

Writer's E-Mail Address: bkeating@gunster.com

January 11, 2013

HAND DELIVERY

Ms. Ann Cole, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

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RECEIVED FPSC
13 JAN 11 AM 11:20
COMMISSION
CLERK

Re: Application for Transfer of Control of Rightlink USA, Inc. (Certificate No. 8112) from Michael Ukwendo to Min-Su Kang (Confidential Information Included Pursuant to "Claim" under Rule 25-22.006(5), F.A.C.)

Dear Ms. Cole:

Attached for filing, please find an original and one copy of an Application for transfer of control of Rightlink USA, Inc., holder of CLEC certificate number 8112, from Mr. Michael Ukwendo to Mr. Min-Su Kang. The appropriate filing fee is also submitted with this filing.

Certain information included in Attachment 2 in support of this application is highly confidential, financial information of businesses owned by Mr. Kang. This information has not otherwise been disclosed publicly. Moreover, if the information were disclosed, it would likely cause harm to Mr. Kang's competitive interests. As such, we respectfully request the information in Attachment 2 be classified confidential in accordance with Rule 25-22.006(5), Florida Administrative Code. One highlighted and two redacted copies of the documents are being provided in accordance with the Rule.

COM _____
AFD _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
TEL 1 _____
CLK 1-NG/1-MM

DOCUMENT NUMBER-DATE
00225 JAN 11 12

Ms. Ann Cole, Clerk
January 11, 2013
Page 2

As always, if you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Keating", is written over a horizontal line.

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

FLORIDA PUBLIC SERVICE COMMISSION
OFFICE OF TELECOMMUNICATIONS

APPLICATION FORM
FOR
AUTHORITY TO PROVIDE TELECOMMUNICATIONS COMPANY SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of transfer of an existing certificate. In the case of a transfer, the information provided shall be for the transferee (See Page 8).
- B. Print or type all responses to each item requested in the application. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and one copy of this form along with a non-refundable application fee of **\$500.00** to:

Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770

- E. A filing fee of **\$500.00** is required for the transfer of an existing certificate to another company.
- F. If you have questions about completing the form, contact:

Florida Public Service Commission
Office of Telecommunications
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority rather than apply for a new certificate.

2. Name of company: RightLink USA, Inc.

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

RightLink USA, Inc.

4. Official mailing address:

Street/Post Office Box: 8181 Short Grass Cove

City: Arlington

State: TN

Zip: 38002

5. Florida address:

Street/Post Office Box: Florida address not applicable upon approval

City:

State:

Zip:

6. Structure of organization:

- Individual
 Foreign Corporation
 General Partnership
 Other, please specify:

- Corporation
 Foreign Partnership
 Limited Partnership

If individual, provide:

Name: Min-su Kang
Title: President
Street/Post Office Box: 8181 Short Grass Cove
City: Arlington
State: TN
Zip: 38002
Telephone No.: (901) 581-8222
Fax No.: _____
E-Mail Address: Mtkang08@gmail.com
Website Address: _____

7. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: P00000001309
8. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:
9. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is: G04322900068 (transfer of the name to Mr. Kang is pending).
10. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:
11. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: _____
Title: _____
Street/Post Office Box: _____
City: _____
State: _____
Zip: _____
Telephone No.: _____
Fax No.: _____
E-Mail Address: _____
Website Address: _____

12. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

13. Provide **F.E.I. Number**: 311689646

14. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name: Beth Keating
Title: Florida regulatory counsel
Street Name & Number: 215 South Monroe Street, Suite 601
Post Office Box: _____
City: Tallahassee
State: Florida
Zip: 32301
Telephone No.: (850) 521-1706
Fax No.: (561) 671-2597
E-Mail Address: bkeating@gunster.com
Website Address: www.gunster.com

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

Name: James Joseph Black
Title: Chief Operating Officer, (appointment pending final Closing of Mid-South transaction described in item 15 below).
Street Name & Number: 6565 N. Quail Hollow Drive Suite 200
Post Office Box: _____
City: Memphis
State: TN
Zip: 38120
Telephone No.: (901) 271-3727
Fax No.: _____
E-Mail Address: jblack@midsouthhomephone.com
Website Address: _____

(c) Where will you officially designate as your place of publicly publishing your schedule (a/k/a tariffs or price lists)?

Florida Public Service Commission

Website – *Website address:*

Other – *Please provide address:*

List the states in which the applicant:

(a) has operated as a telecommunications company.

Mr. Kang is the 100% direct owner of Capital Communications Consultants, Inc. ("CapCom"), a provider of competitive local exchange and interexchange services in Alabama, Georgia, Kentucky, Louisiana and South Carolina. CapCom also holds authority to provide these same services in North Carolina but does not yet provide services in that state.

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

At the present time, there are no pending applications other than the instant filing. Mr. Kang recently applied for authority to acquire 100% indirect ownership of Four Star Marketing, LLC d/b/a Mid-South Home Phone ("Mid-South") through MSK Communications, a Tennessee limited liability company, which is wholly owned by Mr. Kang and was created for the purpose of holding the interest of Four Star. That application was the subject of a separate, unrelated proceeding before the FCC. The application was recently approved by the FCC on November 26, 2012. (Domestic Section 214 Application Filed for Transfer of Control of Four Marketing, LLC d/b/a Mid-South Home Phone to MSK Communications, LLC, streamlined Pleading Cycle Established, Public Notice, DA 12-1723, WCB Docket 12-300 (WCB rel. Oct. 25, 2012. Mid-South provides competitive local exchange and interexchange services in Mississippi and Tennessee. Mid-South also holds authorization in Kentucky and Louisiana but does not yet provide services in those states. Upon closing of the Mid-South transaction, Licensee, Mid-South and CapCom will be affiliates through Mr. Kang's 100% ownership of the entities (i.e., 100% direct ownership of CapCom and RightLink, and 100% indirect ownership of Mid-South. Mr. Kang, a U.S. citizen, has investments in telecommunications and debt resolution businesses.

(c) is certificated to operate as a telecommunications company.

Mr. Kang's companies are authorized or certified to do business in the states referenced above in 15(a) and 15(b)

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

Not applicable

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

Not applicable

(f) has been involved in civil court proceedings with another telecommunications entity, and the circumstances involved.

Not applicable.

15. Have any of the officers, directors, or any of the ten largest stockholders previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. Yes No

If yes, provide explanation.

(b) granted or denied a certificate in the State of Florida (this includes active and canceled certificates). Yes No

If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company. Yes No

If yes, give name of company and relationship. If no longer associated with company, give reason why not.

16. Submit the following:

(a) **Managerial capability:** resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.

(b) **Technical capability:** resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.

(c) **Financial Capability:** applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. 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: *It is the applicant's burden to demonstrate that it possesses adequate managerial capability, technical capability, and financial capability. Additional supporting information can be supplied at the discretion of the applicant.*

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

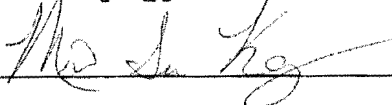
RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of competitive local exchange telecommunications company (CLEC) service in Florida.

APPLICANT ACKNOWLEDGEMENT: 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 competitive local exchange telecommunications 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."

Company Owner or Officer

Print Name: Min-su Kang
Title: President
Telephone No.: (901) 581-8222
E-Mail Address: Mtkang08@gmail.com

Signature:  _____

Date: 1-9-13

CERTIFICATE TRANSFER

As current holder of Florida Public Service Commission Certificate Number 8112, I have reviewed this application and join in the petitioner's request for a transfer of the certificate.

COMPANY OWNER OR OFFICER

Print Name: Michael Ukwendu
Title: Owner/CEO
Street/Post Office Box: 17100 SW 94th Avenue
City: Miami
State: FL
Zip: 33157
Telephone No.: (786) 325-9249
Fax No.:
E-Mail Address:

Signature: _____ Date: _____

Mr. Ukwendu has been unresponsive to recent communication from Mr. Kang and counsel. As such, Mr. Kang has been unable to obtain Mr. Ukwendu's signature on the affirmation included on this page 10 of the Application. Mr. Kang respectfully requests that the FPSC process this application in spite of Mr. Ukwendu's failure to sign the application.

ATTACHMENT 1

Application for Authority to Provide Competitive Local Exchange Telecommunications Services in the State of Florida (Transfer of Control)

RESPONSE TO SECTION 16(A & B)

16(a & b) Enclosed are resumés for Mr. Kang and Mr. Black, which are submitted in support of the applicant's managerial and technical ability to provide competitive local exchange telecommunications services in Florida.

James J. Black Jr.
Chief Operating Officer
Four Star Marketing, LLC
d/b/a Mid-South Home Phone

6565 N. Quail Hollow Dr. Suite 200, Memphis, TN 38120

EXPERIENCE:

Chief Operating Officer and Founder, Four Star Marketing – 2009 to present

In 2009 was one of the founders of Four Star Marketing, LLC d/b/a Mid-South Home Phone. Currently responsible for managing the day-to-day operations of Mid-South. Gained regulatory authority in the states of Tennessee, Mississippi and Kentucky and presently have ETC designation in Tennessee. ETC applications for Mississippi and Kentucky are currently pending.

CLEC Consultant – 2008 to present

Took a ten-year-old existing CLEC based in Nashville and expanded to the Memphis market. Handled acquiring space for three brick and mortar locations, hiring fifteen Memphis-based employees, and supervising their training. Produced marketing material, worked with media partners to produce television commercials, and managed the operation of the business while coordinating with telecom consultant CGM and software provider Overgroup.

Information Technology Consultant – 2001 through 2007

Consultant for Cook Systems International and Conch Technologies; served the needs of Telecommunication Companies.

Financial Services Professional – 1985 through 2000

Held positions with Mass Mutual, Pacific Life, Black Financial Group and served as the Advanced Sales Specialist for First Horizon Corporation.