5 No charges apply to unanswered calls.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)**

**3.4 (Cont'd)**

**Holiday Rates**

Calls on the following Company-recognized Holidays are rated at the Evening Rate Period or Off-Peak Rate Period rate unless a lower rate would normally apply.

New Year's Day\*\*    Labor Day            Christmas Day\*\*  
Independence Day\*\*    Thanksgiving Day    Memorial Day\*

\* - Applies to Federally observed day only.

\*\* - When this holiday falls on Sunday, the Holiday rate applies on the following Monday. When this holiday falls on a Saturday, the Holiday rate applies to calls placed on the preceding Friday.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)**

**3.6 Legends Direct Dial Service**

Legends Direct Dial Service is offered to business and residential customers for both inbound and outbound, intraLATA and interLATA, calling over standard switched lines. Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. The following rates are not time of day sensitive and apply 24 hours per day, 7 days a week.

**3.7 Legends Toll Free (i.e. 800/888) Service**

Legends Toll-Free Service is an offering that allows the calling party to charge each call to the called party without operator assistance. By the use of specially assigned prefixes, such as 800 or 888, the charge for each call is automatically billed to the Customer.

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. The following rates are not time of day sensitive and apply 24 hours per day, 7 days a week.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)****3.8 Legends Debit (Prepaid) Card Service**

Legends Debit (Prepaid) Card Service allows Customers to place direct dialed calls between locations within the State of Florida. Customers access the Company's network by dialing a toll-free number or other access dialing sequence and entering a Personal Account Code. The Company's system informs the Customer of the Available Usage Balance remaining in his/her Debit Account and prompts the Customer to place a call by entering a destination telephone number. Network usage for calls placed is deducted from the Available Usage Balance on the Customer's account on a real time basis as the call progresses.

Customers purchase a Debit Card which assigns each Customer a Debit Account, provides each Customer with a Personal Account Code and lists instructions for accessing and using Carrier's service. Debit Cards are available in varying denominations. Purchase of a Debit Card entitles the Customer to use the Company's network for a number of minutes equivalent to the card denomination divided by the effective per minute rate. The Customer's right to utilize network usage within a given Debit Account associated with that Debit Account number. No minimum service period applies.

Payment for Retail Debit Cards and Available Usage in a Customer's Debit Account is non-refundable. Retail Debit Card service rates are not distance or time of day sensitive in nature. Holiday discounts do not apply.

Network usage for Debit Card Calls is deducted from the Available Usage Balance in Customer's Debit Account in full unit increments. For debiting purposes, the minimum call usage is one (1) unit.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)**

**3.9 Legends Travel Card Service**

Legends Travel Card service is a travel service allowing Customers to originate calls via a Company-provided toll free number from non-presubscribed access lines. Customers may terminate calls in all cities within the state of Florida. Calls are billed in one (1) minute increments after an initial minimum call duration of one minute.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D)**

**3.10 Busy Line Verification and Interrupt**

Busy Line Verification and Interrupt services are offered in areas where the service may be obtained from the local exchange carrier.

With Busy Line Verification (BLV), the Legends operator will contact the LEC operator to determine if the called number or line is in use. Only one BLV will be made per telephone call and an associated charge will apply whether or not conversation was detected on the line. The operator will not complete the call for the Customer initiating the verification request.

Busy Line Interrupt (BLI) allows the Legends operator to contact a LEC operator to interrupt a telephone conversation in progress, upon the caller's request and after a Busy Line Verification occurs. Upon the caller's request, the Legends operator will contact the LEC operator, who will interrupt the busy line and inform the called party that there is a call waiting from the caller. The LEC operator will not complete the call, but will only inform the called party of the request. If the call is released the Legends operator will offer to complete the call for the Customer initiating the interrupt request. An applicable service charge and applicable per minute charges will apply to the completed call. Only one BLI attempt will be made per telephone call and a charge will apply whether or not the called party releases the line.

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**SECTION 4 - RATES**

**4.1 General**

Each Customer is charged individually for each call placed through the Company. Customers are billed based on their use of the Company's long distance service.

**4.1.1 Late Fee**

A late fee of 1.5% monthly will be charged on any past due balances beginning 30 days from the mailing date of the bill.

**4.1.2 Return Check Charges**

A fee of \$15.00, or five percent of the amount of the check, whichever is greater, will be charged for each check returned for insufficient funds.

**4.1.3 Reconnection Charge**

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for Customers who have been disconnected for nonpayment.

**4.1.4 Pay Telephone Surcharge**

Per Call	\$0.35
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**SECTION 4 - RATES, (CONT'D.)****4.2 Exemptions and Special Rates****4.2.1 Discounts for Hearing Impaired Customers**

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, credit on charges for certain intrastate toll calls placed between TDDs. Discounts do not apply to surcharges or per call add-on charges for operator services when the call is placed by a method that would normally incur the surcharge.

- A. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period.
- B. The credit to be given on a subsequent bill for such calls placed by TDDs with the assistance of the relay center will be equal to 50% of the rate for the applicable rate period. If either party is both hearing and visually impaired, the call shall be discounted at 60% of the applicable rate.

**4.2.2 Telecommunications Relay System**

TDD users may communicate with non-TDD users through the statewide Telecommunications Relay System (TRS). Customers who access the TRS system are eligible for discounts as specified in Section 4.2.1B above.

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**SECTION 4 - RATES, (CONT'D)****4.3 Directory Assistance**

A Directory Assistance charge applies per intrastate directory assistance calls made from points within the State of Florida. The Customer may make two (2) requests for a telephone number per call. The Directory Assistance Charge applies regardless of whether the operator is able to supply the requested number. The first 50 Directory Assistance calls per cycle are provided at no charge from residential lines serving individuals with disabilities whose disabilities prevent or hinder the use of a telephone directory. The Customer must notify the Company and submit proof of the disability to qualify for this exemption.

Per call to directory assistance:      \$0.85

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## SECTION 4 - RATES, (CONT'D)

## 4.5 Legends Toll Free (i.e. 800/888) Service

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. The following rates are not time of day sensitive and apply 24 hours per day, 7 days a week.

Per Minute Rate	Monthly Minutes of Use	
	At Least	Not More
\$0.150	0	50,000
\$0.145	50,001	200,000
\$0.140	200,001	300,000
\$0.135	300,001	400,000
\$0.130	400,001	500,000
\$0.125	500,001	600,000
\$0.120	600,001	700,000
\$0.115	700,001	800,000
\$0.110	800,001	900,000
\$0.105	900,001	1,000,000
\$0.100	1,000,001	Over

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**SECTION 4 - RATES, (CONT'D)****4.6 Legends Debit (Prepaid) Card Service**

<b>Per minute Rate</b>	<b>Connect Fee Per Call</b>	<b>Monthly Minutes of Use</b>
\$0.350	\$1.00 per connect	Under 100,000
\$0.350	\$0.50 per connect	100,000 and Above

**4.7 Legends Travel Card Service**

Per Minute Usage Charges	\$0.25
Per Call Service Charge	\$0.00

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**SECTION 4 - RATES, (CONT'D)**

**4.9 Busy Line Verification and Interrupt**

Busy Line Verification, per request	\$2.00
Busy Line Interrupt, per request	\$4.00

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**ATTACHMENT III**

**FINANCIAL INFORMATION**

**LEGENDS COMMUNICATIONS, INC.**  
**Statement of Financial Capability**

The purpose of this document is to highlight the financial strengths of the Company and serve as the Company's Statement of Financial Capability.

The Legends Communications, Inc. has sufficient financial capability to provide the requested telecommunication services in Florida, the financial capability to maintain these services, and the financial capability to meet its lease and ownership obligations. Attached are financial documents to support Legend's financial capability.

Legends Communications expects to incur normal start-up costs of entering the long distance telecommunications market. As with most ventures, Legends expects profitability to be achieved within 12-18 months on entering a new market. Legends has the financial strength to absorb start-up losses.

The Company has established a team to support its venture into the telecommunications market. The Company has and will out-source business functions to obtain expertise and provide a financial and technical competitive advantage in the industry.

Summary

As noted in the analysis documented above, the Company has prepared prudently for its venture into the resold local exchange services market. The Company is positioning itself to add large amounts of revenue growth while keeping expenses under control. The Company has sufficient financial capability to provide the requested telecommunication services, sufficient financial capability to meet all lease and ownership obligations, and sufficient financial capability to maintain a large Customer base.

**LEGENDS COMMUNICATIONS, INC.**  
**FIVE YEAR PROJECTED INCOME STATEMENTS**

DESCRIPTION	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
REVENUE	\$ 9,500,000.00	\$ 31,407,000.00	\$ 47,110,500.00	\$ 62,814,000.00	\$ 78,517,500.00
COST OF GOODS SOLD	7,650,000.00	25,026,420.00	37,142,910.00	49,061,040.00	60,747,750.00
GROSS PROFIT	1,850,000.00	6,380,580.00	9,967,590.00	13,752,960.00	17,769,750.00
SALARIES	430,000.00	480,000.00	530,000.00	605,000.00	680,000.00
PAYROLL TAXES	51,600.00	57,600.00	63,600.00	72,600.00	81,600.00
EMPLOYEE BENEFITS	107,500.00	120,000.00	132,500.00	151,250.00	170,000.00
OCCUPANCY	120,000.00	120,000.00	120,000.00	180,000.00	180,000.00
DEPRECIATION	225,000.00	450,000.00	900,000.00	1,800,000.00	2,000,000.00
LEGAL	10,000.00	25,000.00	60,000.00	60,000.00	60,000.00
ACCOUNTING	10,000.00	30,000.00	50,000.00	75,000.00	75,000.00
INSURANCE	7,500.00	15,000.00	30,000.00	45,000.00	60,000.00
TOTAL GENERAL	961,600.00	1,297,600.00	1,886,100.00	2,988,850.00	3,306,600.00
NET INCOME BEFORE TAXES	888,400.00	5,082,980.00	8,081,490.00	10,764,110.00	14,463,150.00
PROVISION FOR INCOME TAXES	355,360.00	2,033,192.00	3,232,596.00	4,305,644.00	5,785,260.00
NET INCOME AFTER TAXES	533,040.00	3,049,788.00	4,848,894.00	6,458,466.00	8,677,890.00

**LEGENDS COMMUNICATIONS, INC.**  
**FIVE YEAR PROJECTED BALANCE SHEETS**

	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>	<u>YEAR 4</u>	<u>YEAR 5</u>
<b>ASSETS</b>					
CASH	\$ 1,134,052.33	\$ 4,009,124.00	\$ 8,313,504.50	\$ 15,779,571.00	\$ 26,052,344.50
RECEIVABLES - TRADE	791,666.67	2,617,250.00	3,925,875.00	5,234,500.00	6,543,125.00
<b>TOTAL CURRENT ASSETS</b>	<b>1,925,719.00</b>	<b>6,626,374.00</b>	<b>12,239,379.50</b>	<b>21,014,071.00</b>	<b>32,595,469.50</b>
SWITCH	936,010.00	2,186,010.00	3,686,010.00	5,186,010.00	6,686,010.00
COMPUTERS	80,000.00	130,000.00	180,000.00	230,000.00	280,000.00
EQUIPMENT	14,860.00	14,860.00	39,860.00	39,860.00	39,860.00
FURNITURE & FIXTURES	19,100.00	19,100.00	19,100.00	19,100.00	19,100.00
LEASEHOLD IMPROVEMENTS	21,211.00	21,211.00	146,211.00	146,211.00	146,211.00
ACCUMULATED DEPRECIATION	(225,000.00)	(675,000.00)	(1,575,000.00)	(3,375,000.00)	(5,375,000.00)
<b>TOTAL FIXED ASSETS</b>	<b>846,181.00</b>	<b>1,696,181.00</b>	<b>2,496,181.00</b>	<b>2,246,181.00</b>	<b>1,796,181.00</b>
DEPOSITS	5,000.00	5,000.00	25,000.00	25,000.00	25,000.00
<b>TOTAL ASSETS</b>	<b>\$ 2,776,900.00</b>	<b>\$ 8,327,555.00</b>	<b>\$ 14,760,560.50</b>	<b>\$ 23,285,252.00</b>	<b>\$ 34,416,650.50</b>

**LIABILITIES AND STOCKHOLDER'S EQUITY**

ACCOUNTS PAYABLE	\$ 637,500.00	\$ 2,085,535.00	\$ 3,095,242.50	\$ 4,088,420.00	\$ 5,062,312.50
ACCRUED INCOME TAXES	355,360.00	2,033,192.00	3,232,596.00	4,305,644.00	5,785,260.00
NOTE PAYABLE - TWINLEAF	1,250,000.00	625,000.00	-	-	-
<b>TOTAL LIABILITIES</b>	<b>2,242,860.00</b>	<b>4,743,727.00</b>	<b>6,327,838.50</b>	<b>8,394,064.00</b>	<b>10,847,572.50</b>
COMMON STOCK	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
RETAINED EARNINGS	533,040.00	3,582,828.00	8,431,722.00	14,890,188.00	23,568,078.00
<b>TOTAL STOCKHOLDER'S EQUITY</b>	<b>534,040.00</b>	<b>3,583,828.00</b>	<b>8,432,722.00</b>	<b>14,891,188.00</b>	<b>23,569,078.00</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$ 2,776,900.00</b>	<b>\$ 8,327,555.00</b>	<b>\$ 14,760,560.50</b>	<b>\$ 23,285,252.00</b>	<b>\$ 34,416,650.50</b>

**ATTACHMENT IV**

**MANAGERIAL AND TECHNICAL CAPABILITIES**



## LEGENDS COMMUNICATIONS, INC.

Attached is a brief overview of the managerial experience of Legends Communications, Inc. The Company has managerial ability with a wealth of knowledge and day to day experience in the telecommunications industry that will allow it to be a successful competitive local exchange and toll provider.

The Company intends to provide toll service in Florida as a reseller of other certificated distance companies' facilities. As a toll service reseller, the Company will rely on its facilities-based underlying carriers for the operation and maintenance of the network. The Company will use only reputable underlying carriers to ensure that high quality service is provided to customers. Consequently, the quality of service that Legends' customers receive will be at least equivalent to that provided by the underlying carrier(s). Legends does not plan to construct any new facilities in Florida.

Legends' services will satisfy the minimum standards established by the Commission. The Company will file and maintain tariffs in the manner prescribed by the Commission and will meet the minimum basic standards, including quality of service and billing standards required of all carriers regulated by the Commission.

As the foregoing illustrates, Legends possesses considerable telecommunications expertise and is well-qualified to provide long distance service in Florida.



December 28, 1998  
Via Overnight Delivery

210 N. Park Ave.  
Winter Park, FL  
32789

P.O. Drawer 200  
Winter Park, FL  
32790-0200

Tel: 407-740-8575  
Fax: 407-740-0613  
tmi@tminc.com

Ms. Blanca Bayo  
Director, Division Records and Reporting  
Florida Public Service Commission  
Division of Communication  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building, Room 270  
Tallahassee, FL 32399-0850

DEPOSIT                      DATE  
D052                      DEC 29 1998

RE: **Legends Communications, Inc.  
Interexchange Carrier Application**

981995-TI

Dear Ms. Bayo:

Enclosed for filing are the original and six (6) copies of the above referenced application of Legends Communications, Inc. Legends is seeking authority to provide interexchange carrier services in Florida.

Enclosed is a check in the amount of \$250.00 to cover the filing fee.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to my attention in the self-addressed, stamped envelope which has been provided for that purpose.

Questions pertaining to this application or tariff should be directed to my attention at (407) 740-8575.

Thank you for your assistance.

Sincerely,

TECHNOLOGIES MANAGEMENT, INC.  
P.O. BOX 200  
210 N. PARK AVE.  
WINTER PARK, FL 32789-0200  
(407) 740-8575

BARNETT BANK, N.A.  
WINTER PARK, FL 32789

21835

12/24/98

PAY TO THE ORDER OF Florida Public Service Commission

\$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\*

Florida Public Service Commission  
Records & Reporting  
2540 Shumard Oaks Blvd.  
Tallahassee, FL 32302-1500

TECHNOLOGIES MANAGEMENT, INC.

DOCUMENT NUMBER-DATE

14645 DEC 29 98

MEMO Florida Public Service Commission

DOLLARS  
Security features included. Details on back.