

**REQUEST TO ESTABLISH DOCKET**  
(Please Type)

<b>Date</b>	December 1, 2003	<b>Docket No.</b>	031084-TV
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<b>1. Division Name/Staff Name:</b>	Division of Competitive Markets and Enforcement/Toni McCoy		
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<b>2. OPR:</b>	Toni McCoy, CMP 		
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<b>3. OCR:</b>	GCO		
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<b>4. Suggested Docket Title:</b>	Request for Name Change on CLEC Certificate No. 7448, by Progress Telecom Corporation to Progress Telecom, LLC.		
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**5. Suggested Docket Mailing List (attach separate sheet if necessary)**

**A. Provide NAMES OR ACRONYMS ONLY if a regulated company.**

**B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)**

**1. Parties and their representatives (if any):**


**2. Interested persons and their representatives (if any):**


**6. Check one:**

**Documentation is attached.**

**Documentation will be provided with recommendation.**

\_\_\_\_\_

COMPANY IDENTIFICATION

Printed on 12/01/2003 at 15:42:53 by TJM

Complete Name: Progress Telecom Corporation

Mailing Name: Progress Telecom Corporation

Company Code: TX648 FEID Number: 22-3850755

RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Reg. Date: 06/24/2002 Inactive Date:  
 Service: CLX - Competitive Local Exchange  
 Received: Actual RAF Form  
 Status: Satisfied  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 1 Payment Made to Date  
 Operating Rev: \$6,840,580.70 Interstate Rev: \$0.00  
 RAF Rate: 0.0015 Net RAF Due: \$10,260.87

Assessment	Due	Paid	Owe
RAF	\$10,260.87	\$10,260.87	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$10,260.87	\$10,260.87	\$0.00

Last modification was made on Tuesday, August 5, 2003 at 10:01 AM by Valorie Moore

COMPANY IDENTIFICATION

Printed on 12/01/2003 at 15:48:28 by TJM

Complete Name: Progress Telecom Corporation

Mailing Name: Progress Telecom Corporation

Company Code: TX648 FEID Number: 22-3850755

COMPANY INFORMATION

Address Line 1: 100 Second Avenue, South, Suite 400S

Address Line 2:

City: St. Petersburg State: FL Zip Code: 33701-4336

Reg. Date: 06/24/2002 Inactive Date:

Transferred To:

Trans. From: TX437 Progress Telecommunications Corporation

Certificate 1: 7448 Certificate 2:

Corporate Type: Corporation

Service 1: CLX - Competitive Local Exchange

Service 2:

Service 3:

Service 4:

Class (WAW):

Phone Count:

County 1: County 2:

County 3: County 4:

Bankruptcy: No

COMPANY IDENTIFICATION

Printed on 12/01/2003 at 15:48:23 by TJM

Complete Name: Progress Telecom Corporation

Mailing Name: Progress Telecom Corporation

Company Code: TX648 FEID Number: 22-3850755

MAILING INFORMATION

Attention: Mr. David Branson

Address Line 1: 100 Second Avenue, South, Suite 400S

Address Line 2:

City: St. Petersburg State: FL Zip Code: 33701-4336

E-mail Address: dbranson@progresstelecom.com

Web Address: <http://www.progresstelecom.com>

Liaison 1: David Branson Liaison 2:

Title: Manager - Account Management Title:

Phone: (727) 820-5046 Phone:

E-mail: dbranson@progresstelecom.com E-mail:

Fax 1: (727) 820-5292 Fax 2:

County:

ORIGINAL



Progress Telecom, LLC

CLERK #02

November 18, 2003

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

031066-77

COMMISSION  
CLERK

03 NOV 18 PM 1:20

RECEIVED PISC

Re: Request for Acknowledgment of Progress Telecom Corporation's  
Name Change to Progress Telecom, LLC

Dear Ms. Bayó:

On behalf of Progress Telecom Corporation, we respectfully request acknowledgment or, to the extent necessary, approval of the Florida Public Service Commission ("Commission") for the conversion of Progress Telecom Corporation, in accordance with Delaware law, into a limited liability company, and accordingly, its name change to Progress Telecom, LLC (together with Progress Telecom Corporation, referred to herein as "PTC").

PTC currently is authorized to provide intrastate telecommunications services in Florida. PTC was formed as a Florida corporation to do business in various states where it is authorized to provide telecommunications services. PTC's corporate parents are Progress Telecommunications Corporation ("Old PTC") and Caronet, Inc. ("Caronet"), companies that are ultimately owned by Progress Energy, Inc., all of which are holding companies. PTC's technical, financial and managerial qualifications to provide telecommunications services are a matter of public record, provided to the Commission in connection with its certification application.

On November 4, 2003, in connection with a transaction whereby Old PTC, Caronet and EPIK Communications, Incorporated ("EPIK") will contribute certain assets to PTC, in return for which PTC will issue membership interests, PTC was converted into a Delaware limited liability company. Under Delaware law, the conversion of a Florida corporation into a Delaware LLC is treated as a continuation of the original corporate entity and the date of commencement of existence for the LLC is the same date that the corporation was originally formed. All of the assets, rights, liabilities and obligations of the corporation became the assets, rights, liabilities and obligations of the LLC by operation of law.

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

DOCUMENT NO.  
11584-03  
11-18-03

Given the fact that there is no change in the identity of the legal entity resulting from the conversion of a Florida corporation into a Delaware LLC, such conversion is most appropriately treated as a name change. Although PTC, the corporation, has changed its legal form, it is not transferring any assets to a different legal entity or taking on new debt. Moreover, the conversion into an LLC will be perfectly transparent to customers as it does not involve any change in the rates, terms or conditions of the services previously provided to customers, or in the facilities used to provide such services. Management and operating personnel are not changing and the contact person for both customers and regulatory agencies remains the same. This "metamorphosis" of the corporation into an LLC is, for regulatory and most other purposes, nothing more than a name change, and a minor one at that, as Progress Telecom Corporation is merely becoming Progress Telecom, LLC.

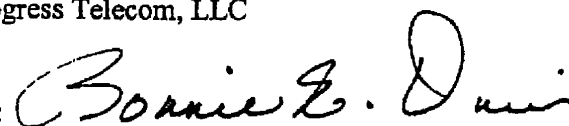
In view of the insignificant nature of the name change, there is no potential for customer confusion and it is respectfully requested that any otherwise applicable requirements for customer notification be waived. This situation does not warrant incurring the considerable expense of providing notice to all customers and such notice would not provide the customers with any needed information as this change is not likely to cause any confusion. Similarly, given the nature of this change, it is respectfully requested that PTC not be required to amend its outstanding tariffs to make this minimal change to its name, particularly as the identifying portion of its name, Progress Telecom, remains exactly the same.

Enclosed please find two (2) copies of the certificates of conversion and formation issued to PTC by the state of Delaware. The corresponding documentation qualifying PTC to transact business in the state of Florida as a foreign corporation will be submitted as a supplement to this filing upon receipt from the Division of Corporations. Please acknowledge your receipt of this filing on the enclosed copy of this letter and return to the undersigned. If you have any questions about this matter, please contact the undersigned.

Respectfully submitted,

Progress Telecom, LLC

By:

  
James A. McGee

Associate General Counsel  
Progress Energy Service Company, LLC  
100 Central Avenue  
St. Petersburg, Florida 33701  
(727) 820-5184

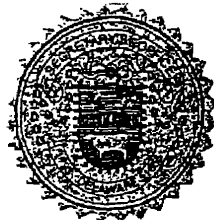
Enclosures

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A FLORIDA CORPORATION UNDER THE NAME OF "PROGRESS TELECOM CORPORATION" TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "PROGRESS TELECOM CORPORATION" TO "PROGRESS TELECOM, LLC", FILED IN THIS OFFICE ON THE FOURTH DAY OF NOVEMBER, A.D. 2003, AT 2:08 O'CLOCK P.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3723569 8100V

AUTHENTICATION: 2729616

030707519

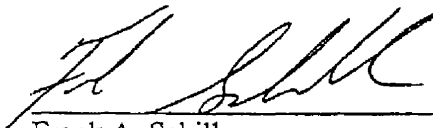
DATE: 11-04-03

Certificate of Conversion to a  
Limited Liability Company

1. Name of entity requesting conversion: Progress Telecom Corporation
2. The date on which and jurisdiction where Progress Telecom Corporation was first incorporated: Incorporated in the State of Florida on December 21, 2001
3. The name of the limited liability company as set forth in its certificate of formation: Progress Telecom, LLC

This is the 4<sup>th</sup> day of November, 2003.

Authorized Person:



Frank A. Schiller,  
Secretary and General Counsel

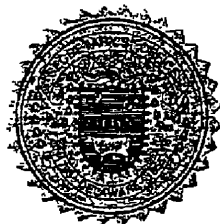


# Delaware

PAGE 2

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "PROGRESS TELECOM, LLC" FILED IN THIS OFFICE ON THE FOURTH DAY OF NOVEMBER, A.D. 2003, AT 2:08 O'CLOCK P.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3723569 8100V

AUTHENTICATION: 2729616

**Certificate of Formation  
Limited Liability Company**

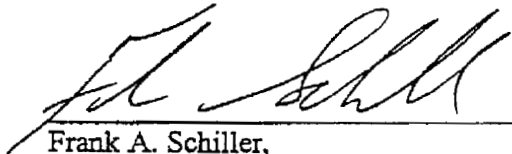
1. The name of the limited liability company: Progress Telecom, LLC
  
2. The address of the registered office and the name and address of the registered agent for service of process:

Registered Office:  
100 Second Avenue South  
Suite 400 South  
St Petersburg, Florida 33701

Registered Agent:  
Corporation Service Company  
2711 Centerville Road  
Suite 400  
Wilmington, DE 19808

This is the 4<sup>th</sup> day of November, 2003.

Authorized Person:

  
\_\_\_\_\_  
Frank A. Schiller,  
Secretary and General Counsel

Florida Department of State, Division of Corporations

# Corporations Online

www.sunbiz.org

## Public Inquiry

### Foreign Limited Liability

**PROGRESS TELECOM, LLC**

#### PRINCIPAL ADDRESS

100 SECOND AVENUE SOUTH  
ST. PETERSBURG FL 33701

#### MAILING ADDRESS

100 SECOND AVENUE SOUTH  
ST. PETERSBURG FL 33701

Document Number  
M03000003920

FEI Number  
NONE

Date Filed  
11/19/2003

State  
DE

Status  
ACTIVE

Effective Date  
NONE

Total Contribution  
0.00

### Registered Agent

#### Name & Address

CORPORATION SERVICE COMPANY  
1201 HAYS STREET  
TALLAHASSEE FL 32301-2525

### Manager/Member Detail

Name & Address	Title
JOHNSON, WILLIAM D 410 S. WILMINGTON STREET RALEIGH NC 27601	MGR
DAVIS, DONALD K 410 S. WILMINGTON STREET RALEIGH NC 27601	MGR
CHATAS, GEOFFREY S 410 S. WILMINGTON STREET RALEIGH NC 27601	MGR

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## Annual Reports

Report Year	Filed Date
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No Name History Information

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