

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 4, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Beth W. Salak, Director, Office of Telecommunications *BWS*
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel *AT*
RE: Docket No. 140063-TX - Application for certificate to provide local telecommunications service by TelexFREE, LLC.

The above-referenced docket was opened in error. The applicant requested that he receive a certificate (registration) to become an Interexchange provider (IXC) in Florida. The Florida Public Service Commission (PSC) has not had authority over IXCs since 2011. Therefore, we do not have the authority to register the listed company as an IXC. In compliance with Administrative Procedural Manual Section 2.07.C.2.d (1), this docket should be closed. The consultant, Mr. Isaac, has indicated that the PSC may destroy the confidential information included on the attached filing as "Exhibit B". He has also requested that his \$500 application fee be returned or refunded.

OK to close. 4/04/14 BWS

RECEIVED-FPSC
14 APR -4 PM 4:56
COMMISSION
CLERK

BWS/jc

cc: Catherine Beard, Office of Telecommunications

TEL
140063-TX

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

14 APR - 1 AM 8:49
OFFICE OF
TELECOMMUNICATIONS

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: TELEXFREE LLC

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

n/a

4. Official mailing address:

Street/Post Office Box: 225 Cedar Hill Street, Suite 200

City: Marlborough

State: MA

Zip: 01752

5. Florida address:

Street/Post Office Box: 17888 67th Ct. N

City: Loxahatchee

State: FL

Zip: 33470

6. Structure of organization:

Individual

Foreign Corporation

General Partnership

Other, please specify:

Corporation

Foreign Partnership

Limited Partnership

If individual, provide:

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

7. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:
8. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: M14000001586
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: n/a
10. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: n/a
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**: 46-0650853

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

(a) The application:

Name: Joseph Isaacs % ISG-Telecom Consultants
Title: Consultant
Street Name & Number: 4274 Enfield Ct
Post Office Box: _____
City: Palm Harbor
State: Fl
Zip: 34685
Telephone No.: 727-738-5553
Fax No.: _____
E-Mail Address: isaacs@isg-telecom.com
Website Address: www.isgtelecom.com

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

Name: Jim Merrill
Title: President
Street Name & Number: 225 Cedar Hill Street
Post Office Box: Suite 200
City: Marlborough
State: MA
Zip: 01752
Telephone No.: 508-460-3333
Fax No.: 508-460-3330
E-Mail Address: jmerrill@telexfree.com
Website Address: www.telexfree.com

(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:*

15. List the states in which the applicant:

(a) has operated as a telecommunications company.

CA, TX, MO, MI, IO, IL, NE, KY, NJ and MA

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

KS, LA, WA, NY, IL, NC, GA, and CT

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

CA, TX, MO, MI, IO, IL, NE, KY, NJ and MA

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

none

16. 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.

17. 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 telecommunications company 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 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.**"

I understand that any false statements can result in being denied a certificate of authority in Florida.

COMPANY OWNER OR OFFICER

Print Name: JIM MERRILL
Title: President
Telephone No.: 508-263-0733
E-Mail Address: jmerrill@telexfree.com

Signature:  Date: 3/26/04

EXHIBIT "A"

RESUMES OF PRINCIPLES

Carlos Wanzeler

Worcester, MA 01606 Cell: 508-889-0892 wanzeler@telexfree.com
www.telexfree.com www.diskavontade.com

Professional Summary

Accomplished business leader with over 10 years of management, strategy, product development, delivery and operational experience in the Telecommunications industry. High-profile executive successful at leveraging career experience to enhance organizational productivity and efficiency by effectively directing and supporting operations, services and solutions.

Skills

- Exceptional interpersonal communication
- Effective leader
- Budget development
- Product development

Work History

Vice President, April 2012 to Current

Telexfree – Marlborough, MA

- Spearheaded cross-functional initiative to achieve goals.
- Strengthened company's business by leading implementation of a Quality Department.
- Trained, coached and mentored staff to ensure smooth adoption of new program.
- Increased profits by 60% in one year through restructure of business line.
- Leader of Executive Management Team.
- Developed business plan and raised \$5.5M in first round of funding.

President, January 2002 to Current

Brazilian Help, Inc. / Disk a Vontade – Marlborough, MA

- Developed and executed marketing programs and general business solutions resulting in increased company exposure, customer traffic, and sales.
- Worked closely with all product development departments to create and maintain marketing materials for sales presentations and client meetings.
- Developed and managed communications strategies, plans and budgets.
- Defined strategy and business plan for Telecommunications.

Education

Business at Worcester State College - Worcester, MA

2 years

JAMES MERRILL

Ashland, MA 01721 | jmerrill@telexfree.com | 508-889-8888

| **PRESIDENT TELEXFREE**

APRIL 2012- PRESENT

Administration, Vendor relations & Finance.

| **PRESIDENT CLEANER IMAGE ASSOCIATES, INC**

1986-2012

Grew business from scratch to 1 million dollars in sales. Responsible for administration, Sales and Marketing

| **WESTFIELD STATE UNIVERSITY, WESTFIELD MA**

NONE

2 years only moved in another directions.

EXPERIENCE | Ability to motivate and instill trust in a company.

EDUCATION | Works well in groups, ability to speak publicly

COMMUNICATION | **FATHER JAMES FLYNN, PASTOR**

ST MATHEWS PARRISH

105 Southville Rd, Southborough, MA 01772 (508) 485-2285

LEADERSHIP |

REFERENCES |

EXHIBIT "B"

APPLICANTS FINANCIALS FOR THE PERIOD ENDING 12/31/13

MARKET AS CONFIDENTIAL AND FILED UNDER SEAL