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GARY P. BARTOSIEWICZ      KRISTEN L. GETTING  
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OF COUNSEL  
THOMPSON BENNETT  
JOHN T. PETERS, JR.  
  
VINCENT T. EARLY  
(1922 - 2001)  
JOSEPH J. BURGIE  
(1926 - 1992)

March 29, 2004

Blanca Bayó  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED: FPSC  
MAR 30 AM 10: 25  
COMMISSION  
CLERK

Re: Nexus Communications TSI, Inc.

Dear Ms. Bayó:

Enclosed herewith for filing with the Commission, please find an original and 6 (six) copies of the above captioned corporation's APPLICATION FOR AUTHORITY TO PROVIDE ALTERNATIVE LOCAL EXCHANGE SERVICE WITHIN THE STATE OF FLORIDA, along with a check in the amount of \$250.00 to cover filing fees relating to same.

Also enclosed is an exact duplicate of this letter. Please stamp the duplicate received and return same in the postage-paid envelope attached thereto.

Please contact me if you have additional questions or concerns.

Very truly yours,


EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.

  
Patrick D. Crocker

PDC/pas

enc

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE

04050 MAR 30 8

FPSC-COMMISSION CLERK

**BEFORE THE  
STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION**

Application of Nexus Communications TSI, Inc.,           )  
for Authority to Provide Alternative                            )  
Local Exchange Service Statewide                            )

**APPLICATION**

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007  
Telephone     (269) 381-8844  
Facsimile     (269) 381-8822  
pcrocker@earlylennon.com

## APPLICATION

1. This is an application for  (check one):
- Original certificate** (new company).
- Approval of transfer of existing certificate:** Example, a 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 approved the new controlling entity.

2. Name of Company:

**Nexus Communications, Inc.**

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

**Nexus Communications TSI, Inc.**

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

**3629 Cleveland Avenue, Suite C**  
**Columbus, OH 43224**

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

**None**

6. Structure of organization:

- Individual                       Corporation  
 Foreign Corporation             Foreign Partnership  
 General Partnership            Limited Partnership  
 Other - Limited Liability Company

7. If individual, provide:

Name:

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:

          N/A          

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

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

          F04000001307          

2. 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:

          N/A

10. If a limited liability partnership, provide proof of registration to operate in Florida:
- (a) The Florida Secretary of State registration number:
11. If a partnership, provide name, title and address of all partners and a copy of the partnership agreement.
- Name:
- Title:
- Address:
- City/State/Zip:
- Telephone No.: \_\_\_\_\_ Fax No.:
- Internet E-Mail Address:
- Internet Website Address:
12. 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
13. Provide F.E.I. Number (if applicable): \_\_\_\_\_
14. Indicate of any of the officers, director, 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 have been adjudged bankrupt, mentally incompetent, or guilty of any felony or crime.**

(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.

No

15. Who will serve as liaison to the commission with regard to the following?

(a) The application:

Name: Patrick D. Crocker

Title: Attorney

Address: 900 Comerica Building

City/State/Zip: Kalamazoo, MI 49007

Telephone No.: 269-381-8844 Fax No.: 269-381-8822

Internet E-Mail Address: pcrocker@earlylennon.com

Internet Website Address: www.telecomattorney.com

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

Name: Steven Fenker

Title: Vice President

Address: 3629 Cleveland Ave, Suite C

City/State/Zip: Columbus, OH 43224

Telephone No.: 740-549-1092 Fax No.: 740-548-1173

Internet E-Mail Address: sfenker1@earthlink.net

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

(c) Complaints/Inquiries from customers:

Name: Steven Fenker

Title: Vice President

Address: 3629 Cleveland Ave, Suite C

City/State/Zip: Columbus, OH 43224

Telephone No.: 740-549-1092 Fax No.: 740-548-1173

Internet E-Mail Address: sfenker1@earthlink.net

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

16. List the states in which the applicant:

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

**Applicant is certified to provide and currently operates local exchange services in Ohio, Indiana, Illinois, Michigan, Wisconsin, and Kentucky.**

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

**Applicant is filing contemporaneously for local exchange authority in Alabama, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Texas.**

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

**Applicant is certified to provide local exchange services in Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky and Missouri.**

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

**Applicant has not been denied authority to operate as an alternative local exchange company in any jurisdiction.**

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

**Applicant has had no regulatory penalties imposed for violations of telecommunication-statutes.**

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

**Applicant has not been involved in any civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity.**

18. Submit the following:

A. 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;
2. Income statement; and
3. Statement of retained earnings.

*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 included 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.
2. written explanation that the applicant has sufficient financial capability to maintain the requested service.
3. written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

**See Exhibit B.**

- B. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experience of each.

**See Exhibit C.**

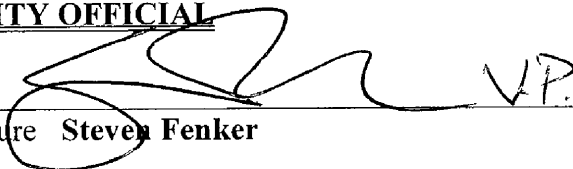
- C. Technical capability: give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

**See Exhibit C.**

**\*\* APPLICANT ACKNOWLEDGMENT OF 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. GROSS RECEIPTS TAX: I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. SALES TAX: I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. APPLICATION FEE: I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

**UTILITY OFFICIAL**

 VP. 3/17/04  
Signature Steven Fenker Date  
Vice President 740-549-1092  
Title Telephone No.  
Address: 3629 Cleveland Avenue, Ste C 740-548-1173  
Columbus, OH 43224 Fax No.

**ATTACHMENTS:**

- A - CERTIFICATE SALE, TRANSFER, ASSIGNMENT STATEMENT
- B - INTRASTATE NETWORK
- C - AFFIDAVIT

**\*\* APPENDIX A \*\***

**CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT**

Not applicable

**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.

**POP-to-POP**

**OWNERSHIP**

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

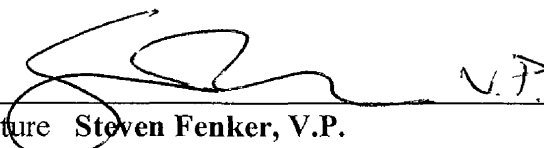
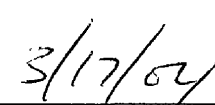
4) \_\_\_\_\_

**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:**

		
Signature	Steven Fenker, V.P.	Date
<b>Vice President</b>		<b>740-549-1092</b>
Title		Telephone No.
Address:	<b>3629 Cleveland Avenue, Suite C</b>	<b>740-548-1173</b>
		Fax No.
	<b>Columbus, OH 43224</b>	

**EXHIBIT A.**

**Certificate of Authority to Transact Business**



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State

March 10, 2004

MR. JAMES CURRAN  
CORPORATION GUARANTEE & TRUST CO.  
3331 STREET ROAD, SUITE 110  
BENSALEM, PA 19020

Qualification documents for NEXUS COMMUNICATIONS, INC. doing business in Florida as NEXUS COMMUNICATIONS TSI, INC. were filed on March 9, 2004 and assigned document number F04000001307. Please refer to this number whenever corresponding with this office.

Your corporation is now qualified and authorized to transact business in Florida as of the file date.

The certification you requested is enclosed.

A corporation annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (850) 245-6051, the Foreign Qualification/Tax Lien Section.

Michelle Hodges  
Document Specialist  
Division of Corporations

Letter Number: 204A00016051

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by NEXUS COMMUNICATIONS, INC. doing business in Florida as NEXUS COMMUNICATIONS TSI, INC., an Ohio corporation, authorized to transact business within the State of Florida on March 9, 2004 as shown by the records of this office.

The document number of this corporation is F04000001307.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Tenth day of March, 2004



CR2EO22 (2-03)

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



APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA

1. Nexus Communications, Inc.  
(Enter name of corporation, must include "INCORPORATED," "COMPANY," "CORPORATION," "Inc.," "Co.," "Corp." "Inc.," "Co.," or "Corp.")

NEXUS COMMUNICATIONS TSI, INC.  
(If name unavailable in Florida, enter alternate corporate name adopted for the purpose of transacting business in Florida)

2. OHIO 3. 31-1735438  
(State or country under the law of which it is incorporated) (FEI number, if applicable)

4. 9-11-2000 5. Perpetual  
(Date of incorporation) (Duration: Year corp. will cease to exist or "perpetual")

6. Upon Qualification  
(Date first transacted business in Florida. If corporation has not transacted business in Florida, insert "upon qualification.")  
(SEE SECTIONS 607.1501, 607.1502 and 817.155, F.S.)

7. 3629 Cleveland Ave., Columbus, OH 43224  
(Principal office address)

P.O. Box 247168 Columbus, OH 43224  
(Current mailing address)

8. Local Exchange Service Provider  
(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box NOT acceptable)


Name: Edwin F. Blanton

Office Address: 825 Thomasville Road

Tallahassee, Florida 32303  
(City) (Zip code)

FILED  
04 MAR -9 PM 11:40  
TALLAHASSEE FLORIDA

10. Registered agent's acceptance:  
*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, 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 relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

  
(Registered agent's signature)

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

12. Names and business addresses of officers and/or directors:

**A. DIRECTORS**

Chairman: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

Vice Chairman: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

Director: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

Director: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

**B. OFFICERS**

President: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

Vice President: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

Secretary: Steven Fenker

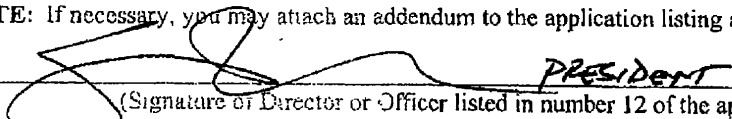
Address: 3629 Cleveland Ave., Columbus, OH 43224

Treasurer: Steven Fenker

Address: 3629 Cleveland Ave., Columbus, OH 43224

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13.

  
(Signature of Director or Officer listed in number 12 of the application)

14.

Steven Fenker, President

(Typed or printed name and capacity of person signing application)

**\*200025800014\***

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
09/14/2000	200025800014	DOMESTIC ARTICLES/FOR PROFIT (ARF)	85 00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

NATHANIEL HAWTHORNE  
27600 CHAGRIN BLVD  
NO. 260  
CLEVELAND, OH 44122

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, J. Kenneth Blackwell**

**1180608**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**NEXUS COMMUNICATIONS, INC.**

and, that said business records show the filing and recording of:

Document(s):  
**DOMESTIC ARTICLES/FOR PROFIT**

Document No(s):  
**200025800014**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 11th day of September, A.D.  
2000.

*J. Kenneth Blackwell*  
Ohio Secretary of State

## **EXHIBIT B**

### **Financial Capability**

**(Filed Under Seal)**

**Nexus is a closely-held corporation engaged in the provision of telecommunications services which are highly competitive. The public disclosure of financial statements of Nexus could be injurious to its business and financial position.**

**Nexus is filing its financial information in a sealed envelope marked confidential and requests that the Commisison keep this information private and not open to the public for disclosure.**

- 1. Applicant has sufficient financial capability to provide the requested service in the geographic areas proposed to be served. Applicant's operating revenue will provide Applicant with sufficient financial resources to provide service in the proposed areas.**
- 2. Applicant has sufficient financial capability to maintain the requested service in the geographic areas proposed to be served. Applicant's operating revenue will provide Applicant with sufficient financial resources to maintain service in the proposed areas.**
- 3. Applicant will operate as a resold provider. Applicant has sufficient financial capability to meet lease or ownership obligations in the geographic areas proposed to be served. Applicant's operating revenue will provide Applicant with sufficient financial resources to meet lease or ownership obligations in the proposed areas.**

## **EXHIBIT C**

### **Management Resumes**

## **Management Resumes**

### **Steven Fenker – Vice President**

Steven Fenker is Vice President of Nexus Communications, Inc. which is currently providing Competitive Local Exchange Service in the states of Ohio, Indiana, Illinois, Wisconsin, Michigan and Kentucky. Mr. Fenker is responsible for compliance with all governmental mandates, negotiating resale agreements with underlying local exchange carriers, and oversees the all financial matters. Mr. Fenker has over fifteen years experience in starting and running various successful telecommunications companies. Mr. Fenker's telecommunication experience includes several successful start-up companies in the wireless business.