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COMMISSION CLERK

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DATE: NOVEMBER 20, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (T. WILLIAMS) (R. KENNEDY) (ROJAS) *AK* *pk*

RE: DOCKET NO. 030873-TX - APPLICATION FOR CERTIFICATE TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY UTILITY USA, INC. D/B/A OSCATEL TELECOMMUNICATIONS.

AGENDA: 12/02/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030873.RCM

CASE BACKGROUND

The Case Background contains three parts. Part 1, Corporate Business Relationships of Mr. Oscar Nodarse, provides a brief history of the corporate business relationships of Mr. Oscar Nodarse, vice-president, Utility USA, Inc., with other corporations that have held or currently hold certificates of public convenience and necessity with the Commission. Part 2, Staff Interaction, is a narrative describing interaction between staff, corporations in which Mr. Nodarse served as either an officer or director, and other telecommunications companies. Part 3, Activity of Utility USA, Inc., describes events occurring after Utility USA, Inc. filed its Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida.

**Part 1 - Corporate Business Relationships of Mr. Oscar Nodarse**

- January 14, 1998 - FLATEL, Inc. d/b/a Florida Telephone Company was granted authority by the Commission, in Proposed Agency Action (PAA) Order PSC-98-0093-FOF-TX (Docket No. 971434-TX), to operate as a competitive local exchange telecommunications company (CLEC) in Florida. The company's application was filed by Mr. Nodarse on November 3, 1997.
- December 3, 1998 - FLATEL, Inc. d/b/a Florida Telephone Company filed an Application for Reinstatement (Attachment A) as a registered corporation with the Florida Department of State, Division of Corporations. Mr. Nodarse was listed as director, president, secretary, and treasurer on the filing. Staff does not know the date FLATEL, Inc. originally filed as a registered corporation.
- February 18, 1999 - FLATEL, Inc. d/b/a Florida Telephone Company filed Amended and Restated Articles of Incorporation (Attachment B) with the Florida Department of State, Division of Corporations. Mr. Nodarse signed the Amended and Restated Articles of Incorporation.
- July 12, 1999 - FLATEL, Inc. d/b/a Florida Telephone Company filed a Profit Corporation Annual Report (Attachment C) with the Florida Department of State, Division of Corporations. The document shows that Mr. Nodarse was deleted as an officer of FLATEL, Inc.
- November 8, 1999 - Telebeeper, Inc. filed Articles of Incorporation (Attachment D) with the Florida Department of State, Division of Corporations. Mr. Nodarse filed the Articles and was identified as the president of Telebeeper, Inc.
- February 9, 2000 - Telebeeper, Inc. filed an Application for Registration of Fictitious Name (Attachment E) for **Oscatel Communications** with the Florida Department of State, Division of Corporations. Mr. Nodarse filed the Application.
- March 2, 2000 - Telebeeper, Inc. was granted authority by the Commission, in Consummating Order PSC-00-0440-CO-TX which made PAA Order PSC-00-0271-PAA-TX effective and final (Docket No. 991739-TX), to operate as a CLEC in Florida. Mr. Nodarse

filed the application with the Commission on November 19, 1999.

- December 12, 2000 - Telebeeper, Inc.'s request to add **Oscatel Communications** as a doing-business-as name on CLEC Certificate 7341 was approved by the Commission in Order PSC-00-2380-FOF-TX (Docket No. 001697-TX).
- August 16, 2001 - FLATEL, Inc. d/b/a Florida Telephone Company filed an Application for Registration of Fictitious Name (Attachment F) with the Florida Department of State, Division of Corporations adding **Oscatel** as a fictitious name.
- November 20, 2001 - FLATEL, Inc. d/b/a Florida Telephone Company obtained acknowledgment by the Commission, in Order PSC-01-2281-FOF-TX (Docket No. 011121-TX), of a name change on CLEC Certificate No. 5315. FLATEL, Inc. d/b/a Florida Telephone Company added d/b/a **Oscatel** and d/b/a Telephone USA to its certificate.
- January 4, 2002 - Telebeeper, Inc. d/b/a **Oscatel Communications'** CLEC Certificate was cancelled by the Commission, in Consummating Order PSC-02-0042-CO-TX which made PAA Order PSC-01-2411-PAA-TX effective and final (Docket No. 011278-TX), for non-payment of regulatory assessment fees. The certified mail copy of the PAA Order was returned to the Commission marked as "Moved-Left-No-Address." Telebeeper, Inc. d/b/a **Oscatel Communications** did not pay any regulatory assessment fees (years 2000, 2001, and 2002) after its initial certification by the Commission.
- April 11, 2002 - FLATEL, Inc. filed a Uniform Business Report (Attachment G) with the Florida Department of State, Division of Corporations. The filing added Mr. Nodarse as CEO/Director of Business Development for FLATEL, Inc.
- October 4, 2002 - Telebeeper, Inc.'s corporate registration was administratively cancelled by the Florida Department of State, Division of Corporations, for failing to file an annual report. See Attachment H.
- August 22, 2003 - Utility USA, Inc. filed Electronic Articles of Incorporation (Attachment I) with the Florida Department of State, Division of Corporations. The filing listed Mr. Oscar

Carvajal and Mr. Oscar Nodarse as initial officers and/or directors of the corporation.

- August 26, 2003 - Utility USA, Inc. filed an Application for Registration of Fictitious Name (Attachment J) with the Florida Department of State, Division of Corporations. Utility USA, Inc. registered **Oscatel Telecommunications** as a fictitious name.
- September 2, 2003 - FLATEL, Inc. filed Articles of Amendment to Articles of Incorporation of FLATEL, Inc. (Attachment K) with the Florida Department of State, Division of Corporations. FLATEL, Inc. removed Mr. Oscar Nodarse from FLATEL, Inc. The reason provided was that Mr. Nodarse was no longer with FLATEL, Inc. as of August 18, 2003.
- September 2, 2003 - Utility USA, Inc. d/b/a **Oscatel Telecommunications** submitted an Application Form for Authority to Provide Competitive Local Exchange Service within the State of Florida (Application, Attachment L) with the Commission. The Application listed Mr. Oscar Nodarse as Utility USA, Inc. d/b/a **Oscatel Telecommunications'** vice-president.

## Part 2 - Staff Interaction

This section of the discussion provides snapshots of instances in which third parties claim Mr. Oscar Nodarse or his corporations are causing them harm in some fashion or other. It appears that the d/b/a "Oscatel", and variations thereof, may have been used to maneuver customers from one local service provider to another, causing customer harm and confusion, and creating complications for other telecommunications providers.

In a letter (Attachment M) to the Commission dated January 3, 2001, Mr. Paul Joachim, Florida Telephone Services, LLC, claims that Mr. Charles Agero of Montezuma, Inc. and Mr. Oscar Nodarse of Telebeeper, Inc. d/b/a Oscatel Communications were switching customers by telling the customers that Florida Telephone Services had changed its name to Oscatel. Mr. Joachim obtained legal counsel and copies of counsel's letters to Mr. Agero and Mr. Nodarse are included in Attachment M. Apparently Montezuma, Inc. was serving as an agent for Florida Telephone Services, LLC and at some point entered into an arrangement whereby it would serve as an agent of Telebeeper, Inc. d/b/a Oscatel Communications.

Several more examples of staff involvement with complaints filed by other telecommunications companies against Telebeeper, Inc. d/b/a Oscatel Communications and FLATEL, Inc. d/b/a Oscatel are provided in Attachment N. The examples are: 1. USA Telephone Inc. requested assistance from staff to get a local service freeze removed; 2. Budget Phone notified staff that FLATEL, Inc. disconnected a customer rather than removing the local service freeze so the customer could transfer to Budget Phone and retain the same telephone number; and 3. staff notified Telebeeper, Inc. d/b/a Oscatel Communications, via e-mail, that a local service freeze was preventing a customer from selecting a new provider. The dates of these documents range from December 4, 2001, to April 17, 2002. Staff has included these examples to demonstrate the complications that have arisen because of the various uses of the d/b/a "Oscatel" by the companies with which Mr. Nodarse has been affiliated.

**Part 3 - Activity of Utility USA, Inc.**

On August 29, 2003, Utility USA, Inc. d/b/a OSCATEL Telecommunications filed an application (Attachment L) for CLEC certification.

Question 16 of the application lists Mr. Oscar Carvajal as President and Mr. Oscar Nodarse as Vice-President of Utility USA, Inc. Question 15 of the application requires the applicant to indicate if any of the officers, directors, or any of the ten largest stockholders have previously been an officer, director, partner or stockholder in any other Florida certificated telephone company. It also requires that the applicant name the company and describe the relationship with the company and give the reason why the individual is no longer associated with the company. The applicant answered question 15 that Oscar Nodarse is the Chief Information Officer (CIO) of FLATEL, Inc. On August 29, 2003, staff received notification (Attachment O) from Mr. Abby Matari, Chief Executive Officer (CEO) of FLATEL, Inc. that Mr. Oscar Nodarse had been terminated on August 18, 2003, and was no longer employed by FLATEL, Inc. This appears to be an error in Utility USA, Inc.'s Application filed with the Commission on August 29, 2003.

In Exhibit VI of the application (Attachment L), Mr. Nodarse's resume lists him as the founder of FLATEL, Inc. and the founder and current President of Telebeeper, Inc. The applicant failed to list

in question 15 of the application that Mr. Nodarse was an officer with Telebeeper, Inc. Mr. Nodarse, Vice-President of Utility USA, Inc. is or was an officer of at least two companies that operated as competitive local exchange companies in Florida, namely FLATEL, Inc. and Telebeeper, Inc.

In question 17 of the application, the applicant lists that it has operated as a competitive local exchange company in Florida and is certificated to operate as a competitive local exchange company in Florida. Staff notes that Utility USA, Inc. is not certificated to operate as a competitive local exchange company in Florida. Further, question 17 of the application requires that the applicant respond if it has had regulatory penalties imposed for violations of telecommunications statutes and provide the circumstances involved. Utility USA, Inc. as a corporation appears not to have any regulatory penalties against it, however, the company officers in this case, based on answers in other portions of the application, appear to be completing the application based upon their personal experiences in the telecommunications industry. In doing so, it would be appropriate to disclose that penalties were imposed on Telebeeper, Inc., of which Mr. Nodarse claims to be the founder and President. At the very least, Mr. Nodarse should have been identified as an officer of Telebeeper, Inc. in question 15 of the Application, which requires Utility USA, Inc. to list any of its officers that have previously been an officer in any other Florida certificated telephone company.

On December 12, 2001, the Commission issued Proposed Agency Action (PAA) Order PSC-01-2411-PAA-TX, in Docket No. 011278-TX, Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7341 issued to Telebeeper, Inc. d/b/a Oscatel Communications for violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. Telebeeper, Inc. failed to reply to the PAA Order, thus the Commission issued Consummating Order PSC-02-0042-CO-TX on January 4, 2002, making Order PSC-01-2411-PAA-TX effective and final.

Staff has received several complaints from Mr. Abby Matari, CEO of FLATEL, Inc. One example of Mr. Matari's complaints is provided as Attachment P. Mr. Matari advised staff that he had received a Local Freeze Removal Notice (Attachment Q) from Utility USA, Inc., dated August 26, 2003. Mr. Matari also alleged slamming

activity by Mr. Nodarse and requests that the Commission deny granting Utility USA, Inc. a CLEC certificate. (Attachment R).

Another company Mr. Nodarse has involvement with is Telephone One Inc. This company is a certificated competitive local exchange company and was used by Mr. Nodarse to move customers away from FLATEL, Inc. On September 10, 2003, staff contacted Mr. Osvaldo Fernandez, with Telephone One Inc., and requested an explanation of his company's involvement with Mr. Nodarse and Utility USA, Inc. Mr. Fernandez claimed that Mr. Nodarse had approached him and explained about a disagreement between Mr. Nodarse and Mr. Matari. Mr. Nodarse claimed that he was to obtain approximately 300 of FLATEL, Inc.'s customers as part of a negotiated departure by Mr. Nodarse from FLATEL, Inc. Because Mr. Fernandez knew Mr. Nodarse and Mr. Nodarse needed an avenue to serve customers, Mr. Fernandez agreed to provide local telephone service to Utility USA, Inc.'s customers until Utility USA, Inc. obtained certification from the Commission. When certification was approved by the Commission, Mr. Nodarse would move the customers from Telephone One Inc. to Utility USA, Inc.

When asked if the Local Freeze Removal Notice (Attachment Q) was the authorization Telephone One Inc. was using to switch the customers' service from FLATEL, Inc. to Telephone One Inc., Mr. Fernandez stated that it was. Staff then advised Mr. Fernandez that the Local Freeze Removal Notice failed to meet the requirements of the Commission's Rule 25-4.118, Local, Local Toll, and Toll Provider Selection, Florida Administrative Code, and that Telephone One Inc. appears to be exposed to a potential slamming liability. Mr. Fernandez then asked what he could do to correct this matter and minimize his exposure. Mr. Fernandez claimed that he was only helping Mr. Nodarse as a favor, and that his telephone company is a "small time player". Mr. Fernandez stated that his primary income was from another source and he has no interest in making Telephone One inc. his primary source of income.

Staff learned from Mr. Fernandez that Telephone One Inc. had switched approximately 100 customers from FLATEL, Inc. to itself and approximately 40 more customers were in the process of being switched. Staff suggested to Mr. Fernandez that he might consider refunding all customers that had not already been switched (this is a pre-paid service) and notify the others that they have a choice of any company they want for local phone service. Also, Mr. Fernandez stated that he would not take any more orders from Mr.

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Nodarse and would so inform him. Mr. Fernandez submitted his proposed plan (Attachment S) in writing to staff. Staff notes that the number of complaints filed by both Mr. Nodarse against FLATEL, Inc. and complaints filed by Mr. Matari against Utility USA, Inc. subsided.

On September 11, 2003, staff was contacted by Mr. Bernie Motola, who represents Mr. Nodarse and Utility USA, Inc. Mr. Motola requested a sample of a Letter of Authorization that his client could use as a guide to develop a Letter of Authorization. E-mail correspondence between staff and Mr. Motola are provided as Attachment T. Staff fulfilled Mr. Motola's request on September 11, 2003.

On September 16, 2003, Mr. Motola e-mailed staff a Letter of Authorization (e-mail and Letter of Authorization included in Attachment T) requesting staff's review of the document for compliance with the Commission's Rule 25-4.118, Florida Administrative Code. Staff noted that the company's name on the Letter of Authorization was Universal Wireless, a certificated CLEC, that heretofore was not at issue in these matters. It was unclear to staff the relationship between Mr. Nodarse and Universal Wireless. However, staff notes that Mr. Motola's e-mail of September 16, 2003, shows onodarse@aol.com as a copy recipient of the e-mail. Based on information in the Commission's Master Commission Directory, Mr. Nodarse is not listed as an associate of Universal Beepers Express, Inc. d/b/a Universal Wireless. Thus staff contacted Mr. Moeen Khalil, the listed liaison of Universal Beepers Express, Inc. d/b/a Universal Wireless and asked if he were aware that legal counsel for Mr. Nodarse was seeking a sample Letter of Authorization and review of a draft Letter of Authorization that showed Universal Beepers Express, Inc. d/b/a Universal Wireless as the provider of local telephone service. Mr. Khalil stated that he was aware of Mr. Motola's request and that he had made arrangements with Mr. Nodarse, whereby Mr. Nodarse would serve as an agent for Universal Beepers Express, Inc. d/b/a Universal Wireless.

On November 6, 2003, the Office of the General Counsel received an amended application and a settlement offer (Attachment U) from Lusky & Motola, P.A., counsel for Utility USA, Inc.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.285 and 364.337, Florida Statutes.



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Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept Utility USA, Inc.'s offer to settle and grant Utility USA, Inc. a certificate to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes?

**RECOMMENDATION:** Yes. The Commission should accept Utility USA, Inc.'s offer to settle and grant Utility USA, Inc. Florida Public Service Commission Certificate No. 8419 to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes. The company should, however, be required to submit a price list at least one day prior to offering basic service. The payment of the past due regulatory assessment fees and statutory late payment charges, plus the \$500 penalty imposed in Docket No. 011278-TX, and the \$5,000 settlement for apparently operating Utility USA, Inc. without a certificate should be received by the Commission within fourteen calendar days after the issuance of the Consummating Order and should identify the docket number and the company's name. If the company fails to pay in accordance with its offer to settle, then the company's Certificate No. 8419 should be cancelled, and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. (T. Williams, R. Kennedy, Rojas)

**STAFF ANALYSIS:** Utility USA, Inc. filed an updated application with this Commission on November 6, 2003, to offer competitive local exchange telecommunications service in Florida.

A review of the application indicates that the company will rely on the network operation of its underlying carrier(s) for its technical maintenance. A review of Utility USA, Inc.'s financial statements indicates that the applicant appears to have adequate financial capabilities.

The application did not contain a price list. As such, if Utility USA, Inc. intends to offer basic service per Section 364.02(1), Florida Statutes, a price list must be submitted to the Commission at least one day prior to offering basic service.

Section 364.337, Florida Statutes, Competitive local exchange telecommunications companies; intrastate interexchange telecommunications services; certification, states in part:

(1)... The Commission shall grant a certificate of authority to provide competitive local exchange service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. ...

Staff believes that Mr. Nodarse's managerial skills are questionable and are the basis for legitimate concern. Nevertheless, staff is hopeful that Mr. Nodarse's forfeiture of \$5,000 will have a significant impact on his future practices. Staff will nevertheless continue to monitor his actions closely through the complaint process and regulatory assessment fee audits, and bring enforcement action against Mr. Nodarse for Commission consideration, if appropriate.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** If the Commission approves staff's recommendation on Issue 1, the Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interest are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. This docket should remain open pending the receipt of the company's settlement proposal of \$500 penalty and regulatory assessment fees (2000, 2001, and 2002), plus statutory late payment charges for each year, and the \$5,000 settlement payment. Upon receipt of all payments this docket should be closed administratively. If the company fails to make all of the proposed payments, this docket should be closed administratively, the company's certificate should be cancelled, and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. (T. Williams, R. Kennedy, Rojas)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, the Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interest are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. This docket should remain open pending the receipt of the company's settlement proposal of \$500 penalty and regulatory assessment fees (2000, 2001, and 2002), plus statutory late payment charges for each year, and the \$5,000 settlement payment. Upon receipt of all payments this docket should be closed administratively. If the company fails to make all of the proposed payments, this docket should be closed administratively, the company's certificate should be cancelled, and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

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CTIONS BEFORE COMPLETING THIS FORM.

ATTACHMENT A

DEPARTMENT OF STATE  
 Tallahassee, Florida  
 CORPORATIONS

**FILED**

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SECRETARY OF STATE  
 TALLAHASSEE, FLORIDA



Principal Place of Business 2814 WOODWALK BLVD LAKE WORTH FL 33487		Mailing Address 3814 WOODWALK BLVD LAKE WORTH FL 33487	
If above addresses are incorrect in any way, line through incorrect information and enter correction below			
2. New Principal Office Address, if Applicable 1705 W. 45th St. Suite, Apt. #, etc.		3. New Mailing Office Address, if Applicable 1705 W. 45th St. Suite, Apt. #, etc.	
4. Date Incorporated or Qualified To Do Business in Florida 10/09/1997		5. FEI Number 65-0788827	
City & State West Palm Beach, FL		City & State West Palm Beach, FL	
Zip 33407		Country USA	
6. CERTIFICATE OF STATUS DESIRED <input checked="" type="checkbox"/> 6.75 Additional Fee required for a Certificate of Status			
7. Names and Street Addresses of Each Officer and/or Director (Florida nonprofit corporations must list at least 3 directors)			
1. Title(s)	2. Name of Officer and/or Directors	3. Street Address of Each Officer and/or Director (Do NOT Use Post Office Box Numbers)	4. City / State / Zip
D, P, S, T	Oscar Nodarse	1705 W. 45th Street	West Palm Beach, FL 33407
D, VP	Adriana Solar	1705 W. 45th Street	West Palm Beach, FL 33407
<p>300002703423--7          -12/04/98-01026-016          *****758.75  <b>REINSTATEMENT</b> <i>9/18/98</i> <i>B. 12/5/97</i></p>			
8. Name and Address of Current Registered Agent		9. Name and Address of New Registered Agent	
NODARSE, MARIA 3814 WOODWALK BLVD LAKE WORTH FL 33487		Name Adriana Solar Street Address (P.O. Box Number is Not Acceptable) 1705 W. 45th Street Suite, Apt. #, Etc. City West Palm Beach State FL Zip Code 33407	
10. I, being appointed the registered agent of the above named corporation, am familiar with and accept the obligations of Section 607.0800, F.S.			
Signature of Registered Agent <i>[Signature]</i>		Date 11-18-98	
<b>SIGNATURE REQUIRED</b> REGISTERED AGENT MUST SIGN			
11. This corporation owes or has paid the current year Intangible Personal Property tax due June 30. Yes <input type="checkbox"/> No <input type="checkbox"/> (See other side for information on Intangible Tax.)			
12. I certify that I am an officer or director or the receiver or trustee empowered to execute this application as provided for in chapter 607 or 617, F.S. I further certify that when filing this reinstatement application, the reason for dissolution has been eliminated, the corporate name satisfies the requirements of section 607.0401 or 617.0401, F.S., that all fees owed by the corporation have been paid and the names of individuals listed on this form do not qualify for an exemption under section 110.07(3)(b), F.S. The information indicated on this application is true and accurate, and my signature shall have the same legal effect as if made under oath.			
SIGNATURE: <i>[Signature]</i>		Date 11/18/98	
<b>SIGNATURE REQUIRED</b> SIGNATURE MUST BE OF AN OFFICER OR DIRECTOR OSCAR NODARSE, DIRECTOR			

516941639

PALM BEACH

Division of Corporations

797000087391

Florida Department of State  
Division of Corporations  
Public Access System  
Katherine Harris, Secretary of State

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Division of Corporations  
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Account Number : 072100000245  
Phone : (561)775-9980  
Fax Number : (561)694-1639

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TALLAHASSEE, FLORIDA

BASIC AMENDMENT

FLATEL, INC.

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## AMENDED AND RESTATED ARTICLES OF INCORPORATION

These Amended and Restated Articles of Incorporation were adopted effective February 18, 1999 by the Corporation's Board of Directors and shareholders pursuant to section 607.1007, Florida Statutes. Each amendment set forth in these Amended and Restated Articles of Incorporation was approved by the shareholders by a vote sufficient for approval of the amendment. These Amended and Restated Articles of Incorporation supersede the original Articles of Incorporation, as amended.

### Article I. Name

If no old name is listed below, the name of this Florida corporation has not been changed. If the current name listed below differs from the old name, the current name will become effective upon the filing of this document.

Current Name: Flatel, Inc.

Old Name:

### Article II. Address

The mailing address of the Corporation is:

Flatel, Inc.  
1705 W. 45th Street  
West Palm Beach FL 33407

### Article III. Board of Directors

The name of each member of the Corporation's Board of Directors is: ..

Oscar Nodarse

Adriana Solar

The affairs of the Corporation shall be managed by a Board of Directors consisting of no less than one director. The number of directors may be increased or decreased from time to time in accordance with the Bylaws of the Corporation. The election of directors shall be done in accordance with the Bylaws. The directors shall be protected from personal liability to the fullest extent permitted by applicable law.

Corporate Creations International Inc.  
8895 North Military Trail #202D  
Palm Beach Gardens FL 33410-6266  
(561) 694-8107

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TALLAHASSEE, FLORIDA

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Article IV. Capital Stock

The Corporation shall have the authority to issue 3,000,000 shares of common stock, par value \$.001 per share.

Article V. Registered Agent

The name and address of the registered agent of the Corporation is:  
Corporate Creations Enterprises Inc.  
4521 PGA Boulevard #211  
Palm Beach Gardens FL 33418

Article VI. Corporate Existence

The corporate existence of the Corporation will begin effective upon the filing date of the original Articles of Incorporation.

The undersigned executed these Amended and Restated Articles of Incorporation on the date shown below.

Flatel, Inc.

By: \_\_\_\_\_

Name: Oscar Nodarse

Title: President

Date: \_\_\_\_\_

2-18-99

Corporate Creations International Inc.  
8895 North Military Trail #202D  
Palm Beach Gardens FL 33410-6266  
(561) 694-8107

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**CERTIFICATE OF DESIGNATION  
REGISTERED AGENT/OFFICE**

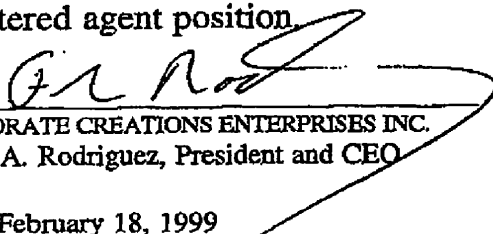
**CORPORATION:**

**Flatel, Inc.**

**REGISTERED AGENT/OFFICE:**

**Corporate Creations Enterprises Inc.  
4521 PGA Boulevard #211  
Palm Beach Gardens FL 33418**

I agree to act as registered agent to accept service of process for the corporation named above at the place designated in this Certificate. I agree to comply with the provisions of all statutes relating to the proper and complete performance of the registered agent duties. I am familiar with and accept the obligations of the registered agent position.

  
CORPORATE CREATIONS ENTERPRISES INC.  
Frank A. Rodriguez, President and CEO

Date: February 18, 1999

Corporate Creations International Inc.  
8895 North Military Trail #202D  
Palm Beach Gardens FL 33410-6266  
(561) 694-8107

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CORPORATION WILL BE DISSOLVED ON OR AFTER SEPTEMBER 15, 1999.  
 FEE 09/15/99. \$550 (IF DISSOLVED, MINIMUM AMOUNT DUE TO REINSTATE: \$750).

**FILED**  
**Jul 12, 1999 8:00 am**  
**Secretary of State**  
 07-12-1999 90008 033 \*\*\*550 00  
**ATTACHMENT C**

N  
RT



FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
 Secretary of State  
 DIVISION OF CORPORATIONS

1999

**DOCUMENT # P97000087391**  
 1. Corporation Name  
**FLATEL, INC.**



Principal Place of Business	Mailing Address
1705 W. 45TH ST. WEST PALM BEACH FL 33407 US	1705 W. 45TH ST. WEST PALM BEACH FL 33407 US

DO NOT WRITE IN THIS SPACE

3. Date Incorporated or Qualified 10/09/1997		4. FEI Number 65-0788827		Applied For <input type="checkbox"/> Not Applied
2. Principal Place of Business 1 2128 Okeechobee Blvd Suite, Apt. #, etc. 2 W. Palm Beach FL City & State 3 33409 Zip		2a. Mailing Address 26 2128 Okeechobee Blvd Suite, Apt. #, etc. 27 W. Palm Beach FL City & State 28 33409 Zip		5. Certificate of Status Desired <input type="checkbox"/> \$8.75 Additional Fee Required
Country 25 USA		Country 29 USA		6. Election Campaign Financing Trust Fund Contribution <input type="checkbox"/> \$5.00 May Be Added to Fees
9. Name and Address of Current Registered Agent CORPORATE CREATIONS ENTERPRISES INC. 4521 PGA BOULEVARD #211 PALM BEACH GARDENS FL 33418		10. Name and Address of New Registered Agent		

81 Name	85 Zip Code
82 Street Address (P.O. Box Number is Not Acceptable)	
83	
84 City	FL

I, Pursuant to the provisions of sections 607.0502 and 607.1508, Florida Statutes, the above-named corporation submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. Such change was authorized by the corporation's board of directors. I hereby accept the appointment as registered agent. I am familiar with, and accept the obligations of, section 607.0505, Florida Statutes.

SIGNATURE		DATE	
Signature, typed or printed name of registered agent and title if applicable		(NOTE: Registered Agent signature required when reappointing)	
<b>OFFICERS AND DIRECTORS</b>			
E	PSTD NODARSE, OSCAR 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input checked="" type="checkbox"/> DELETE	13. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS 1.1 TITLE President <input checked="" type="checkbox"/> Change <input checked="" type="checkbox"/> Ac
IE	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	1.2 NAME Adriana Solar 1.3 STREET ADDRESS 2128 Okeechobee Blvd 1.4 CITY-ST-ZIP W. Palm Beach FL 33409 <input type="checkbox"/> Change <input checked="" type="checkbox"/> Ac
E	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	2.1 TITLE vice president 2.2 NAME Victor Solar 2.3 STREET ADDRESS 2128 Okeechobee Blvd 2.4 CITY-ST-ZIP WPB FL 33409 <input type="checkbox"/> Change <input checked="" type="checkbox"/> Ac
E	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	3.1 TITLE Secretary 3.2 NAME Adriana Solar 3.3 STREET ADDRESS 1705 Richard Ln 3.4 CITY-ST-ZIP W Palm Bch FL 33406 <input type="checkbox"/> Change <input checked="" type="checkbox"/> Ac
E	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	4.1 TITLE Vice president 4.2 NAME Abido Matarri 4.3 STREET ADDRESS 2128 Okeechobee Blvd 4.4 CITY-ST-ZIP WPB FL 33409 <input type="checkbox"/> Change <input checked="" type="checkbox"/> Ac
E	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	5.1 TITLE 5.2 NAME 5.3 STREET ADDRESS 5.4 CITY-ST-ZIP <input type="checkbox"/> Change <input type="checkbox"/> Ac
E	VD SOLAR, ADRIANA 1705 W. 45TH ST. WEST PALM BEACH FL 33407	<input type="checkbox"/> DELETE	6.1 TITLE 6.2 NAME 6.3 STREET ADDRESS 6.4 CITY-ST-ZIP <input type="checkbox"/> Change <input type="checkbox"/> Ac

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in section 119.07(3)(i), Florida Statutes. I further certify that the information dictated on this annual report or supplemental annual report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears on Block 12 or Block 13 if changed, or on an attachment with an address.

**SIGNATURE:** SIGNATURE ADRIANA SOLAR 10-30-99 561-688252  
 SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date Debit Phone #

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

*P990000* 10/7/1  
TRANSMITTAL LETTER

Department of State  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

SUBJECT: Telebeep, Inc  
(proposed corporate name)

Enclosed is an original and one (1) copy of the articles of incorporation and our check for \$ 78<sup>75</sup>.

FROM: KPS  
Name (printed or typed)  
4290 10<sup>th</sup> Avenue North #103  
Address  
Lake Worth, Fl. 33461  
City, State, & Zip  
(561) 434-9111  
Telephone Number

FILED  
99 NOV -8 PM 2:10  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

000003037720--  
-11/08/99-01001-013  
\*\*\*\*\*78.75 \*\*\*\*\*78.7

Note: Please provide the original and one copy of the Articles.

*KR*  
*W99-25427*

K. Rofie NOV 0 8 1999

**ARTICLES OF INCORPORATION**  
**OF**  
**TELEBEEPER, INC.**

The undersigned, for the purpose of forming a corporation for profit under the laws of the State of Florida, hereby adopt the following Articles of Incorporation:

**ARTICLE I**

The name of this Corporation shall be **TELEBEEPER, INC.**

**ARTICLE II**

**DURATION**

This Corporation shall have perpetual existence unless dissolved pursuant to law and shall commence business as of the date of filing of these Articles of Incorporation.

**ARTICLE III**

**GENERAL NATURE OF BUSINESS**

This corporation may engage in any activity of business permitted under the laws of the State of Florida; said corporation's primary purpose shall be to engage in the sales and repair of cellular telephones, beepers and home telephones.

**FILED**  
99 NOV - 8 PM 2:10  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT D

**ARTICLE IV  
CAPITAL STOCK**

This Corporation is authorized to issue 1000 shares of \$1.00 par value common stock, 75% to be owned by the President and 25% to be owned by the Vice-President.

**ARTICLE V  
PRINCIPAL PLACE OF BUSINESS**

The principal place of business of this Corporation is: 3280 Lake Worth Road, Lake Worth, Fl. 33461 within or without the State of Florida.

**ARTICLE VI  
OFFICERS AND DIRECTORS**

The names and post office address of the initial officers and directors who shall hold office for the first year of the corporation's existence or until their successors are elected are:

**Oscar Nodarse (President)** 505 Avenida Alegre, West Palm Beach, Fl. 33405

**Freddy Vizoso (Vice-President)** 5300 G Elmhurst Road, West Palm Beach, Fl. 33417

**ARTICLE VII  
INCORPORATOR**

The name and address of the person signing these Articles is:

**Oscar Nodarse  
3280 Lake Worth Road  
Lake Worth, Fl. 33461**

**ARTICLE VIII  
REGISTERED OFFICE AND REGISTERED AGENT**

The name of the registered agent and the street address of the initial registered office of this Corporation is:

**Oscar Nodarse  
505 Avenida Alegre  
West Palm Beach, FL 33405**

**ARTICLE IX  
BY-LAWS**

The power to adopt, alter, amend or repeal By-Laws shall be vested in the Board of Directors and shareholders.


**ARTICLE X  
AMENDMENTS**

This Corporation reserves the right to amend or repeal any provision contained in these Articles of Incorporation or any Amendment hereto and any right conferred upon the Stockholders is subject to this reservation.

**IN WITNESS WHEREOF**, the undersigned, being the original incorporator to the Articles of Incorporation herein, for the purpose of forming a corporation to do business both within and without the State of Florida, under the laws of Florida, do make and file these Articles, hereby declaring and certifying that the facts herein stated are true, this day of , 1999.

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

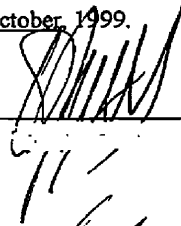
ATTACHMENT D

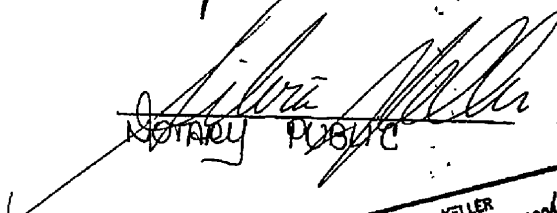
  
\_\_\_\_\_  
Oscar Nodarse

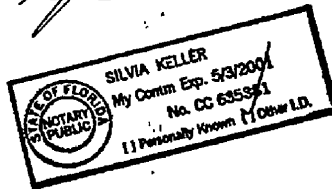
STATE OF FLORIDA        )  
                                  )  
COUNTY OF PALM BEACH )

BEFORE ME, the undersigned authority, personally appeared **Oscar Nodarse**, who after being first duly sworn, deposes and states, that he signed the foregoing Articles of, Incorporation for the purposes stated therein expressed.

WITNESS my hand and official seal at the State and County aforesaid, this 18<sup>th</sup> day  
of October, 1999.

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Notary Public



CERTIFICATE OF DESIGNATION  
REGISTERED AGENT / REGISTERED OFFICE

Pursuant to the provisions of section 607.0501, Florida Statutes, the undersigned corporation, organized under the laws of the State of Florida, submits the following statement in designation the registered office/registered agent, in the state of Florida.

1. The name of the corporation is: TELEBEEPER, INC
2. The name and address of the registered agent and office is:

**OSCAR NODARSE**  
**505 AVENIDA ALEGRE**  
**WEST PALM BEACH, FL. 33405**

I HAVE BEEN NAMED AS REGISTERED AGENT AND TO ACCEPT SERVICE OF PROCESS FOR THE ABOVE STATED CORPORATION AT THE PLACE DESIGNATED IN THIS CERTIFICATE, 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 RELATING TO THE PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND I AM FAMILIAR WITH AND ACCEPT THE OBLIGATIONS OF MY POSITION AS REGISTERED AGENT.

  
\_\_\_\_\_  
OSCAR NODARSE /  
REGISTERED AGENT

99 NOV -8 PM 2:10  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED



00 FEB -9 PM 2:40

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

1. Oscatel Communications  
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")

2. 10500 N.W. 50th Street #103  
Mailing Address of Business  
Sunrise FL 33351  
City State Zip Code

3. Florida County of principal place of business: Broward

4. FEI Number: 65-0626929

This space for office use only

**A. Owner(s) of Fictitious Name if Individual(s): (Use an attachment if necessary):**

1. _____ Last First M.I. _____ Address _____ City State Zip Code SS# _____	2. _____ Last First M.I. _____ Address _____ City State Zip Code SS# _____
--	--

**B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary):**

1. <u>Telebeeper, Inc.</u> Entity Name <u>10500 N.W. 50th Street #103</u> Address <u>Sunrise</u> <u>FL</u> <u>33351</u> City State Zip Code <u>Florida Registration Number P99000098149</u> <u>FEI Number: 65-0626929</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	2. _____ Entity Name _____ Address _____ City State Zip Code <u>Florida Registration Number</u> <u>FEI Number:</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
--	---

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Telebeeper, Inc. [Signature] 2/3/00  
Signature of Owner Oscatel, Sunrise Data Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_  
Phone Number: 954 747 3165 Phone Number: \_\_\_\_\_

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:  
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned registration number \_\_\_\_\_

G00040900070--  
-02/09/00--01019--006  
\*\*\*\*\*50.00

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_ Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
**FILING FEE: \$50**

Acknowledgements/certificates will be sent to the address in Section 1 only. CR4E-001 (12/98)

Section 1

1. OSCA TEL  
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")  
900 OSCEOLA DR  
SUITE 208  
Mailing Address of Business  
WEST PALM BEACH FL 33409  
City State Zip Code

3. Florida County of principal place of business: \_\_\_\_\_  
MULTIPLE

4. FEI Number: 65-0788827

This space for office use only

Section 2

**A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):**

1. Last First M.I. Address City State Zip Code SS# (optional)

2. Last First M.I. Address City State Zip Code SS# (optional)

**B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):**

1. FLATEL INC  
Entity Name  
900 OSCEOLA DR  
Address  
WEST PALM BEACH FL 33409  
City State Zip Code  
Florida Registration Number P97000087391  
FEI Number: 65-0788827  
 Applied for  Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number:  
 Applied for  Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

ADRIANA SOLAR 09/16/2003  
Signature of Owner Date

Phone Number: \_\_\_\_\_

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:  
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
\_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned  
registration number \_\_\_\_\_

Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
FILING FEE: \$50

<b>DOCUMENT # P97000087391</b>	
1. Entity Name <b>FLATEL, INC.</b>	
Principal Place of Business 2128 OKEECHOBEE BLVD. WEST PALM BEACH FL 33409 US	Mailing Address 2128 OKEECHOBEE BLVD. WEST PALM BEACH FL 33409 US
2. Principal Place of Business 900 Osceola Dr Suite, Apt. #, etc Suite 208 City & State W.P.B. FL	3. Mailing Address Suite, Apt #, etc City & State
Zip 33406	Country USA
4. FEI Number <b>65-0788827</b>	
5. Certificate of Status Desired <input type="checkbox"/> <b>\$8.75 Additional Fee Required</b>	



DO NOT WRITE IN THIS SPACE

6. Name and Address of Current Registered Agent <b>SOLAR, ADRIANA</b> 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409		7. Name and Address of New Registered Agent Name <b>Adriana Solar</b> Street Address (P.O. Box Number is Not Acceptable) <b>900 Osceola Dr.</b> <b>Suite 208</b> City <b>W.P.B.</b> <b>FL</b> Zip Code <b>33406</b>	
--	--	--	--

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE \_\_\_\_\_ (NOTE: Registered Agent signature required when reinstating) DATE \_\_\_\_\_

9. This corporation is eligible to satisfy its Intangible Tax filing requirement and elects to do so (See criteria on back) <input type="checkbox"/>	<b>FILE NOW!!! FEE IS \$150.00</b> After May 1, 2002 Fee will be \$550.00 Make Check Payable to Department of State	10. Election Campaign Financing Trust Fund Contribution <input type="checkbox"/> <b>\$5.00 May Added to Fee</b>
--	---	---

11. OFFICERS AND DIRECTORS		12. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 11	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>V</b> <b>SOLAR, VICTOR</b> 21280 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>CEO/Director of Operations</b> <input checked="" type="checkbox"/> Change <input type="checkbox"/> Add <b>Solar Victor</b> 1768 Richard Ln W.P.B. FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>P</b> <b>SOLAR, ADRIANA</b> 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>CEO/CFO</b> <input checked="" type="checkbox"/> Change <input type="checkbox"/> Add <b>Solar Adriana</b> 1768 Richard Ln W.P.B. FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>V</b> <b>MATARI, ABIDO</b> 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>CEO/Director of Corporate Development</b> <input checked="" type="checkbox"/> Change <input type="checkbox"/> Add <b>Matari, Abido</b> 900 Osceola Dr. Suite 208
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>CEO/Director of Business Development</b> <input type="checkbox"/> Change <input checked="" type="checkbox"/> Add <b>Oscar Nodarse</b> 900 Osceola Dr Suite 208 WPA FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Add
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete	TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Add

13. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath, that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 11 or Block 12 changed, or on an attachment with an address, with all other like empowered

SIGNATURE: *(Signature)* **4/1/04 (50)**

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

Division of State, Division of Corporations  
**Corporations Online**  
www.sunbiz.org **Public Inquiry**

---

**Florida Profit**  
**TELEBEEPER, INC.**

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**PRINCIPAL ADDRESS**  
10500 NW 50TH ST  
#103  
SUNRISE FL 33351  
Changed 01/25/2001

---

**MAILING ADDRESS**  
10500 NW 50TH ST  
#103  
SUNRISE FL 33351  
Changed 01/25/2001

<b>Document Number</b> P99000098149	<b>FEL Number</b> 650626929	<b>Date Filed</b> 11/08/1999
<b>State</b> FL	<b>Status</b> INACTIVE	<b>Effective Date</b> NONE
<b>Last Event</b> ADMIN DISSOLUTION FOR ANNUAL REPORT	<b>Event Date Filed</b> 10/04/2002	<b>Event Effective Date</b> NONE

---

**Registered Agent**

Name & Address
RODRIGUEZ, TULIO J 10500 NW 50TH ST #103 SUNRISE FL 33351
Name Changed: 01/25/2001
Address Changed: 01/25/2001

---

**Officer/Director Detail**

Name & Address	Title
NODARSE, OSCAR	

<http://ccfcorp.dos.state.fl.us/scripts/cordet.exe?a1=DEFIL&n1=P99000098149&n2=NA...> 9/26/2003

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

10500 NW 50TH STREET #103 SUNRISE FL 33351	PD
RODRIGUEZ, TULIO J 10500 NW 50TH STREET #103 SUNRISE FL 33351	VSTD

### Annual Reports

Report Year	Filed Date
2000	01/25/2001
2001	01/25/2001

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)  
[No Name History Information](#)

### Document Images

Listed below are the images available for this filing.

<p>01/25/2001 -- REINSTATEMENT 02/09/2000 -- Amendment 11/08/1999 -- Domestic Profit</p>
--

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

[Corporations Inquiry](#)

[Corporations Help](#)

<http://ccfcorp.dos.state.fl.us/scripts/cordet.exe?a1=DETFIL&n1=P99000098149&n2=NA...> 9/26/2003

**Electronic Articles of Incorporation..  
For**

UTILITY USA, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:  
UTILITY USA, INC.

**Article II**

The principal place of business address:  
3957 JOG ROAD  
GREENACRES, FL. 33467

The mailing address of the corporation is:  
3957 JOG ROAD  
GREENACRES, FL. 33467

**Article III**

The purpose for which this corporation is organized is:  
ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES, BEEPERS AND HOME TELEPHONE.

**Article IV**

The number of shares the corporation is authorized to issue is:  
100

**Article V**

The name and Florida street address of the registered agent is:  
OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

amiliar with and accept the responsibilities of

P03000092192  
FILED  
August 22, 2003  
Sec. Of State

Registered Agent Signature: OSCAR CARVAJAL

**Article VI**

ATTACHMENT I

The name and address of the incorporator is:

OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL 33467

Incorporator Signature: OSCAR CARVAJAL

**Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD  
OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

Title: VD  
OSCAR NODARSE  
3957 JOG ROAD  
GREENACRES,, FL. 33467

**Article VIII**

The effective date for this corporation shall be:

08/21/2003

DOCKET NO. 030873-TX

DATE: NOVEMBER 20, 2003 FOR REGISTRATION OF FICTITIOUS NAME

ATTACHMENT J

DOCUMENT# G03238900224

Fictitious Name to be Registered: OSCATEL TELECOMMUNICATIONS

Mailing Address of Business: 3957 JOG ROAD  
GREENACRES, FL 33467

Florida County of principal place of business: MULTIPLE

FEI Number:

**FILED**  
**Aug 26, 2003**  
**Secretary of State**

Owner(s) of Fictitious Name:

UTILITY USA, INC  
3957 JOG ROAD  
GREENACRES, FL 33467  
Florida Registration Number: P03000092192  
FEI Number: 20-0173084

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

OSCAR CARVAJAL, PRESIDENT

08/26/2003

Electronic Signature(s)

Date

Certificate of Status Requested ( )

Certified Copy Requested ( )





DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

FILED

03 SEP -2 PM 3: 36

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION  
OF

ATTACHMENT K

---

FLATEL, Inc.  
(present name)

---

---

(Document Number of Corporation (If known))

---

*Pursuant to the provisions of section 607.1006, Florida Statutes, this Florida profit corporation adopts the following articles of amendment to its articles of incorporation:*

**FIRST:** Amendment(s) adopted: *(indicate article number(s) being amended, added or deleted)*

Please remove Mr. Oscar Nodarse from FLATEL, Inc. as he is no longer with the company as of August 18, 2003.

**SECOND:** *If an amendment provides for an exchange, reclassification or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself, are as follows:*

**THIRD:** The date of each amendment's adoption: August 18, 2003

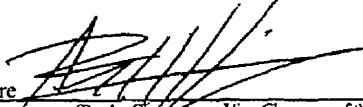
**FOURTH:** Adoption of Amendment(s) (CHECK ONE)

- The amendment(s) was/were approved by the shareholders. The number of votes cast for the amendment(s) was/were sufficient for approval.
- The amendment(s) was/were approved by the shareholders through voting groups. *The following statement must be separately provided for each voting group entitled to vote separately on the amendment(s):*

"The number of votes cast for the amendment(s) was/were sufficient for approval by \_\_\_\_\_"  
(voting group)

- The amendment(s) was/were adopted by the board of directors without shareholder action and shareholder action was not required.
- The amendment(s) was/were adopted by the incorporators without shareholder action and shareholder action was not required.

Signed this 18th day of August, 2003

Signature   
(By the Chairman or Vice Chairman of the Board of Directors, President or other officer if adopted by the shareholders)

OR

(By a director if adopted by the directors)

OR

(By an incorporator if adopted by the incorporators)

Mr. Abby Matari

(Typed or printed name)

CEO

(Title)

ORIGINAL

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

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

**DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT**  
**CERTIFICATION**

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

**Instructions**

- This form is used as an application for an original certificate and for approval of the 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 Page 12).
- ◆ 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 the Commission Clerk and Administrative Services***  
**2540 Shumard Oak Blvd.**  
**Tallahassee, Florida 32399-0850**  
**(850) 413-6770**

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

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

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check

03 AUG 29 AM 11:26

DISPATCHED

08127 SEP-28

FPSC-COMMISSION CLERK

FORM PSC/CMU 8 (11/95)  
Required by Commission Rule Nos. 25-24.805,  
25-24.810 and 25-24.815

APPLICATION

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.
- Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
- 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:

Utility USA, Inc.

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

OSCATEL Telecommunications

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

3957 JOG ROAD

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GREENACRES, FL 33467

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

3957 JOG ROAD  
GREENACRES, FL 33467

6. Structure of organization:

- Individual
- Foreign Corporation
- General Partnership
- Other \_\_\_\_\_
- Corporation
- Foreign Partnership
- Limited Partnership

7. If individual, provide:

Name: N/A  
Title:  
Address:  
City/State/Zip:  
Telephone No.: Fax No.:  
Internet E-Mail Address:  
Internet Website Address:

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

(a) The Florida Secretary of State corporate registration number:  
CORPORATE CHARTER NUMBER P03000092192  
A Certified copy of Articles of Incorporation is attached as Exhibit I

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

(a) The Florida Secretary of State corporate registration number:

N/A

10. **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:  
G0323890224

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

(a) The Florida Secretary of State registration number:

N/A

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

Name: N/A

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: 561-642-5448

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

13. **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: N/A

14. Provide **F.E.I. Number**(if applicable): 20-0173084

15. 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. Provide explanation.

None of the officers, directors, or ten largest stockholders of the Corporation have previously been adjudged bankrupt, mental incompetent, or found guilty of any felony or of any crime, and no proceedings are pending which would result in such actions.

(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.

OSCAR NODARSE  
FLATEL, Inc. - CIO

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

(a) The application:

Name: Oscar Carvajal  
Title: President, Utility USA, Inc.  
Address: 3957 JOG ROAD  
City/State/Zip: GREENACRES, FL 33467  
Telephone No.: 561-642-4848 Fax No.: 561-642-5448  
Internet E-Mail Address: \_\_\_\_\_  
Internet Website Address: \_\_\_\_\_



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

Name: OSCAR NODARSE  
Title: Vice-President, Utility USA, Inc.  
Address: 3957 JOG ROAD  
City/State/Zip: GREENACRES, FL 33467  
Telephone No.: 561-642-4848 Fax No.:

Internet E-Mail Address:  
Internet Website Address:

(c) Complaints/Inquiries from customers:

Name: Customers may call the company at its customer  
Title: Service number or may contact the company in writing  
Address: at 3957 JOG ROAD  
City/State/Zip: GREENACRES, FL 33467  
Telephone No.: 561-642-4848 Fax No.: 561-642-5448

Internet E-Mail Address:  
Internet Website Address:

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

FLORIDA

(b) has applications pending to be certificated as an alternative local exchange company.

FLORIDA

(c) is certificated to operate as an alternative local exchange company.

FLORIDA

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(d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

N/A

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

No penalties have been imposed against the applicant in any state.

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

No civil court proceedings involving applicant in any state.

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**18. Submit the following:**

**A. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.**

Attached as Exhibit VI

**B. 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.**

Attached as Exhibit VI & VII

**C. 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: Attached as Exhibit III
2. income statement: and Attached as Exhibit IV
3. statement of retained earnings. The applicant is a newly formed corporation and does not have audited financial statements.

**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. written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.  
Attached as Exhibit V
2. written explanation that the applicant has sufficient financial capability to maintain the requested service.  
Attached as Exhibit V
3. written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.  
Attached as Exhibit V

THIS PAGE MUST BE COMPLETED AND SIGNED  
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 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. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Oscar Carvajal	<u>Oscar Carvajal</u>
Print Name	Signature
President	<u>08-28-03</u>
Title	Date
(561) 642-4848	<u>561-642-5448</u>
Telephone No.	Fax No.

Address: 3597 JOG ROAD  
GREENACRES, FL 33467  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**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:**

Oscar Carvajal \_\_\_\_\_

**Print Name**  
President, Chief Executive Officer  
and Chief Financial Officer

**Title**

(561) 642-4848 \_\_\_\_\_

**Telephone No.**

*Oscar Carvajal*  
\_\_\_\_\_  
**Signature**

08-28-03  
\_\_\_\_\_  
**Date**

561-642-5448  
\_\_\_\_\_  
**Fax No.**

**Address:** 3957 JOG ROAD \_\_\_\_\_

GREENACRES, FL 33467 \_\_\_\_\_

**INTRASTATE NETWORK (if available)**

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

**1. POP: Addresses where located, and indicate if owned or leased.**

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

**2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased.**

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

**3. TRANSMISSION FACILITIES: POP-to-POP facilities by type-of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.**

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

**CERTIFICATE SALE, 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:

- ( ) sale
- ( ) transfer
- ( ) assignment

of the above-mentioned certificate.

**UTILITY OFFICIAL:**

Print Name _____	Signature _____
Title _____	Date _____
Telephone No. _____	Fax No. _____

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOCKET NO. 030873-TX  
 DATE: NOVEMBER 20, 2003

URGES, THE REGULATORY A  
 e Local Exchan

STATUS:  
 \_\_\_\_\_ Actual Return  
 \_\_\_\_\_ Estimated Return  
 \_\_\_\_\_ Amended Return

Florida Public Service Commission  
 (See Filing Instructions on Back of Form)

FIELD 1

FOR PSC USE ONLY  
 Check# \_\_\_\_\_  
 \$ \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603006  
 \$ \_\_\_\_\_ 004011  
 \_\_\_\_\_ I  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

PERIOD COVERED:  
 FIELD 3

Please Complete Below if Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services		
2.	Long Distance Services (IntraLATA only)**		
3.	Access Services		
4.	Private Line Services		
5.	Leased Facilities & Circuits Services		
6.	Miscellaneous Services		
7.	TOTAL REVENUES		
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back).		
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		
13.	TOTAL AMOUNT DUE		

\* These amounts must be intrastate only and must be verifiable.  
 \*\* Other long distance revenues must be listed on the interchange, Regulatory Assessment Fee Return  
 AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS  
 Facilities-Based Provider  
 Reseller  
 Other

BILLING INFORMATION  
 Complete below if billing agent if other than yourself.  
 \_\_\_\_\_ (Name) \_\_\_\_\_ (Address: City/State/Zip) \_\_\_\_\_ (Telephone)

COMPANY INFORMATION  
 Do you lease telecommunications' facilities?  YES  NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 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/her duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
 (Signature of Company Official) (Title) (Date)  
 \_\_\_\_\_  
 (Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )



**COMPANIES TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30* for the six-month period January 1 through June 30, **AND**  
*On or before January 30* for the six-month period July 1 through December 31.

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before January 30* for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

**FEE:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. *Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire, maintenance, or equipment purchases/rentals.* **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

**FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

*When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.*

**EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

**FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

**MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payments. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
ATTENTION: Fiscal Services

**ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT L

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

DOCUMENT# G03238900224

Fictitious Name to be Registered: OSCATEL TELECOMMUNICATIONS

Mailing Address of Business: 3957 JOG ROAD  
GREENACRES, FL 33467

Florida County of principal place of business: MULTIPLE

FEI Number:

Owner(s) of Fictitious Name:

UTILITY USA, INC.  
3957 JOG ROAD  
GREENACRES, FL 33467  
Florida Registration Number: P03000092192  
FEI Number: 20-0173084

**FILED**  
**Aug 26, 2003**  
**Secretary of State**

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

OSCAR CARVAJAL, PRESIDENT  
\_\_\_\_\_  
Electronic Signature(s)

08/26/2003  
\_\_\_\_\_  
Date

Certificate of Status Requested ( )

Certified Copy Requested ( )

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT L

*Certified Copy*

I certify the attached is a true and correct copy of the Articles of Incorporation of UTILITY USA, INC., a Florida corporation, filed electronically on August 22, 2003 effective August 21, 2003, as shown by the records of this office.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this corporation is P03000092192.

Authentication Code: 030822112222-500022490065#1

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Twenty Second day of August, 2003



*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State

**Electronic Articles of Incorporation  
For**

P03000092192  
FILED  
August 22, 2003  
Sec. Of State

UTILITY USA, INC.

ATTACHMENT L

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:

UTILITY USA, INC.

**Article II**

The principal place of business address:

3957 JOG ROAD  
GREENACRES, FL. 33467

The mailing address of the corporation is:

3957 JOG ROAD  
GREENACRES, FL. 33467

**Article III**

The purpose for which this corporation is organized is:

ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES, BEEPERS AND HOME TELEPHONE.

**Article IV**

The number of shares the corporation is authorized to issue is:

100

**Article V**

The name and Florida street address of the registered agent is:

OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

DOCKET NO. 030873-TX      am familiar with and accept the responsibilities of  
DATE: NOVEMBER 20, 2003 t.

P03000092192  
FILED  
August 22, 2003  
Sec. Of State

Signature: OSCAR CARVAJAL

**Article VI**

The name and address of the incorporator is:

OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL 33467

ATTACHMENT L

Incorporator Signature: OSCAR CARVAJAL

**Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD  
OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

Title: VD  
OSCAR NODARSE  
3957 JOG ROAD  
GREENACRES, FL. 33467

**Article VIII**

The effective date for this corporation shall be:

08/21/2003

**UTILITY USA, INC.  
FORECASTED INCOME STATEMENT  
FIRST YEAR OF OPERATIONS (12 MONTHS)**

**REVENUE**

Telephone Operations	\$1,248,750	
Other Communications	\$3,246,750	
Total Revenue		\$4,495,500

**DIRECT COST**

Facilities	\$ 289,510	
Long Distance & Local Srvc	\$1,778,420	
Total Direct Cost		\$2,067,930

Gross Margin		\$2,427,570
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**EXPENSES**

Salaries	\$ 525,000	
Utilities	\$ 25,000	
Interest	\$ 220,000	
Depreciation	\$ 250,000	
Miscellaneous	\$ 5,000	
Total Expenses		\$1,025,000

Operating Income Before Taxes		\$1,402,570
Income Taxes		533,000

<b>NET INCOME</b>		<b>\$869,570</b>
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I attest that this Financial Statement is true and correct.

Chief Executive Officer  
and Chief Financial Officer *Oscar Cervajal*  
Oscar Cervajal

**EXHIBIT  
II**

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT L

**UTILITY USA, INC.  
UNAUDITED  
BALANCE SHEET  
AS OF JULY 2003**

<u>ASSETS</u>		
Current Assets		
Cash	7,500.00	
<b>TOTAL CURRENT ASSETS</b>		<b>7,500.00</b>
Fixed Assets		
Office Furn & Fixtures	2,500.00	
Machinery & Equip	2,500.00	
<b>TOTAL FIXED ASSETS</b>		<b>5,000.00</b>
<b>TOTAL ASSETS</b>		<b>\$12,500.00</b>
<u>LIABILITIES AND EQUITY</u>		
Long Term Liabilities		
Shareholders Loans	12,400.00	
<b>TOTAL LONG TERM LIABILITIES</b>		<b>12,400.00</b>
Equity		
Common Stock	100.00	
<b>TOTAL EQUITY</b>		<b>100.00</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>\$12,500.00</b>

I attest that this Financial Statement is true and correct.

Chief Executive Officer  
and Chief Financial Officer

  
Oscar Carvajal

**EXHIBIT  
III**

**UTILITY USA, INC.  
FORECASTED BALANCE SHEET  
END OF FIRST YEAR OF OPERATIONS**

<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash	\$1,569,570		
Accounts Receivable	235,000		
Total Current Assets		\$2,054,570	
Equipment	\$2,500,000		
Accumulated Depreciation	250,000		
Depreciation Costs		\$2,500,000	
Total Assets			\$4,304,570

<b>LIABILITIES AND EQUITY</b>			
<b>CURRENT LIABILITIES</b>			
Accounts Payable	\$ 250,000		
Short Term Notes	250,000		
Income Taxes	533,000		
Other ST Liabilities	2,000		
Total Current Liabilities		\$1,035,000	
Long Term Liabilities		\$2,000,000	
Total Liabilities			\$3,035,000
<b>EQUITY</b>			
Initial Investment	\$200,000		
Paid in Capital	200,000		
Retained Earnings	869,570		
Total Equity			\$1,269,570
<b>TOTAL LIABILITIES AND EQUITY</b>			<b>\$4,304,570</b>

I attest that this Financial Statement is true and correct.

Chief Executive Officer and Chief Financial Officer *Oscar Carvajal*  
Oscar Carvajal

**EXHIBIT  
IV**



**EXHIBIT V**

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While the cash flow from operations is expected to be sufficient in providing needed operating funds, I Oscar Carvajal, CEO for Utility USA, Inc. will pledge my personal assets should additional financing become necessary.

I currently own a controlling interest in El Mariachi, Inc. and Utility USA, Inc. The net value of my interest in these companies exceeds \$0.5 million and can be pledged to raise additional capital.

Several investors have also expressed an interest in investing in Utility USA, Inc. and the sale of stock to investors is another option to raise additional capital.

By my signature, I attest that the foregoing information is true and correct.

Chief Executive Officer *Oscar Carvajal*  
Oscar Carvajal

Chief Financial Officer *Oscar Carvajal*  
Oscar Carvajal

**EXHIBIT  
V**

**EXHIBIT VI**

Utility USA, Inc. intends to provide local and long distance services to the market. The founders have extensive experience in managing the telecommunications needs of the industry. The management team's expertise in finance, customer service, operations, sales, marketing, and business administration is well suited to support its diversification into the resale telecommunications market. The following profiles of key personnel are provided as proof of the company's managerial capabilities

**OSCAR CARVAJAL, PRESIDENT AND  
MARKETING DIRECTOR**

Mr. Carvajal is the founder of El Mariachi, Inc. He is currently the founder and President of Utility USA, Inc. For the past 10 years, Mr. Carvajal has successfully managed his company making it very profitable serving over 10,000 customers in south Florida alone. In the past, Mr. Carvajal was president, Vice-President, Marketing Director, and Account Executive for different corporations in domestic as well as foreign corporations extending his knowledge to the international market which includes Central and South America.

**OSCAR NODARSE, VICE-PRESIDENT AND  
SALES DIRECTOR**

Mr. Nodarse is the founder of FLATEL, Inc. He is currently the founder and President of Telebeeper, Inc. For the past 15 years, Mr. Nodarse has successfully managed his company making it very profitable serving over 16,000 customers in south Florida alone. In the past, Mr. Nodarse was president, Vice-President, Director of Sales, and Account Executive for different corporations in the states of New York, Florida, and also Puerto Rico extending his knowledge to the international market which includes Central and South America, Spain and Portugal.

**EXHIBIT  
VI**

**EXHIBIT VII**

**The company intends to provide local services from all our stores and agents in all of South Florida. Rusty Butler, Communications Engineer for the company, will provide technical support for all related requirements. He will be responsible for installing, operating and maintaining the company's switching equipment.**

**Mr. Butler has over 18 years experience in the telecommunications industry. He has held Systems engineering positions with PAGENET, Inc., AMERICAN PAGING, Inc., L.D.D.S., Inc, and many other carriers in South Florida.**

**EXHIBIT  
VII**



**Florida Telephone Services**  
1667 S. Hwy 17-92 Suite 101  
Longwood, FL 32750  
Office (407) 331-8622  
Fax (407) 331-9429

January 3, 2001

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

To Whom It May Concern:

It has come to our attention that some of our customers have been converted to Telebeepers, dba Oscatel Telecommunications, TX399, located at 10500 NW 50<sup>th</sup> Street, Sunrise FL 33351. This has occurred without the customers' knowledge or written consent. An agent of Oscatel, Moctezuma, Inc. is switching customers by telling them that Florida Telephone Services has changed it's name to Oscatel.

The following list is a small sample of the consumers we suspect have been "slammed".

Vidal Sanchez	305-242-3168
Vidal Angeles	786-243-2223
Urich Collier	786-248-0360
Rufina Rodriquez	305-245-1147
Juan Gonzales	305-242-0171
Lanetta Braithwaite	305-242-4015 ✓
Francisco Munos	786-243-1208
Fidel Vasquez	305-245-4672
Carlos Gonzalez	305-242-0786

We request that you investigate this illegal practice and require Oscatel Communications to return those customers wanting to remain with Florida Telephone Services, LLC.

Thank you in advance for your assistance in this matter.

Sincerely,

Paul B. Joachim  
Florida Telephone Services, LLC

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

**TODD M. HOEPKER, P.A.**  
COUNSELOR AT LAW

ATTACHMENT M

390 NORTH ORANGE AVENUE • SUITE 1800 • P.O. BOX 3311 • ORLANDO, FLORIDA 32802-3311  
TELEPHONE: (407) 426-2060 FACSIMILE: (407) 426-2066

January 3, 2001

**VIA FACSIMILE (305) 246-2938 and  
CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

Charles Agero  
Montezuma, Inc.  
252 Washington Avenue  
Homestead, FL 33030

Post-it* Fax Note	7671	Date	1/5/01	# of pages	4
To	Ray Kennedy	From	Paul Josephin		
Co/Dept		Cn	FLORIDA Telephone		
Phone #		Phone #	SERVICES		
Fax #	(850) 417-6585	Fax #			

Re: Florida Telephone Services, LLC

Dear Mr. Agero:

Please be advised that the undersigned represents Florida Telephone Services, LLC with respect to the May 15, 1998 agent agreement between you and my client (the "Agreement"). My client has learned that you have engaged in deceitful and unethical conduct in your dealings with FTS and its subscribers under the Agreement.

You have collected payments, late charges and other monies from FTS subscribers and have not remitted those monies to my client on a timely basis. In fact, you have intentionally omitted to advise FTS that you have collected late charges from the subscribers. You are advising the subscribers that FTS has changed its name to "Telecoopers" or "Oscartel" and are attempting to persuade the subscribers to switch and transfer their telecommunications service to Oscartel, a direct competitor of FTS. Your actions constitute fraud, blatant violations of the Florida Public Service Commission's rules and regulations regarding slamming, and continuing breaches of Sections 2.1, 4, 10, 11, and 12 and Exhibit "B" of the Agreement.

As a result of your numerous defaults pursuant to Sections 7.1(i), (ii) and (v) of the Agreement, FTS has terminated the Agreement immediately for cause. This letter shall constitute the required written notice of the immediate termination of the Agreement.

Notwithstanding the termination, you are required to continue to comply with your obligations under the Agreement. More specifically, you are required to, and demand is hereby made that you, immediately:

- a) deliver all monies you have received to FTS with a specific itemized accounting for the monies;
- b) cease and desist from accepting any payments whatsoever from any FTS

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT M

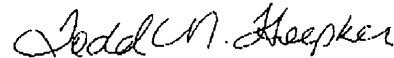
January 3, 2001  
Page 2

- subscribers and advise such subscribers immediately to make all payments to FTS;
- c) deliver any and all demonstration, leasing and other equipment and any and all point of sale material (including, but not limited to, banners, posters, etc.) to FTS;
  - d) discontinue the use of any trademark or any other items involving or naming FTS, such as signs, stationery, logos or business cards;
  - e) cease and desist from representing in any way or manner whatsoever that you are an agent or representative of FTS;
  - f) advise subscribers that you are no longer authorized to act as FTS' agent and that they should directly contact FTS;
  - g) cease and desist from soliciting and diverting, or attempting to divert or solicit, any FTS subscribers to any other person or business entity; and
  - h) cease and desist from directly or indirectly competing with FTS in the business of the telecommunications services.

In the event you fail to immediately comply with the demands referenced above, FTS shall institute appropriate legal action against you in Seminole County, Florida for breach of the Agreement, fraud, injunctive relief and all other applicable causes of action under Florida law. You will be held responsible for the attorneys fees and costs incurred by FTS.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



Todd M. Hoepker

Dictated by Mr. Hoepker and signed in his absence to avoid further delay.

TMH:rda

cc: Florida Telephone Services, LLC

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

**TODD M. HOEPKER, P.A.** ATTACHMENT M  
COUNSELOR AT LAW

390 NORTH ORANGE AVENUE • SUITE 1800 • P.O. BOX 3311 • ORLANDO, FLORIDA 32802-3311  
TELEPHONE: (407) 426-2060 FACSIMILE: (407) 426-2066

January 3, 2001

**VIA FACSIMILE (954) 747-6020 and  
CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

Telebeepers, Inc.  
d/b/a Oscartel Communications  
10500 NW 50<sup>th</sup> Street, #102 and #103  
Sunrise, FL 33351  
ATTN: Oscar Nodarse

**Rc: Florida Telephone Services, LLC  
Montezuma, Inc.**

Dear Mr. Nodarse:

Please be advised that the undersigned represents Florida Telephone Services, LLC ("FTS"). On or about May 15, 1998, FTS and Montezuma, Inc. entered into an agency agreement (the "Agreement") whereby Montezuma, Inc. was appointed as non-exclusive agent for FTS under the terms and conditions of the Agreement. Attached hereto is a copy of the Agreement.

My client just learned that Montezuma, Inc. has been advising FTS subscribers that FTS has changed its name to Telebeepers and/or Oscartel and has solicited and attempted to divert FTS subscribers to Telebeepers. Montezuma's actions are blatant violations of the Agreement. Moreover, these actions constitute fraud and violations of the Florida Public Service Commission's rules and regulations regarding slamming.

Montezuma is taking these actions with your knowledge, consent, approval and active participation. As such, your company is liable for the fraud and violations of Florida Public Service Commission's rules and regulations. You are also tortiously interfering with the Agreement between FTS and Montezuma and with FTS's contracts and advantageous business relationships with its subscribers.

The purpose of this letter is to demand that you immediately cease and desist from having any involvement in the above-referenced activities and advise me in a signed writing that you have done so. If you fail to immediately cease and desist and fail to provide me with the

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

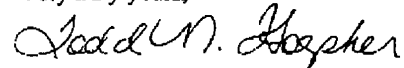
ATTACHMENT M

January 3, 2001  
Page 2

signed written assurances within five (5) days of your receipt of this letter, FTS will institute suit for an injunction and damages against you. You will be held responsible for the attorney's fees and costs incurred by FTS.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



Todd M. Hoepker

Dictated by Mr. Hoepker and signed in his absence to avoid further delay

TMH:rda

cc: Florida Telephone Services, LLC



DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003



Tel: (305) 944-8383  
(800) 247-1413  
Fax: (305) 947-8050

Date: 12/04/01

FAX TRANSMITTAL

Please deliver this fax to: Mr. Ray Kennedy

COMPANY: FPSC

TELEPHONE: 850-413-6584

FAX: 850-413-6585

From: Jean A. Creebil

COMMENTS

Mr. Kennedy.

As per our conversation yesterday.

These two customers are with OSCARTEL and want to switch to USA. But there is a freeze on their accounts. Please Help.

850-785-0720 all

Jean.

Page 1 of 3 Pages

CONFIDENTIALITY NOTICE

The information contained in this facsimile message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is legally privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, photocopying, distribution, or the taking of any action in reliance on the contents of this facsimile is unauthorized and prohibited. If you have received this transmission in error, please notify us by phone immediately so that we can arrange for the return of the facsimile message/documents to us at no cost to you. Thank you.

1510 NE 162nd Street Miami, Florida 33162

DOCKET NO. 030873-TX

DATE: NOVEMBER 20, 2003

561-489-9067

PREPAID LOCAL TELEPHONE SERVICE



Your preferred local TELEPHONE COMPANY  
Tel: (305)944-8383  
1(800)944-0341  
Fax: (305)947-8050

RECEIPT # N9 22501

ACCOUNT # 17933

JEAN		CHARLES	
FIRST NAME	MIDDLE	LAST NAME	
518 NW 6th St		Ft Pierce	FL 34950
# & STREET	APT #	CITY	STATE ZIP

AGENT INFORMATION

CASA MULTI SERVICES  
1411 Orange Ave  
Ft. Pierce, FL 34950  
(861) 485-9088

PAYMENT INFORMATION

Activation fee plus first month	\$ 78.-	Amount Paid: \$ 78.-
Jack / Wiring	\$ -	
Total	\$ 78.-	

By signing below, I understand that I am requesting USA Tele... to provide local telephone service at the address indicated above. If I currently have service through another local exchange company, I request that service be terminated immediately and new service be provided by USA Tele... I have read and understand both sides of this contract and I understand that I am responsible for the prompt payment of my phone bill or the telephone will be disconnected. I will be responsible for all late fees in the event of non-payment. I understand that service is local service only and that I am not permitted to incur any long distance, collect, third party billing or any other charges which are not included in my telephone number. USA Tele... is providing local service only and is NOT responsible for the telephone equipment, any wiring, jacks, individual telephone connections, or any other telecommunication devices. I understand I may choose any independent company to provide repair services for these items.

JEAN E. CHARLES  
Customer signature

Date

[Signature]  
Employee signature

12/01/01  
Date

USA/CHA

Date: 11/30/01

NEW CONNECTION RECEIPT  
PREPAID LOCAL TELEPHONE SERVICE

DOCKET NO. 030873-TX

DATE: NOVEMBER 20, 2003 561-466-6244



Your preferred local  
TELEPHONE COMPANY  
Tel: (305)944-8383  
1(800)944-0347  
Fax: (305)947-8050

RECEIPT # NO 22501

ACCOUNT # 17912

OSCAR		INJUSTE	
FIRST NAME	MIDDLE	LAST NAME	
703	No. 25th St	Ft Pierce	FL 34956
# & STREET	APT #	CITY	STATE ZIP

AGENT INFORMATION

CASA MULTI SERVICES  
1411 Orange Ave  
Ft. Pierce, FL 34950  
(561) 465-8088

CW  
OK

PAYMENT INFORMATION

Activation fee plus first month	\$ 75.-	Amount Paid:	\$ 75.-
Jack / Wiring	\$ -		
Total	\$ 75.-		

I am signing below, I understand that I am requesting USA Tele... to provide local telephone service at the address indicated at... I have read and understand both sides of this contract and I understand that I am responsible for the prompt payment of this phone bill or the telephone will be disconnected. I will be responsible for all... fees in the event of non-payment. I understand service is local service only and that I am not permitted to incur any long distance, collect, third party billing or any other charges with my telephone number. USA Tele... is providing local service only and is NOT responsible for the telephone equipment, any wiring, jacks, individual telephone connections, or any other telecommunication devices. I understand I may choose any individual company to provide repair services for these items.

11/30/01 [Signature] 11/30/01

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT N

**Ray Kennedy**

---

**From:** Samantha Walker [samanthaw@budgetphone.com]  
**Sent:** Wednesday, April 17, 2002 10:33 AM  
**To:** rkennedy@psc.state.fl.us  
**Cc:** Art Magee  
**Subject:** FLATEL

Mr. Kennedy,

On 4/4/02 I faxed a request to FLATEL to remove a Local Service Freeze on customer Jennifer Vuich. The freeze was not removed from the customers account and yesterday (4/16/02) the customer was disconnected. FLATEL has had ample time to remove the freeze from this account and did not do so. Now this customer will have to wait an approximate additional 7 days to have phone service along with getting a new telephone number. We received this customers application on 4/3/02.

Jennifer Vuich  
407-695-8270

Thanks,  
Samantha Walker  
Dealer Service Manager  
Ext 5709

4/18/02

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT N

facsimile transmittal

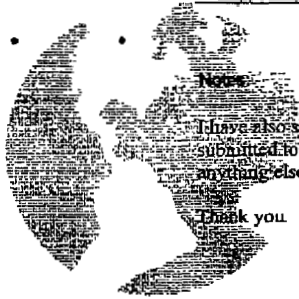
To: Ray Kennedy Fax: 850-413-6585

From: Samantha Walker/ Budget Phone, Inc. Date: 4/17/2002

Re: FLATEL Pages: 4 Including Cover

CC:

Urgent  For Review  Please Comment  Please Reply  Please Recycle



Notes

I have also sent this request to FLATEL. I have also printed out the original application that was submitted to Sprint and the error message that we received. Please let me know if you need anything else or have any questions

Thank you

Apr. 17, 2002 10:22AM  
 FROM :  
 Apr 05 02 01:14p

Budget Phone  
 FAX NO. :  
 Michael J. Bazell

No. 8078 P. 2  
 Apr. 15 2002 01:39PM P2  
 407-688-7889 P. 1

DOCKET NO. 030873-TX  
 DATE: NOVEMBER 20, 2003

NSP GRAPHIC COMMUNICATIONS GROUP • 518-222-1100

ATTACHMENT N

<b>Budget Phone<sub>INC.</sub></b>		Form 8P2																																		
P.O. Box 19360 Shreveport, LA 71149		Fax: (877) 671-5071																																		
		Customer Service: (888) 424-5588																																		
Tracking #:	Dealer/Store #: <u>FL 556</u>	Date Received: <u>4/2/02</u>																																		
<b>PREPAID LOCAL TELEPHONE SERVICE APPLICATION</b>																																				
<input checked="" type="checkbox"/> Conversion <input type="checkbox"/> Validated Address																																				
Your First Name: <u>Jennifer</u> Middle Name: _____      Last Name: <u>Vuich</u>																																				
Physical Street Address: <u>1114 Helen St.</u> Apartment Number: <u>(Trailer)</u> Name of Apartment Complex: _____																																				
City: <u>Casselberry</u> State: <u>FL</u> Zip Code: <u>32708</u>																																				
Have you ever had service at this address before? (circle one) No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If yes ... How long ago? _____ With which telephone company did you have phone service? <u>ETS</u> Your previous area code and telephone number at this address was <u>(407) 695-8270</u> Telephone number where you can be reached between 8 a.m. - 6 p.m., Monday through Friday: <u>(407) 339-2295</u>																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Standard Service</td> <td>1st Month: \$ <u>39.95</u></td> </tr> <tr> <td style="text-align: center;">Extended Area Service</td> <td>\$ _____</td> </tr> <tr> <td style="text-align: center;">Optional Services &amp; Monthly Fees:</td> <td>Activation (No. Includable) \$ _____</td> </tr> <tr> <td></td> <td>Sub-Initial \$ _____</td> </tr> <tr> <td>Call Forward \$ 5.00</td> <td>\$ _____</td> </tr> <tr> <td>Call Return \$ 8.00</td> <td>\$ _____</td> </tr> <tr> <td>Call Forward \$ 5.00</td> <td>\$ _____</td> </tr> <tr> <td>Call M \$ 10.00</td> <td>\$ _____</td> </tr> <tr> <td>Non Published Number \$ 5.00</td> <td>\$ _____</td> </tr> <tr> <td>Speed Dialing \$ 5.00</td> <td>\$ _____</td> </tr> <tr> <td>Direct Way Calling \$ 5.00</td> <td>\$ _____</td> </tr> <tr> <td>Wire Line Maintenance \$ 4.95</td> <td>\$ _____</td> </tr> <tr> <td>Subscriber Line Charge \$ 4.85</td> <td>\$ _____</td> </tr> <tr> <td style="text-align: center;">Sub-Tax</td> <td>\$ _____</td> </tr> <tr> <td>Federal, State and Local Tax %</td> <td>\$ _____</td> </tr> <tr> <td>Line Fees and Charges</td> <td>\$ _____</td> </tr> <tr> <td style="text-align: center;"><b>TOTAL DUE</b></td> <td>\$ <u>51.78</u></td> </tr> </table>		Standard Service	1st Month: \$ <u>39.95</u>	Extended Area Service	\$ _____	Optional Services & Monthly Fees:	Activation (No. Includable) \$ _____		Sub-Initial \$ _____	Call Forward \$ 5.00	\$ _____	Call Return \$ 8.00	\$ _____	Call Forward \$ 5.00	\$ _____	Call M \$ 10.00	\$ _____	Non Published Number \$ 5.00	\$ _____	Speed Dialing \$ 5.00	\$ _____	Direct Way Calling \$ 5.00	\$ _____	Wire Line Maintenance \$ 4.95	\$ _____	Subscriber Line Charge \$ 4.85	\$ _____	Sub-Tax	\$ _____	Federal, State and Local Tax %	\$ _____	Line Fees and Charges	\$ _____	<b>TOTAL DUE</b>	\$ <u>51.78</u>	<b>Billing Address if Different:</b> Address: _____ City _____ State _____ Zip _____ Next Door Neighbors Phone No. ( ) _____ *Written Directions: _____
Standard Service	1st Month: \$ <u>39.95</u>																																			
Extended Area Service	\$ _____																																			
Optional Services & Monthly Fees:	Activation (No. Includable) \$ _____																																			
	Sub-Initial \$ _____																																			
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Subscriber Line Charge \$ 4.85	\$ _____																																			
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Federal, State and Local Tax %	\$ _____																																			
Line Fees and Charges	\$ _____																																			
<b>TOTAL DUE</b>	\$ <u>51.78</u>																																			
<input type="checkbox"/> Working Service <input type="checkbox"/> Additional Line <input type="checkbox"/> Abandoned System		If you receive SSI or Food Stamps, you may qualify for Life Line and Link Up programs. See your local social services agency for details.																																		

**LETTER OF AGENCY/NEW ORDER**

I understand I am entering into a contractual agreement with Budget Phone, Inc. to act as my communications representative for all negotiations with telecommunications local and long distance exchange carriers and service providers. Furthermore, I understand that my signature on this application serves as my authorization to allow Budget Phone, Inc. to include all negotiations for service requests, and the assurance of order on my telephone service at the address I have provided on this agreement and on the phone number issued me by Budget Phone, Inc. will further notice. This authorization does not preclude my ability to act in my own behalf to change service providers. I authorize Budget Phone, Inc. to install carrier lock to protect myself from an unauthorized change to my local service provider without my expressed written consent. I have read Budget Phone, Inc.'s Terms and Conditions and agree to the provisions therein. I certify that all information provided here is true and correct.

Please read entire form before signing

Applicant's Signature: [Signature]      Date: 4/2/02

**OFFICE USE ONLY**

Status: \_\_\_\_\_      Number Assigned ( ) \_\_\_\_\_

Est. DDT: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_      P.V.R. U      Date Completed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

DOCKET NO. 030873-TX

P. 1

DATE: NOVEMBER 20, 2003 \* Transmission Result Report (MemoryTX) ( Apr 5 2002 1:54PM ) \* \* \*

1) Budget Phone  
2) Activation

Date/Time: Apr. 5 2002 1:51PM

ATTACHMENT N

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
5350 Memory TX	918775939723	P 2	OK	

Reason for error

- E. 1) Hang up or line fall
- E. 3) No answer

E. 2) Busy

- E. 4) No facsimile connection

To: FLATB. Fax: 877-993-9723

From: Suncoast Water/Budget Phone, Inc. Date: 4/4/2002

For: Local Number Service, Tampa Page: 2 Inclusive Conn

OC: Florida Public Service Commission

Urgent  For Review  Please Connect  Please Reply  Please Reply



Customers have signed a Letter of Agency authorizing Suncoast Water/Budget Phone to provide the Local Service Provider from the 04 contract account A.S.A.P.

No. 8078 P. 4

Budget Phone

Apr. 17. 2002 10:22AM

LocIn	SR	Recorder	Messages	Tracking	TVX	
Status	SR Status Confirmation				RepID	PJL
R	SR Status: <input type="text" value="U - Reason"/>				Completion Date:	// : :
Y	Call No:	407-695-8270	Base Type:		Last Mod:	04/03/2002 14:07:07
J	Date Recv:	04/03/2002 10:01:56	Conn Ver:		Last OCC:	
	Due Date:	//			Hold Date:	//
	ESOD:	//	ARPT:		Service Order #:	
	Reason Code:				AN:	
	Reason Code Detail:	C1-CONFLICTING INFORMATION G1-ORDER REQUEST NOT VAILD				
	Remarks to CLEC Customer:	SME 04-03-02 PLEASE VERIFY THE SPELLING OF THE END USERS LAST NAME AND PLEASE HAVE END USER REMOVE LOCAL SERVICE FREEZE FROM CURRENT ACCOUNT, WE WILL BE UN-ABLE TO PROCESS THIS ORDER UNTIL THIS IS				
	Confirm	CLEC	Service	End User	Order	Log
	CC8494	RON 401080	Ver 1		Submit	Clear
					Print	Preview



Ray Kennedy

**From:** Ray Kennedy  
**Sent:** Tuesday, February 13, 2001 10:55 AM  
**To:** 'Tulio J. Rodriguez'  
**Subject:** RE Local Service Freeze case 36157T

Thank you Mr. Rodriguez. I will let the customer know the due date. Please do not forget to fax me the LOA. I appreciate your quick response.

-----Original Message-----  
From: Tulio J. Rodriguez [mailto:tulio@oscatel.com]  
Sent: Tuesday, February 13, 2001 10:52 AM  
To: Ray Kennedy  
Subject: Re: Local Service Freeze case 36157T

From: Oscatel Communciations  
To: Ray Kennedy

Mr. Kennedy:

We have submitted this morning as per your request the unfreeze order to Bell South through our PON # OC010213041, they have given us a Due Date of 02-16-01 we have already asked them to expedite the unfreeze.

----- Original Message -----  
From: Ray Kennedy <RKennedy@PSC.STATE.FL.US>  
To: <tulio@oscatel.com>  
Sent: Tuesday, February 13, 2001 7:41 AM  
Subject: Local Service Freeze

> I have received another complaint regarding a freeze on local service.  
> The  
> customer's name is Anita Youngkin and her phone number is 305-251-4513.  
> The  
> customer has authorized a change in her local service provider, however,  
> the  
> acquiring company can not complete the transaction in Bellsouth's LENS  
> system because of the local service freeze placed by Oscatel.  
>  
> Please deactivate the freeze as quickly as possible and let me know when  
> this has occurred. Also, please fax me a copy of the LOA signed by Ms.  
> Youngkin authorizing Oscatel to become her local service provider.  
>  
> Please provide the requested information by 4:00pm on February 14, 2001.  
> Should you have any questions, please feel free to contact me. The  
> complaint has been assigned Case No. 361575T.  
>  
> Thank You,  
>  
> Ray Kennedy  
> Florida Public Service Commission  
> Bureau of Service Quality  
> Voice 850-413-6584  
> FAX 850-413-6585  
>

**Ray Kennedy**

---

**From:** Flatelinc@aol.com  
**Sent:** Friday, August 29, 2003 6:40 PM  
**To:** Tim Smoak; David Tarr; Kathy Tomlinson; Carolyn Ward; Brenda Wrixon; Bridget Paschal; Jose Perez, Pat Price; Glen Ramcharan; Eric Reinhold, Martin Reinstein; Javier Rocha; Joan Seymour; Tim Smoak; Drusilla Jones; Wayne Jordan; Ray Kennedy; Janet Kibler; Cynthia Lamb; Jim Loggins; Jamey Mahon; John Malone; Leisa Mangina; Matt Marderness; Karen Melanson; David Melton; Paulette Miller; Shanna Montgomery, Charlie deMenzes; Florida Department of State Division of Corporations; Bob Hanke; Jack Hickman; Gary Holme, Paula Hopkins; Mandy Jenkins; Rolanda Jenkins; Shelia Adams; Jeff Austein; Enc Bowman; David Butler; Sam Caldwell; Trish Cartwright; Sandra Cetti  
**Subject:** Oscar Nodarse has been terminated and no longer employed by FLATEL, Inc.

To Whom It May Concern:

It is my position as CEO to inform you, your department and your company that as of August 18, 2003 Mr Oscar Nodarse will no longer be employed by FLATEL, Inc., its D/B/A's or affiliates as his position with the company has been terminated.

Let it be known from this day forward Mr. Nodarse will not at any time, fashion, form, or manner, either directly or indirectly divulge, disclose, or communicate to any person, firm, or corporation in any manner whatsoever any information of any kind, nature, or description concerning any matters affecting or relating to the business of FLATEL, Inc., including, without limitation, the names of any of its customers, the prices it obtains or has obtained, obtained, or at which it sells or has sold its products, services or any other information concerning the business of FLATEL, Inc., its D/B/A's, affiliates and its manner of operation, or its plans, processes, or other data of any kind, nature, or description without regard to whether any or all of the foregoing matters would be deemed confidential, material or important.

It is imperative the parties hereby and respectfully understand the foregoing matters are important, material, confidential and gravely affect the effective and successful conduct of the business of FLATEL, Inc. and its good will, and that any breach of the terms of this section is a material breach with legal consequences.

If you have any questions or concerns regarding this email, please contact our office at the information provided in in this email.

Respectfully,  
Mr. Abby Matari  
CEO / Corporate Development  
FLATEL, Inc.  
Florida Telephone Co.  
Telephone USA  
2300 Palm Beach Lakes Blvd  
Executive Center Suite 210  
West Palm Beach, FL 33409  
E AMatari@Flatel.net  
P 561-688-2525 x 102  
F 561-688-7334  
[www.Flatel.net](http://www.Flatel.net)

This message contains information from FLATEL, Inc which may be confidential and privileged. If you are not an intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please notify by email AMatan@Flatel.net

**Ray Kennedy**

---

**From:** Flatelinc@aol.com  
**Sent:** Wednesday, September 03, 2003 2:25 PM  
**To:** rkennedy@psc.state.fl.us  
**Subject:** Customer Slamming

Mr. Kennedy,

It has been some time since we last spoke; I hope things are well with you. It is unfortunate that I have to contact you regarding serious matters; I wish it could be different.

I recently fired an employee at FLATEL and I have reason to believe that he stole a list of our customer data base. He is also soliciting and slamming our current customers who are being disconnected for this reason. It seems he is reselling services to our customers and billing them through Utility USA, Inc. / El Mariachi (click to see corporate information), however Telephone One, Inc. is the company providing the service and billing Utility USA, Inc. / El Mariachi.

I believe I am correct in saying that pursuant to the Florida Public Service Commission, Utility USA, Inc. / El Mariachi acting as an agent of Telephone One, Inc. (click to see corporate information) in the State of Florida cannot resell service to its customers through another reseller.

If you have any questions or concerns regarding this email, please contact our office at the information provided below.

Best regards,  
Mr. Abby Matari  
CEO / Corporate Development  
FLATEL, Inc.  
Florida Telephone Co.  
Telephone USA  
2300 Palm Beach Lakes Blvd.  
Executive Center Suite 210  
West Palm Beach, FL 33409  
E AMatari@Flatel.net  
P 561-688-2525 x 102  
F 561-688-7334  
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This message contains information from FLATEL, Inc. which may be confidential and privileged. If you are not an intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please notify by email AMatari@Flatel.net.

**GREEN Florida**  
 The Green Card Agency and services...  
**Mario Mendicha**  
 5881798

*Simple Ma*  
*\$49.00*

DOCKET NO. 030873-TX  
 DATE: NOVEMBER 20, 2003

**OSCATEL**  
 HOME PHONE SERVICE

**POSTED**

3957 Jog Rd Greenacres FL, 33467 Telephone: 561-642-4848

UTILITY USA, INC, DBA OSCATEL TELECOMMUNICATIONS AUTHORIZED  
 AGENT OF TELEPHONE ONE

**LOCAL FREEZE REMOVAL NOTICE**

*Mario Mendicha* request my current carrier FLATEL to please  
 remove the freeze off my account immediately, due to my wish to switch to OSCATEL  
 TELECOMMUNICATIONS EXCLUSIVE AGENT OF TELEPHONE ONE  
 starting on 08-26-03 will have TELEPHONE ONE as my local carrier.

Yo *Mario Mendicha* pido que mi proveedor de servicio telefonico local  
 actualmente (FLATEL) remueva el freeze local de mi linea telefonica, yo deseo tener a  
 OSCATEL TELECOMMUNICATIONS AGENTE EXCLUSIVO DE  
 TELEPHONE ONE empezando 08-26-03 yo tendre a TELEPHONE ONE como  
 proveedor local.

CUSTOMER SIGNATURE *Mario Mendicha* DATE: 08-26-03

1111 North H street  
 Lake Worth, 33460  
 561 5881798

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT Q

**OSCATEL**  
TELECOMMUNICATIONS®  
3957 JOG RD GREENACRES FL, 33467  
PHONE 561-642-4848 FAX 561-642-5448

ATT :JACKY

COMMENTS: Attach you will find the local freeze removal notice sign by the customer as you can see this form is written in Spanish and English all this customer are aware that their service is being change to OSCATEL TELECOMMUNICATIONS and that FLATEL has nothing to do with them anymore, now what FLATEL is doing once they receive this from is calling this customer up to 11:00pm (we have had complains here at OSCATEL TELECOMMUNICATIONS , and if the can't get a hold of the customer they are disconnecting the service and they are keeping the freeze on the customer's account we don't think this is right because the ones that are suffering right now is the customer's we have this freeze removal notice sign and dated for every single customer that wants to have their service with us.

Please let us know if you need any more prove that this customer want to be with us and FLATEL is not letting customers have their right to decide who do they want to have as their telephone provider

Appreciate your attention to this matter.

Respectfully,

  
Oscar Nodarse

Co-owner of Utility Usa, Inc, dba Oscatel Telecommunications  
Exclusive agent of Telephone One

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT R

**FLATEL Inc**

**ORIGINAL**

September 10, 2003

DISTRIBUTION CENTER

03 SEP - 11 AM 9:52

Florida Public Service Commission  
Tallahassee, FL

COMMISSION  
CLERK

03 SEP 11 AM 11:29

RECEIVED - FPSC

RE: Docket 030873 Objection to Utility USA, Inc. Company Code: TX742

To whom it may concern:

It is in FLATEL's best interest to request that the Florida Public Service Commission please reconsider their position to grant regulation approval of Mr. Oscar Nodarse and Mr. Oscar Carvajal represented as Utility USA, Inc. to operate in the state of Florida as a Competitive Local Exchange Provider.

Mr. Nodarse is a former employee of FLATEL which was recently fired and we have available proof and reason to believe that this group has stolen a list of the customers from our data base belonging to FLATEL (dba OSCATEL) and has begun and will continue to "SLAM" our customers. They have used our dba OSCATEL without authority in order to mislead the consumers and collect their money without switching them and allowing the customers to be disconnected.

If you have any questions or concerns regarding this letter, please contact our corporate office at the information provided.

Best Regards,



Mr. Abby Matari  
CEO / Corporate Development

**FLATEL, Inc.**

E: [AMatari@Flatei.net](mailto:AMatari@Flatei.net)  
P: 561-688-2525 x 102  
F: 561-688-7334

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
GPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

Cc: Commissioners  
Appointed Administrators  
Jason Rojas  
Thomas Williams  
Ray Kennedy

*Hong*

DOCUMENT NUMBER: DATE  
2300 Palm Beach Lakes Blvd., Executive Center Suite 210 West Palm Beach, FL 33409  
P 561.688.2525 F 561.688.7334  
www.Flatei.net  
08594 SEP 11 8

FPSC-COMMISSION CLERK

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

TELEPHONE ONE

ATTACHMENT S

September 11, 2003

Florida Public Service Commission  
Mr. Jason P. Rojas  
Capitol Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Reference: Conference call dated September 10<sup>th</sup>, 2003, at approximately 4:30 pm between Mr. Ray Kennedy, Mr. Jason P. Rojas and Mrs. Penelope J. Davis for the PSC and Osvaldo Fernandez for Telephone One, Inc.

Dear Mr. Rojas

This letter is to confirm that Telephone One, Inc has ceased processing all orders from Oscalco Telecommunications and its affiliates as of September 10<sup>th</sup>, 2003 at 4:30pm, as instructed.

Should you have any questions or concerns, feel free to contact the undersigned at your convenience.

Sincerely,

Osvaldo (ozzie) Fernandez  
Telephone One, Inc

3811 SOUTHWEST 8<sup>TH</sup> STREET • CORAL GABLES, FLORIDA • 33134 [ZIP/POSTAL CODE]  
PHONE: 305.444.3030 • FAX: 305.448.9840

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

TELEPHONE ONE

ATTACHMENT S

FACSIMILE TRANSMITTAL SHEET

TO:	Mr. Jason P. Rojas	FROM:	Oswaldo Fernande
COMPANY:	Florida Public Service Commission	DATE:	9/11/2003
FAX NUMBER	850.413.6180	TOTAL NO OF PAGES INCLUDING COVER.	2
PHONE NUMBER		SENDER'S REFERENCE NUMBER.	
RE:	Oscatel issue	YOUR REFERENCE NUMBER.	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS.

[CLICK HERE AND TYPE RETURN ADDRESS]



**Ray Kennedy**

---

**From:** Lusky & Motola, P.A. [motolusk@bellsouth.net]  
**Sent:** Friday, September 12, 2003 10:41 AM  
**To:** Ray Kennedy  
**Cc:** Jason Rojas  
**Subject:** RE: Sample LOA

Thank you. We have passed the form LOA to our client and will be providing you with the form for your prior approval.  
Bernie Motola

Jason:  
Kindly advise when the staff has made its recommendation or made any decisions relative to Utility USA, Inc's application. Kindly provide us with copy of any and all documents related to Utility USA utilized by the PSC in making its recommendation.

Regards,  
Bernie Motola

-----Original Message-----  
From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
Sent: Thursday, September 11, 2003 4:12 PM  
To: 'motolusk@bellsouth.net'  
Cc: Jason Rojas  
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy  
Bureau of Service Quality  
Florida Public Service Commission  
Phone 850-413-6584  
Fax 850-413-6585

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

**From:** Lusky & Motola, P.A. [motolusk@bellsouth.net]  
**Sent:** Tuesday, September 16, 2003 2:37 PM  
**To:** Ray Kennedy  
**Subject:** RE: Sample LOA



LETTER OF  
IZATION (PS)

Attached is the sample LOA referred to in our previous email.

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
Sent: Tuesday, September 16, 2003 1:24 PM  
To: 'Lusky & Motola, P.A.'  
Cc: Jason Rojas  
Subject: RE: Sample LOA

Mr. Motola,

I have received your e-mail, but the LOA is not attached.

Ray Kennedy

-----Original Message-----

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]  
Sent: Tuesday, September 16, 2003 1:06 PM  
To: Ray Kennedy  
Cc: Jason Rojas; [REDACTED]  
Subject: RE: Sample LOA

Dear Messrs. Kennedy and Rojas:

Attached is the LOA our client intends to use to change customers. Kindly pre-approve the form prior to its use.

Our client thanks you, in advance, for your prompt attention to this matter.

Very Truly Yours,  
Bernardo Motola

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
Sent: Thursday, September 11, 2003 4:12 PM  
To: 'motolusk@bellsouth.net'  
Cc: Jason Rojas  
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy  
Bureau of Service Quality  
Florida Public Service Commission  
Phone 850-413-6584  
Fax 850-413-6585



**LETTER OF AUTORIZATION (LOA)**

- Customer's Billing Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Telephone Number(s) to Change:  
\_\_\_\_\_  
\_\_\_\_\_

The customer's change request will apply only to the number(s) listed on this LOA. There must be only on presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number listed.

The person requesting the change(s) in service is authorized to request changes. The services of Universal Wireless to which you wish to subscribe for the numbers listed above are:

Local Exchange Service\* \_\_\_\_\_ Local Toll Service \_\_\_\_\_ Toll Service \_\_\_\_\_

**The Local Exchange Company may charge a fee for each provider change selected.**

Customer's Signature: \_\_\_\_\_

**The customer's signature on this LOA will result in a change of the customer's provider for the telephone number(s) listed above.**

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT T

**Ray Kennedy**

---

**From:** Lusky & Motola, P.A. [motolusk@bellsouth.net]  
**Sent:** Thursday, September 18, 2003 10:52 AM  
**To:** Ray Kennedy  
**Subject:** RE: Sample LOA

305.446.1245

-----Original Message-----

**From:** Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
**Sent:** Thursday, September 18, 2003 10:26 AM  
**To:** 'Lusky & Motola, P.A.'  
**Subject:** RE: Sample LOA

Good Morning,

Could you please provide your phone number. I can explain the changes to the LOA over the phone easier than I can explain via e-mail. If that is acceptable to you, you can either call me or I can call you. When we talk, you will need a copy of the form you sent me.

Ray Kennedy  
Bureau of Service Quality  
Florida Public Service Commission  
Phone 850-413-6584  
Fax 850-413-6585

-----Original Message-----

**From:** Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]  
**Sent:** Wednesday, September 17, 2003 3:34 PM  
**To:** Ray Kennedy  
**Subject:** RE: Sample LOA

Dear Mr. Kennedy:  
Kindly advise as to whether the PSC approves the form sent to you for pre-approval.

-----Original Message-----

**From:** Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
**Sent:** Tuesday, September 16, 2003 2:49 PM  
**To:** 'Lusky & Motola, P.A.'  
**Subject:** RE: Sample LOA

I now have it. We should be back to you no later than tomorrow.

Ray Kennedy  
Bureau of Service Quality  
Florida Public Service Commission  
Phone 850-413-6584  
Fax 850-413-6585

-----Original Message-----

**From:** Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]  
**Sent:** Tuesday, September 16, 2003 2:37 PM  
**To:** Ray Kennedy  
**Subject:** RE: Sample LOA

Attached is the sample LOA referred to in our previous email.

1

DOCKET NO. 030873-TX

DATE: NOVEMBER 20, 2003

-----  
From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
Sent: Tuesday, September 16, 2003 1:24 PM  
To: 'Lusky & Motola, P.A.'  
Cc: Jason Rojas  
Subject: RE: Sample LOA

ATTACHMENT T

Mr. Motola,

I have received your e-mail, but the LOA is not attached.

Ray Kennedy

-----Original Message-----

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]  
Sent: Tuesday, September 16, 2003 1:06 PM  
To: Ray Kennedy  
Cc: Jason Rojas; onodarse@aol.com  
Subject: RE: Sample LOA

Dear Messrs. Kennedy and Rojas:  
Attached is the LOA our client intends to use to change customers. Kindly pre-approve the form prior to its use.

Our client thanks you, in advance, for your prompt attention to this matter.

Very Truly Yours,  
Bernardo Motola

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]  
Sent: Thursday, September 11, 2003 4:12 PM  
To: 'motolusk@bellsouth.net'  
Cc: Jason Rojas  
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy  
Bureau of Service Quality  
Florida Public Service Commission  
Phone 850-413-6584  
Fax 850-413-6585

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ORIGINAL

ATTACHMENT U

**LUSKY & MOTOLA, P.A.**

*Attorneys at Law*  
301 Almeria Avenue  
Suite 345  
Coral Gables, Florida 33134

ATTORNEYS  
JEFFREY LUSKY  
BERNARDO MOTOLA

TELEPHONE (305) 446-1245  
FACSIMILE (305) 446-1205  
email: motolusky@bellsouth.net

RECEIVED FPSC

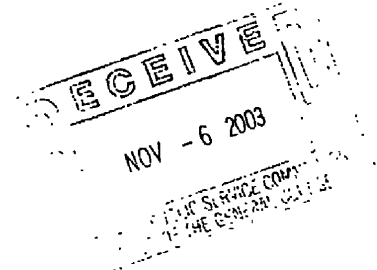
03 NOV 12 AM 11:16

COMMISSION CLERK  
OFFICE ADMINISTRATOR/LEGAL ASSISTANT  
ANA L. ARCIA

VIA USPS EXPRESS MAIL

November 5, 2003

Jason P. Rojas, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-7019



030873-TX

**RE: Amended Application for Authority to Provide Alternative Local Exchange Telecommunications Service by Utility USA, Inc./Offer to Settle Regulatory Assessments and Penalties**

Dear Mr. Rojas:

In accordance with our previous telephone conversations in the last two weeks, we are hereby enclosing an Amended Application for Authority to Provide Alternative Local Exchange Telecommunications Service, on behalf of our client Utility USA, Inc., reflecting changes requested by the PSC.

Oscar Nodarse, an officer and owner of Utility and a former owner and officer of Telebeeper, Inc. is agreeable to making payment of regulatory assessment fees (RAF), plus interest and penalty in the total amount of \$720.50 for 2000, 2001 and 2002. Be advised that Mr. Nodarse sold Telebeeper, Inc. in April of 2001 and transferred full responsibility to the new owner. In the interest, however, of resolving pending issues that would assist the expedited acquisition of the certificate of authority, our client agrees to pay the total RAF.

You have also advised that Utility USA is to be fined for having operated without certification and using faulty Letters of Authorization. Be advised that our client was making an attempt to transfer customers when he experienced an unexpected acrimonious split with Aby Matari at Flatel, Inc. He was abruptly ousted from the company, notwithstanding his 22.22% ownership of Flatel, Inc. Mr. Nodarse was the original founder and sole shareholder of Flatel. It is anticipated that a civil action will be brought against Aby Matari and Flatel, Inc. to resolve the pending dispute.

The LOA's were used for a very short period of less than two weeks and proved to be unsuccessful as no customers were actually switched. Currently, Mr. Nodarse has been using LOA's, pre-

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC 1
- OTH None

DOCUMENT NUMBER-DATE

11256 NOV 12 8

FPSC-COMMISSION CLERK

DOCKET NO. 030873-TX  
DATE: NOVEMBER 20, 2003

ATTACHMENT U

Jason P. Rojas, Esq  
November 5, 2003  
Page Two

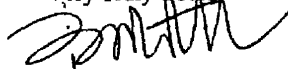
---

approved by Mr. Kennedy at the PSC for Universal Wireless. Again, without admitting liability and in the interest of assisting in the acquisition of the certificate of authority for Utility USA, Mr. Nodarse offers to settle the fine for operating without certification for the total sum of \$5,000.00. You have advised that the application for Utility will be scheduled for the November 20, 2003 agenda.

Kindly contact me at your earliest convenience with your comments relative to this matter.

We look forward to working the swift resolution of this matter with you.

Very Truly Yours,



Bernardo Motola  
BM/ala  
cc: Utility USA, Inc.  
Jorge Chamizo, Esq.

ORIGINAL

030873-TX

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

**DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT**  
**CERTIFICATION**

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

**Instructions**

- ◆ This form is used as an application for an original certificate and for approval of the 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 Page 12).
- 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 the Commission Clerk and Administrative Services**  
**2540 Shumard Oak Blvd.**  
**Tallahassee, Florida 32399-0850**  
**(850) 413-6770**

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

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

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

*[Handwritten signature]*

03 AUG 29 AM 11:38

RECEIVED

08127 SEP-26

FPSC-COMMISSION CLERK

FORM PSC/CMU 8 (11/95)  
Required by Commission Rule Nos. 25-24.805,  
25-24.810 and 25-24.811



APPLICATION

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.
  - Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
  - 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:

Utility USA, Inc.

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

\_\_\_\_\_

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

3957 JOG ROAD

---

GREENACRES, FL 33467

---

---

---

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

3957 JOG ROAD  
GREENACRES, FL 33467

6. Structure of organization:

- |  |   |
|--|---|
| <input type="checkbox"/> Individual          | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership    |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership    |
| <input type="checkbox"/> Other _____         |   |

7. If individual, provide:

Name: N/A

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

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

- (a) The Florida Secretary of State corporate registration number:  
CORPORATE CHARTER NUMBER P03000092192  
A Certified copy of Articles of Incorporation is attached as Exhibit I

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

(a) The Florida Secretary of State corporate registration number:

N/A

10. **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:

G03238900224

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

(a) The Florida Secretary of State registration number:

N/A

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

Name: N/A

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: 561-642-5448

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

13. **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: N/A

14. Provide **F.E.I. Number**(if applicable): 20-0173084

15. 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. Provide explanation.

None of the officers, directors, or ten largest stockholders of the Corporation have previously been adjudged bankrupt, mental incompetent, or found guilty of any felony or of any crime, and no proceedings are pending which would result in such actions.

(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.

OSCAR NODARSE

FLATEL, INC. - 22,22% STOCK HOLDER STILL

TELEBEEPER, INC. - DBA OSCATEL COMMUNICATIONS DIRECTOR

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

(a) The application:

Name: Oscar Carvajal

Title: President, Utility USA, Inc.

Address: 3957 JOG ROAD

City/State/Zip: GREENACRES, FL 33467

Telephone No.: 561-642-4848

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

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

Name: OSCAR NODARSE  
Title: Vice-President, Utility USA, Inc.  
Address: 3957 JOG ROAD  
City/State/Zip: GREENACRES, FL 33467  
Telephone No.: 561-642-4848 Fax No.: \_\_\_\_\_  
Internet E-Mail Address: \_\_\_\_\_  
Internet Website Address: \_\_\_\_\_

(c) Complaints/Inquiries from customers:

Name: Customers may call the company at its customer  
Title: Service number or may contact the company in writing  
Address: at 3957 JOG ROAD  
City/State/Zip: GREENACRES, FL 33467  
Telephone No.: 561-642-4848 Fax No.: 561-642-5448  
Internet E-Mail Address: \_\_\_\_\_  
Internet Website Address: \_\_\_\_\_

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

FLORIDA- MR NODARSE UNDER FLATEL INC. AND TELEBEEPER INC.  
NOT UNDER UTILITY USA, INC.

(b) has applications pending to be certificated as an alternative local exchange company.

NO

(c) is certificated to operate as an alternative local exchange company.

FLORIDA\_ MR. NODARSE UNDER FLATEL INC.  
NOT UNDER UTILITY USA, INC.

---

(d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

~~YES - TELEBEEPER, INC. HAD PENALTIES IMPOSED.~~  
WHEN IT WASN'T PAID, THE CERTIFICATE WAS CANCELED.

---

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

~~YES - TELEBEEPER, INC. HAD PENALTIES IMPOSED.~~  
WHEN THEY WEREN'T PAID CERTIFICATE WAS CANCELLED.

---

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

NO CIVIL court proceedings involving applicant in any state.

---

**18. Submit the following:**

**A. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.**

Attached as Exhibit VI

**B. 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.**

Attached as Exhibit VI & VII

**C. 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: Attached as Exhibit III
2. income statement: and Attached as Exhibit IV
3. statement of retained earnings. The applicant is a newly formed corporation and does not have audited financial statements.

*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. written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.  
Attached as Exhibit V
2. written explanation that the applicant has sufficient financial capability to maintain the requested service.  
Attached as Exhibit V
3. written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.  
Attached as Exhibit V

THIS PAGE MUST BE COMPLETED AND SIGNED  
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 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. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Oscar Carvajal  
Print Name  
President  
Title  
(561) 642-4848  
Telephone No.

*Oscar Carvajal*  
Signature  
08-28-03 10-31-03  
Date  
561-642-5448  
Fax No.

Address: 3597 JOG ROAD  
GREENACRES, FL 33467



THIS PAGE MUST BE COMPLETED AND SIGNED

**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:

Oscar Carvajal  
Print Name  
President, Chief Executive Officer  
and Chief Financial Officer  
Title  
(561) 642-4848  
Telephone No.

Oscar Carvajal  
Signature  
08-28-03      10-31-03  
Date  
561-642-5448  
Fax No.

Address:      3957 JOG ROAD  
GREENACRES, FL 33467  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FORM PSC/CMU 8 (11/95)  
Required by Commission Rule Nos. 25-24.805,  
25-24.810 and 25-24.815

**INTRASTATE NETWORK (if available)**

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

**1. POP: Addresses where located, and indicate if owned or leased.**

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

**2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased.**

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

**3. TRANSMISSION FACILITIES: POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.**

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

**CERTIFICATE SALE, 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:

- sale
- transfer
- assignment

of the above-mentioned certificate.

**UTILITY OFFICIAL:**

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE **FEBRUARY 15**

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

Florida Public Service Commission  
 (See Filing Instructions on Back of Form)

**FILED**

PERIOD COVERED:

**FEB 03**

FOR PSC USE ONLY

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 004011  
 \$ \_\_\_\_\_ I

Postmark Date: \_\_\_\_\_  
 Initials of Preparer: \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services		
2.	Long Distance Services (IntraLATA only)**		
3.	Access Services		
4.	Private Line Services		
5.	Leased Facilities & Circuits Services		
6.	Miscellaneous Services		
7.	TOTAL REVENUES		
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		
13.	TOTAL AMOUNT DUE		

\* These amounts must be intrastate only and should be verifiable.

\*\* Other long distance revenue must be listed on the Intraexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

Facilities-Based Provider

- Reseller
- Other:

BILLING INFORMATION

Complete below if billing agent is other than yourself.

\_\_\_\_\_  
 (Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities?  YES  NO

If YES, who do you lease these facilities from? Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 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/her duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
 (Signature of Company Official) (Title) (Date)

\_\_\_\_\_  
 (Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )

FLORIDA PUBLIC SERVICE COMMISSION  
Instructions For Filing Regulatory Assessment Fee Return  
(Alternative Local Exchange Company)

**WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND  
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before January 30 for the prior twelve-month period January 1 through December 31.*

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

**FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.016(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. *Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire, maintenance, or equipment purchases/rental.* **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

**FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). The Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

*When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.*

**EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (RSC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less; or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

**FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

**MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. Make your check payable to the Florida Public Service Commission. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
**ATTENTION: Fiscal Services**

**ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

*Certified Copy*

I certify the attached is a true and correct copy of the Articles of Incorporation of UTILITY USA, INC., a Florida corporation, filed electronically on August 22, 2003 effective August 21, 2003, as shown by the records of this office.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this corporation is P03000092192.

Authentication Code: 030822112222-500022490065#1

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Twenty Second day of August, 2003



*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State

**Electronic Articles of Incorporation  
For**

P03000092192  
FILED  
August 22, 2003  
Sec. Of State

UTILITY USA, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:  
UTILITY USA, INC.

**Article II**

The principal place of business address:  
3957 JOG ROAD  
GREENACRES, FL. 33467

The mailing address of the corporation is:  
3957 JOG ROAD  
GREENACRES, FL. 33467

**Article III**

The purpose for which this corporation is organized is:  
ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES, BEEPERS AND HOME TELEPHONE.

**Article IV**

The number of shares the corporation is authorized to issue is:  
100

**Article V**

The name and Florida street address of the registered agent is:  
OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

I hereby declare that I am familiar with and accept the responsibilities of a registered agent.

P03000092192  
FILED  
August 22, 2003  
Sec. Of State

Registered Agent Signature: OSCAR CARVAJAL

**Article VI**

The name and address of the incorporator is:

OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL 33467

Incorporator Signature: OSCAR CARVAJAL

**Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD  
OSCAR CARVAJAL  
3957 JOG ROAD  
GREENACRES, FL. 33467

Title: VD  
OSCAR NODARSE  
3957 JOG ROAD  
GREENACRES, FL. 33467

**Article VIII**

The effective date for this corporation shall be:

08/21/2003



**UTILITY USA, INC.**  
**FORECASTED INCOME STATEMENT**  
**FIRST YEAR OF OPERATIONS (12 MONTHS)**

**REVENUE**

Telephone Operations	\$1,248,750	
Other Communications	\$3,246,750	
Total Revenue		\$4,495,500

**DIRECT COST**

Facilities	\$ 289,510	
Long Distance & Local Srvc	\$1,778,420	
Total Direct Cost		\$2,067,930

Gross Margin \$2,427,570

**EXPENSES**


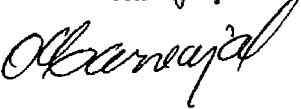
Salaries	\$ 525,000	
Utilities	\$ 25,000	
Interest	\$ 220,000	
Depreciation	\$ 250,000	
Miscellaneous	\$ 5,000	
Total Expenses		\$1,025,000

Operating Income Before Taxes	\$1,402,570
Income Taxes	533,000

**NET INCOME** \$869,570

I attest that this Financial Statement is true and correct.

Chief Executive Officer  
and Chief Financial Officer

  
Oscar Carvajal  


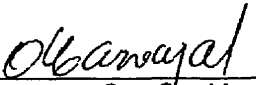
**EXHIBIT**  
**II**

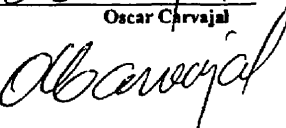
UTILITY USA, INC.  
UNAUDITED  
BALANCE SHEET  
AS OF JULY 2003

<u>ASSETS</u>		
Current Assets		
Cash	7,500.00	
<b>TOTAL CURRENT ASSETS</b>		<b>7,500.00</b>
Fixed Assets		
Office Furn & Fixtures	2,500.00	
Machinery & Equip	2,500.00	
<b>TOTAL FIXED ASSETS</b>		<b>5,000.00</b>
<b>TOTAL ASSETS</b>		<b>\$12,500.00</b>
<u>LIABILITIES AND EQUITY</u>		
Long Term Liabilities		
Shareholders Loans	12,400.00	
<b>TOTAL LONG TERM LIABILITIES</b>		<b>12,400.00</b>
Equity		
Common Stock	100.00	
<b>TOTAL EQUITY</b>		<b>100.00</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>\$12,500.00</b>

I attest that this Financial Statement is true and correct.

Chief Executive Officer  
and Chief Financial Officer

  
\_\_\_\_\_  
Oscar Carvajal



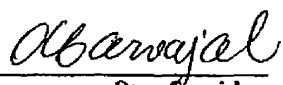
**EXHIBIT  
III**

**UTILITY USA, INC.  
FORECASTED BALANCE SHEET  
END OF FIRST YEAR OF OPERATIONS**

<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash	\$1,569,570		
Accounts Receivable	235,000		
<b>Total Current Assets</b>		<b>\$2,054,570</b>	
Equipment	\$2,500,000		
Accumulated Depreciation	250,000		
Depreciation Costs		\$2,500,000	
<b>Total Assets</b>			<b>\$4,304,570</b>
<b>LIABILITIES AND EQUITY</b>			
<b>CURRENT LIABILITIES</b>			
Accounts Payable	\$ 250,000		
Short Term Notes	250,000		
Income Taxes	533,000		
Other ST Liabilities	2,000		
<b>Total Current Liabilities</b>		<b>\$1,035,000</b>	
Long Term Liabilities	\$2,000,000		
<b>Total Liabilities</b>			<b>\$3,035,000</b>
<b>EQUITY</b>			
Initial Investment	\$200,000		
Paid in Capital	200,000		
Retained Earnings	869,570		
<b>Total Equity</b>			<b>\$1,269,570</b>
<b>TOTAL LIABILITIES AND EQUITY</b>			<b>\$4,304,570</b>

I attest that this Financial Statement is true and correct.

Chief Executive Officer  
and Chief Financial Officer

  
Oscar Carvajal

**EXHIBIT  
IV**

**EXHIBIT V**

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While the cash flow from operations is expected to be sufficient in providing needed operating funds, I Oscar Carvajal, CEO for Utility USA, Inc. will pledge my personal assets should additional financing become necessary.

I currently own a controlling interest in El Mariachi, Inc. and Utility USA, Inc. The net value of my interest in these companies exceeds \$0.5 million and can be pledged to raise additional capital.


Several investors have also expressed an interest in investing in Utility USA, Inc. and the sale of stock to investors is another option to raise additional capital.

By my signature, I attest that the foregoing information is true and correct.

Chief Executive Officer

  
Oscar Carvajal

Chief Financial Officer

  
Oscar Carvajal

**EXHIBIT  
V**