

August 30, 1996

VIA OVERNIGHT DELIVERY

Florida Public Service Commission
Division of Communications
Certification and Compliance Section
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

961038-TX



Re: Application for Authority to Provide Alternative Local Exchange Service Within the State of Florida

Dear Sir/Madam:

Enclosed please find an original and six (6) copies of DeltaCom, Inc.'s ("DeltaCom") application for authority to provide alternative local exchange service within the State of Florida. Also enclosed is DeltaCom's check in the amount of \$250.00 payable to the Florida Public Service Commission for payment of the required non-refundable application fee associated with this application.

96 SEP -4 AM 11:28

Additionally, DeltaCom's financial statements for the years 1992 through 1995 referred to in Exhibit I to the application are enclosed in the enclosed sealed envelope marked "confidential". DeltaCom request that these financial statements be maintained and treated as confidential and proprietary information of DeltaCom since DeltaCom is a private, closely-held corporation which maintains its financial information in a similar manner and utilizing safeguards to protect this information from public disclosure. Your consideration in this regard is greatly appreciated. Please contact me should there be any problems in this regard.

Please return a stamp "filed" & addressed return envelope pr

This Notice of Intent was filed with Confidential Document No. 09421-96. The document has been placed in the confidential files pending receipt of a request for confidential treatment.

Thank you for your help and e

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DOCUMENT NUMBER-DATE

09420 SEP -4 96

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:

AJ.

Florida Public Service Commission
August 30, 1996
Page 2

Very truly yours,

A handwritten signature in cursive script that reads "Rodney N. Hyatt". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Rodney N. Hyatt
Assistant General Counsel

/rnh

Enclosures

ORIGINAL
FILE COPY

FLORIDA PUBLIC SERVICE COMMISSION
Division of Communications, Certification & Compliance Section
2450 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850
(904) 413-6600

APPLICATION FORM

for

**AUTHORITY TO PROVIDE ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA**

INSTRUCTIONS

1. This form is used for an original application for a certificate and for approval of sale, assignment, or transfer of an existing alternative local exchange certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee.
2. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
3. Use a separate sheet for each answer which will not fit the allotted space.
4. Any questions regarding completion, contact above.
5. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250 made payable to the Florida Public Service Commission at the above address.

SEP 10 1992
FPC-REGISTRATION

APPLICATION FORM FOR AUTHORITY TO PROVIDE
ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA

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

- (X) Original authority (new company)
- () Approved of transfer (to another certificated company)
Example: a certificated company purchases an existing company and desires to retain the original certificate authority.
- () Approval of assignment of existing certificate (to a noncertificated company)
Example: a non-certificated company purchases an existing company and desires to retain the certificate of authority rather than for a new certificate.
- () Approval for transfer of control (to another certificated company)
Example: a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of applicant:

DeltaCom, Inc.

3. A. National Mailing Address including street name, number, post office box, city, state, zip code and phone number.

Street: 113 South Main Street
PO Box 1233
City: Arab
State: Alabama
Zip: 35016
Phone: (205) 239-3000

B. Florida Mailing Address including street name, number, post office box, city, state, zip code and phone number.

Street: 1200 South Pine Island Road
PO Box
City: Plantation
State: Florida
Zip: 33324
Phone: (305) 473-5503

DOCUMENT NUMBER-DATE
09420 SEP-4 88
FPSC-RECORDS/REPORTING

C. Physical Address of alternative local exchange service in Florida including street name, number, post office box, city, state, zip code and phone number.

Street:
PO Box
City:
State:
Zip:
Phone:

4. Structure of organization:

- | | |
|---------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation |
| <input checked="" type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Other, Please explain _____ |

5. If incorporated, please provide proof from the Florida Secretary of State that the applicant has the authority to operate in Florida.

Corporate charter number: P23464

6. Name under which the applicant will do business (d/b/a):

DeltaCom, Inc.

7. If applicable, please provide proof of fictitious name: (d/b/a) registration.

Not applicable. DeltaCom does not at this time intend to use a fictitious name for offering the proposed local service offerings.

8. If applicant is an individual, partnership, or joint venture, please give name and address of each legal entity.

Not applicable.

9. State whether any of the officers, directors, or any of the ten largest stockholders have previously been 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.

Not applicable.

10. Please provide the title, address, telephone number, internet address and facsimile number of the person serving as ongoing liaison with the Commission, and if different, the liaison responsible for this application:

Application contact:

Name: Rodney N. Hyatt
Title: Assistant General Counsel
P.O. Box: 1233
Street: 113 South Main Street
City: Arab
State: Alabama
Zip: 35016
Phone: (205) 586-1404
Fax: (205) 586-1365
Internet Address: rhyatt@deltacom.com

Ongoing Liaison:

Name: Nanette Edwards
Title: Regulatory Affairs Manager
P.O. Box: 1233
Street: 113 South Main Street
City: Arab
State: Alabama
Zip: 35016
Phone: (205) 586-1404
Fax: (205) 586-0885
Internet Address: nedwards@deltacom.com

11. Please list other states in which the applicant is currently providing or has applied to provide local exchange or alternative local exchange service.

Alabama.

12. Has the applicant been denied certification in any other state? Yes () No (X)
If so, please list the state and reason for denial.
13. Have penalties been imposed against the applicant in any other state: Yes (X) No ()
If so, please list the state and reason for penalty.

DeltaCom holds authority to resale of long distance telecommunications services granted by the North Carolina Public Utilities Commission (NCPUC). However,

during the certification process. DeltaCom openly and freely admitted to and provided supporting documentation relating to DeltaCom's inadvertent error in completing intrastate services for some travel card accounts and to business locations in North Carolina which were ultimately obtained by some established DeltaCom customers headquartered in other states and billed to the headquarters location, without prior certification from the NCPUC. A penalty was assessed by the NCPUC, paid by DeltaCom and DeltaCom is and continues to be in good standing with the NCPUC.

14. **Please indicate how a customer can file a service complaint with your company.**

The customer may contact DeltaCom regarding service complaints and/or billing inquiries by contacting DeltaCom's Customer Service Department via a toll free number (1-800-239-3000) or by writing DeltaCom's Customer Service Department at DeltaCom, Inc., Customer Service Department, P.O. Box 1233, Arab, AL 35016.

15. **Please provide all available documentation demonstrating that the applicant has the following capabilities to provide alternative local exchange service in Florida.**

A. Financial capability (Exhibit II)

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements, including:

1. the balance sheet
2. income statement
3. statement of retained earnings for the most recent 3 years

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 statement should then be signed by the applicant's chief executive officer and chief financial officer. The signature should affirm that the financial statements are true and correct.

B. Managerial capability

See Exhibit II.


C. Technical capability

See Exhibit III.

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 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."

Official:  Date: 8/30/96
signature

Title: President

Address: P.O. Box 1233
113 South Main Street
Arab, AL 35016

Telephone: (205)586-1404

EXHIBIT I

FINANCIAL CAPABILITY

The financial statements of DeltaCom, Inc., ("DeltaCom") for the years 1992 through 1995 are provided to the Commission under separate cover. DeltaCom is a private, closely-held corporation whose financial information is maintained as highly confidential and proprietary to DeltaCom. All efforts to maintain this information as confidential and proprietary information to DeltaCom is greatly appreciated and anticipated unless prior written notice is given to DeltaCom describing the need to disclose this information and providing DeltaCom with sufficient opportunity to object to such disclosure.

EXHIBIT II

MANAGERIAL CAPABILITY

**MANAGEMENT TEAM
AND TECHNICAL QUALIFICATIONS
OF DELTACOM, INC.**

Foster O. McDonald, President and Director of DeltaCom, Inc.

Foster McDonald graduated with a B.A. from Vanderbilt University in 1984 and earned his M.B.A. from Vanderbilt University in 1989. His responsibilities include all retail marketing, sales, customer service, and operations activities for telecommunications services provided by DeltaCom. Mr. McDonald has been directly involved with the management of DeltaCom since its creation in 1982 as a long distance telecommunications provider.

Mr. McDonald also serves as Vice President for Brindlee Mountain Telephone Company of Arab, Alabama, a local exchange telecommunications company providing state-of-the-art telecommunications services to its subscribers. As Vice President, Mr. McDonald has responsibilities for oversight of the management team responsible for the daily operations of the company including customer service, business and central office operations, and outside plant. Mr. McDonald has been involved with the operations of BMTC in capacities as laborer, manager and officer since around 1980.

Tom Mullis, Chief Operating Officer, Secretary and General Counsel.

Tom Mullis earned B.S. and Juris Doctorate degrees from the University of Alabama between 1961 and 1968. As Chief Operating Officer, he is responsible for administration of network and switched services, management information systems, customer operations, and human resources. He is also responsible for management of all legal and regulatory matters. Mr. Mullis has been involved with DeltaCom since its creation in 1982. Prior to joining DeltaCom, Mr. Mullis maintained a private law practice from 1970 to 1985. He is admitted to the Alabama Bar Association.

Mr. Mullis also serves as Vice President, Secretary and General Counsel for Brindlee Mountain Telephone Company of Arab, Alabama, a local exchange telecommunications company providing state-of-the-art telecommunications services to its subscribers. As Vice President, Mr. Mullis has management responsibilities of the personnel responsible for customer service, regulatory and legal matters. Mr. Mullis was involved with the operations of BMTC while in private practice and has been intricately involved in BMTC's operations since joining the company in 1985.

**MANAGEMENT TEAM
AND TECHNICAL QUALIFICATIONS
OF DELTACOM, INC. (CONT.)**

Sara Plunkett, Chief Financial Officer.

Sara Plunkett graduated from the University of Alabama with a B.A. She is a Certified Public Accountant in Alabama and Georgia. Prior to joining DeltaCom she was a CPA audit and tax practitioner and worked for Price Waterhouse in Atlanta, Georgia, and in private accounting practice until joining DeltaCom in 1989. Ms. Plunkett is responsible for all financial matters of DeltaCom.

Ms. Plunkett also serves as Chief Financial Officer for Brindlee Mountain Telephone Company of Arab, Alabama, a local exchange telecommunications company providing state-of-the-art telecommunications services to its subscribers. As CFO, Ms. Plunkett has management responsibilities for the personnel responsible for the financial matters of BMTC, including reporting of financial data to regulatory agencies. Ms. Plunkett was involved with the operations of BMTC while in private accounting practice and has been intricately involved in BMTC's operations since joining the company in 1989.

David L. Hill, Vice President, Network Operations.

David Hill graduated from Auburn University in 1983 with a B.S. degree in Electrical Engineering. He has served as Vice President of Network Operations for DeltaCom, Inc., since August of 1985. Prior to joining DeltaCom he worked for the Aerospace Division of Rockwell International. Mr. Hill has nine years of extensive experience in implementing and managing network operations, including network control switching center, cost billing verification and network provisioning.

Susan T. Crane, Vice President, Customer Operations.

Susan Crane graduated from the University of North Alabama with a B.S. degree in Management/Economics. She has seven and a half years of experience at DeltaCom, Inc. Prior to joining DeltaCom she worked for Intergraph Corporation with responsibility for all telecommunications needs of this publicly-traded, international computer manufacturing and services organization. She is responsible for the administration of all customer accounts and new product implementation.

Sandra L. Stisher, Vice President, Information Services.

Sandra Stisher graduated from the University of Alabama with a B.S. in Education and an M.S. in Education/Administration. She has seven years as a computer consultant. She is responsible for computing resources for DeltaCom, Inc.'s internal operations and customer billing.

**MANAGEMENT TEAM
AND TECHNICAL QUALIFICATIONS
OF DELTACOM, INC. (CONT.)**

Jeff McDonald, Vice President, Sales.

Jeff McDonald graduated from the University of Georgia with a B.S. in Business Administration. Prior to joining DeltaCom he worked for MCI and Telecom USA for nine years. He also served as vice president of sales and on the board of directors for BTI Telecommunications Services in Raleigh, North Carolina. He is responsible for sales and marketing.

Rick Nelson, Vice President, Technical Services.

Prior to joining DeltaCom, Mr. Nelson operated the telecommunications division for AmSouth Bank, a large regional banking association. He is responsible for network design for DeltaCom customers and supplies technical assistance to sales groups. He has twenty years of experience in the computer and telecommunications field.

David Jacobs, Vice President, Major Accounts.

David Jacobs graduated from Troy State University with a B.S. degree. He is responsible for maintaining large corporate accounts and provides support to meet their specialized communications needs

EXHIBIT III

TECHNICAL CAPABILITY

The abundant experience and expertise of DeltaCom's management has developed and currently maintains a state-of-the-art telecommunications network providing residence and business consumers with dependable, efficient and cost effective telecommunications services at competitive rates. DeltaCom is recognized in the industry for its expertise in customer service and designing, installing, operating, and maintaining telecommunications services to its customers in a manner resulting in superior customer satisfaction. This high level of customer satisfaction has been attained and maintained by DeltaCom's attention to providing quality services and the rapid deployment of new and innovative telecommunications services at competitive rates.

DeltaCom has been a provider of interexchange services in the state of Florida since June 1, 1989, when the Florida Public Service Commission granted DeltaCom a certificate for authority to provide such services. DeltaCom continues to grow and expand as a provider of communications services supplying a wide range of services primarily focused on consumers located in the southeastern United States. Prior to the development of DeltaCom's interexchange services business beginning in 1983, DeltaCom's management very capably and successfully operated a local exchange carrier in Alabama and has since continued and remained knowledgeable and experienced in the provision of high quality local exchange services. Likewise, DeltaCom has consistently provided high quality interexchange services to both residential and business customers in Florida for many years. With an abundance of expertise and knowledge in telecommunications, the management of DeltaCom are well qualified, from both a technical and customer service standpoint, to provide both resale and facilities-based exchange telecommunications services in Florida. The profiles of DeltaCom's management team provided in Exhibit II of this application provide further evidence of DeltaCom's technical capability to provide local services.



DEPOSIT TREAS. REC

August 30, 1996

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VIA OVERNIGHT DELIVERY

Florida Public Service Commission
Division of Communications
Certification and Compliance Section
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

961038-TX

Re: Application for Authority to Provide Alternative Local
Exchange Service Within the State of Florida

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DELTA COM, INC.
P. O. BOX 1233
ARAB, AL 35016



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PAY Two-hundred Fifty Dollars and No/100 DOLLARS \$ 250.00

TO THE ORDER OF Florida Public Service Commission

DeltaCom, Inc.

[Handwritten Signature]
Dwayne Don