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January 19, 2000

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RECORDS AND REPORTING

BY HAND DELIVERY

Ms. Blanca Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

000053-TI

Re: Application of Tel-Phone Communications, Inc. for IXC Certificate

Dear Ms. Bayo:

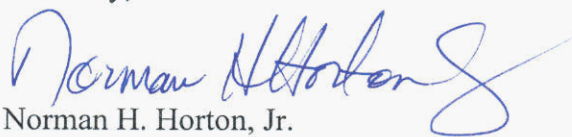
Enclosed for filing is the original and 6 copies of an application for an IXC Certificate for Tel-Phone Communications, Inc.. The application fee is also enclosed.

Included with the application is a balance sheet with information specific to a private business affiliated with the applicant. The financial information with respect to the affiliate is considered proprietary and thus we request that it be so treated. A redacted version has been included with the application.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing. Should you have any questions, please do not hesitate to call me.


Sincerely,


Norman H. Horton, Jr.

NHH/amb
Enclosure

cc: Mr. Gary Pretner

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00798 JAN 19 2000

FPSC-RECORDS/REPORTING

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward a copy of check to RAR with proof of deposit.

Initials of person who forwarded check:



ORIGINAL

**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF TELECOMMUNICATIONS
BUREAU OF CERTIFICATION AND SERVICE EVALUATION

Application Form for Authority to Provide
Interexchange Telecommunications Service
Between Points Within the State of Florida

000053-TT

Instructions

- ◆ This form is used as an application for an original certificate and for approval of assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Appendix A).
- ◆ Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ 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 Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

Note: No filing fee is required for an assignment or transfer of an existing certificate to another certificated company.

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Telecommunications
Bureau of Certification and Service Evaluation
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

1. This is an application for \checkmark (check one):
- Original certificate** (new company).
 - Approval of transfer of existing certificate:**
Example, a certificated company purchases an existing certificated company and desires to retain the authority of both certificates.
 - Approval of assignment of existing certificate:**
Example, a non-certificated company purchases an existing company and desires to retain the certificate of authority rather than apply for a new certificate.
 - Approval of transfer of control:**
Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Tel-Phone Communications, Inc.

3. Name under which applicant will do business (fictitious name, etc.):

N/A

4. Official mailing address (include street name & number, post office box, city, state, zip code):

8845 NW 39th Place

Coral Springs, FL 33065

5. Florida address (including street name & number, post office box, city, state, zip code):

8845 NW 39th Place

Coral Springs, FL 33065

6. Select type of business your company will be conducting \sqrt (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.
 - (x) **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.
 - (x) **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 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.

7. Structure of organization;

- | | |
|-------------------------|-------------------------|
| () Individual | (x) Corporation |
| () Foreign Corporation | () Foreign Partnership |
| () General Partnership | () Limited Partnership |
| () Other _____ | |

8. If individual, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**
99000099338

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) **The Florida Secretary of State fictitious name registration number:** _____

12. **If a limited liability partnership**, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:** _____

13. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

14. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) The Florida registration number: _____

15. Provide **F.E.I. Number** (if applicable): _____

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?
() Yes () No

(b) If not, who will bill for your services?

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

(c) How is this information provided?

17. Who will receive the bills for your service?

() Residential Customers

() Business Customers

() PATs providers

() PATs station end-users

() Hotels & motels

() Hotel & motel guests

() Universities () Universities dormitory residents
() Other: (specify) _____

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: Gary Pretner _____

Title: President _____

Address: 8845 NW 39th Place _____

City/State/Zip: Coral Springs, FL 33065 _____

Telephone No.: (954)796-8800 Fax No.: (954)753-4329 _____

Internet E-Mail Address: nuggets@bellsouth.net _____

Internet Website Address: None _____

(b) Official point of contact for the ongoing operations of the company:

Name: Gary Pretner _____

Title: President _____

Address: 8845 NW 39th Place _____

City/State/Zip: Coral Springs, FL 33065 _____

Telephone No.: (954)796-8800 Fax No.: (954)753-4329 _____

Internet E-Mail Address: nuggets@bellsouth.net _____

Internet Website Address: None _____

(c) Complaints/Inquiries from customers:

Name: Helene Mae Quoma _____

Title: Vice President _____

Address: 8845 NW 39th Place

City/State/Zip: Coral Springs, FL 33065

Telephone No.: (954)796-8800 **Fax No.:** (954)753-4329

Internet E-Mail Address: nuggets@bellsouth.net

Internet Website Address: None

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

No

(b) has applications pending to be certificated as an interexchange telecommunications company.

No

(c) is certificated to operate as an interexchange telecommunications company.

No

(d) has been denied authority to operate as an interexchange telecommunications company and the circumstances involved.

No

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

No

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

No

20. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

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

No

- (b) an 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 company, give reason why not.

No

21. The applicant will provide the following interexchange carrier services (check all that apply):

a. _____ **MTS with distance sensitive per minute rates**

- _____ Method of access is FGA
- _____ Method of access is FGB
- _____ Method of access is FGD
- _____ Method of access is 800

b. _____ **MTS with route specific rates per minute**

- _____ Method of access is FGA
- _____ Method of access is FGB
- _____ Method of access is FGD
- _____ Method of access is 800

c. _____ **MTS with statewide flat rates per minute (i.e. not distance sensitive)**

- _____ Method of access is FGA
- _____ Method of access is FGB
- _____ Method of access is FGD
- _____ Method of access is 800

d. _____ **MTS for pay telephone service providers**

e. _____ **Block-of-time calling plan (Reach Out Florida, Ring America, etc.).**

f. _____ **800 service (toll free)**

g. _____ **WATS type service (bulk or volume discount)**

- _____ Method of access is via dedicated facilities
- _____ Method of access is via switched facilities

h. _____ **Private line services (Channel Services)
(For ex. 1.544 mbs., DS-3, etc.)**

i. _____ **Travel service**

- _____ Method of access is 950
- _____ Method of access is 800

j. _____ **900 service**

k. _____ **Operator services**

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

I. **Services included are:**

- _____ Station assistance
- _____ Person-to-person assistance
- _____ Directory assistance
- _____ Operator verify and interrupt
- _____ Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

23. Submit the following:

A. **Financial capability.**

The application **should contain** the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer **affirming that the financial statements are true and correct** and should include:

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

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.*

Further, the following (which includes supporting documentation) should be provided:

1. **A written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.

2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service.

3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.

B. Managerial capability; give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

C. Technical capability; give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

**** APPLICANT ACKNOWLEDGMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Signature	<u>Darryl Pater</u>	Date	<u>12/1/99</u>
Title	<u>President</u>	Telephone No.	<u>(954) 796-8800</u>
Address:	<u>8845 NW 39TH PLACE</u>	Fax No.	<u>(954) 753-4329</u>
	<u>CORAL SPRINGS, FL 33065</u>		

ATTACHMENTS:

- A - CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - CURRENT FLORIDA INTRASTATE NETWORK
- D - AFFIDAVIT

CERTIFICATE TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) _____,

(Title) _____ of

(Name of Company)

and current holder of Florida Public Service Commission Certificate Number

_____, have reviewed this application and join in the petitioner's request for a:

() transfer

() assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Signature Date

Title Telephone No.

Address: _____
Fax No.

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 provided in one of the following ways (applicant, please check one):

- () The applicant will **not** collect deposits nor will it collect payments for service more than one month in advance.

- () The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.
(The bond must accompany the application.)

UTILITY OFFICIAL:

<u>Day Patel</u> Signature	<u>12/1/99</u> Date
<u>PRESIDENT</u> Title	<u>(954) 796-8800</u> Telephone No.
<u>Address: 8845 NW 39TH PLACE</u> <u>CORAL SPRINGS, FL 33065</u>	<u>(954) 753-4329</u> Fax No.

**** APPENDIX C ****

CURRENT FLORIDA INTRASTATE SERVICES

Applicant **has** () or **has not** () 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 services begin?

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

UTILITY OFFICIAL:

<u>Day Pature</u>	<u>12/1/99</u>
Signature	Date
<u>PRESIDENT</u>	<u>(954) 796-8800</u>
Title	Telephone No.
<u>Address: 8845 NW 39TH PLACE</u>	<u>(954) 753-4329</u>
<u>CORAL SPRINGS, FL 33065</u>	Fax No.

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

<u>Gay Pate</u> Signature	<u>12/1/99</u> Date
<u>PRESIDENT</u> Title	<u>(954) 796-8800</u> Telephone No.
<u>Address: 8845 NW 39TH PLACE</u>	<u>(954) 753-4329</u> Fax No.
<u>CORAL SPRINGS, FL 33065</u>	

IV. Management Personnel

Helene Mae Quoma

Mrs. Quoma has had extensive experience in management and supervision prior to entering the telecommunications industry in 1994. From 1994 to 1998 she was employed by BellSouth Mobility. Mrs. Quoma's initial assignment was in Customer Financial Services as an Assistant Manager. She was cross-trained in Customer Service, Loss Prevention and Welcome. She was promoted to Cycle Manager and assumed collection responsibility for over \$72 million annually.

While employed by BellSouth Mobility, she started A & H Beeper and Cellular Accessories, Inc. Since the establishment of this operation, six years ago, A & H has grown to a four-store chain. Each unit is fully equipped with a repair facility.

Gary Pretner

Mr. Pretner attended the University of Miami and earned a Bachelor Degree in 1981. He has been employed in the telecommunications industry since 1983. Presently, for the past five years, Mr. Pretner has been employed as a marketing manager at the largest radio communications carrier in the state of Florida. Prior to his current employment, Mr. Pretner has been involved in all aspects of sales and marketing in the telecommunications industry. He served as a General Manager of MCI WorldCom for five years, and as a Sales Manager for Bell Atlantic Mobile Systems, also for five years.

V. Financial Resumes

It is understood by the Company that organizational and promotional costs will be incurred prior to the generation of cash flow from operations. It is further understood that accounts receivable and reserves for doubtful accounts will need to be initially financed from sources other than operational revenues.

To this end, Mr. Gary Pretner, a founding shareholder, has pledged approximately \$186,000 in liquid assets contained in a Merrill Lynch Asset Management Account to be utilized for startup costs and to fund the growth of the Company. The funds in the abovementioned Account are totally unencumbered and available to the Company as needed. Additionally, Mr. Pretner has agreed to defer any personal compensation until such time as said compensation can be paid from operational revenues.

Mrs. Quoma, a founding shareholder, has also agreed to defer any personal compensation until such time as said compensation can be paid from operational revenues. Additionally, she has pledged to make available the net resources of A & H Beeper and Cellular Accessories, Inc. Store #1 for the purposes outlined in the first paragraph of this section. The following pages contain the assembled financial statements prepared by the accountants for A & H. The balance sheets and income statement are dated October 31, 1999. It should be noted that the business is seasonal and the weeks following Thanksgiving to the end of the calendar year account for a considerable portion of the company's revenue.

A & H Beeper & Cellular, Inc.
Balance Sheets
as of October 31, 1999

ASSETS

Current Assets

Cash
 Accounts receivable - employee
 Inventory
Total Current Assets

\$ [REDACTED]

Fixed Assets

Furniture and fixtures
 Computer equipment
 Leasehold improvements

 Less: accumulated depreciation
Net Fixed Assets

[REDACTED]

Other Assets

Utility deposits
 Deposits for mobile
Total Other Assets

[REDACTED]

Total Assets

\$ [REDACTED]

LIABILITIES & STOCKHOLDERS' EQUITY

Current Liabilities

Accrued payroll tax
 Accrued FUTA
 Accrued SUTA
 Accrued Sales Tax
Total Current Liabilities

\$ [REDACTED]

Stockholders' Equity

Capital Stock
 Additional paid in capital
 Retained earnings
Total Stockholders' Equity

[REDACTED]

Total Liabilities & Stockholders' Equity

[REDACTED]

A & H Beeper & Cellular, Inc.
Income Statement
for the month ended October 31, 1999

Net Sales	\$ [REDACTED]
Cost of Sales	
Purchases	[REDACTED]
Airtime purchases	[REDACTED]
Shop supplies	[REDACTED]
Subcontract	[REDACTED]
Maintenance on equipment	[REDACTED]
Total Cost of Sales	[REDACTED]
Gross Profit	[REDACTED]
Selling, General & Administrative Expenses	[REDACTED]
Operating Income	\$ [REDACTED]

The Company is currently in a development stage. The unaudited balance sheets are presented below:

Tel-Phone Communications, Inc.
Balance Sheets
as of December 15, 1999

Assets	
Cash	\$ 4,700.00
Organizational costs	<u>1,000.00</u>
Total Assets	<u>\$ 5,700.00</u>
Stockholders' Equity	
Common Stock	200.00
Additional paid in capital	<u>5,500.00</u>
Total Stockholders' Equity	<u>\$ 5,700.00</u>