

ORIGINAL
PARKER POE
PARKER POE ADAMS & BERNSTEIN L.L.P.

Attorneys and Counselors at Law

CK# 9143
\$ 400.00
2-13-07

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DEPOSIT DATE

721 FEB 14 2007

February 12, 2007

Via Federal Express

Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED FPSC
07 FEB 14 AM 8:42
COMMISSION
CLERK

070115-TK

Re: Application of DukeNet Communications, LLC for Authority to Provide Competitive Local Exchange Telecommunications Company Service within the State of Florida

Dear Sir or Madame:

Transmitted herewith for filing on behalf of DukeNet Communications, LLC ("DukeNet") are the original and two (2) copies of DukeNet's Application for Authority to Provide Competitive Local Exchange Telecommunications Company Service within the State of Florida. A non-refundable application fee of \$400.00 is also enclosed. After filing, please date-stamp and return one copy of the Application to my office.

Thank you for your assistance. Should any questions arise in connection with this matter, please do not hesitate to contact me.

Sincerely,
Tracy W. Kimbrell
Tracy W. Kimbrell

TWK:lrh

Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

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SPARTANBURG, SC

DOCUMENT NUMBER-DATE
01495 FEB 14 2007
FPSC-COMMISSION CLERK

ORIGINAL

FLORIDA PUBLIC SERVICE COMMISSION

DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT

APPLICATION FORM

for

**AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANY SERVICE
WITHIN THE STATE OF FLORIDA**

070115-TX

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 8).
- B. Print or type all responses to each item requested in the application. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$400.00** to:

**Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

- E. A filing fee of **\$400.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.815, F.A.C.).
- F. If you have questions about completing the form, contact:

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

FORM PSC/CMP-8 (01/06)
Required by Commission Rule Nos. 25-24.810,
and 25-24.815

Note: To complete this interactive form
using your computer, use the tab key
to navigate between data entry fields.

RAL 356921v1

- 1 -

DOCUMENT NUMBER-DATE

01495 FEB 14 6

FPSC-COMMISSION CLERK

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

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority rather than apply for a new certificate.

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

2. Name of company: **DukeNet Communications, LLC**

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

Applicant will do business under the name DukeNet Communication, LLC.

4. Official mailing address:

Street/Post Office Box: **PO Box 1007-ST29B**
City: **Charlotte**
State: **NC**
Zip: **28201**

5. Florida address:

Street/Post Office Box: **1200 South Pine Island Road c/o CT Corporation**
City: **Plantation**
State: **FL**
Zip: **33324**

6. Structure of organization:

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

7. **If individual**, provide:

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

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: n/a

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: **M0200000691**

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is: n/a

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: 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:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is: n/a

14. Provide **F.E.I. Number**(if applicable): **56-1879392**

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

(a) The application:

Name: **Henry C. Campen Jr., Esq. and Tracy W. Kimbrell, Esq. of Parker Poe Adams & Bernstein LLP**
Title: **Attorneys for DukeNet Communications, LLC**
Street name & number: **Wachovia Capitol Center, 150 Fayetteville Street, Ste 1400**
Post office box: **389**
City: **Raleigh**
State: **North Carolina**
Zip: **27602**
Telephone No.: **919-835-4628**
Fax No.: **919-834-4564**
E-Mail Address: **tracykimbrell@parkerpoe.com**
Website Address: **www.parkerpoe.com**

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

Name: **Tony Cockerham**
Title: **Vice President – Sales and Marketing**
Street name & number: **400 South Tryon St-ST29C**
Post office box: **PO Box 1007-ST29C**
City: **Charlotte**
State: **NC**
Zip: **28201**
Telephone No.: **704-382-5247**
Fax No.: **704-382-3435**
E-Mail Address: **arcocker@duke-energy.com**
Website Address: **www.dukenet.com**

(c) Complaints/Inquiries from customers:

Name: **same as above**
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:

Website Address:

FORM PSC/CMP-8 (01/06)
Required by Commission Rule Nos. 25-24.810,
and 25-24.815

RAL 356921v1

Note: To complete this interactive form
using your computer, use the tab key
to navigate between data entry fields.

List the states in which the applicant:

(a) has operated as a Competitive Local Exchange Telecommunications Company.

North Carolina, South Carolina and Georgia

(b) has applications pending to be certificated as a Competitive Local Exchange Telecommunications Company.

None

(c) is certificated to operate as a Competitive Local Exchange Telecommunications Company.

North Carolina, South Carolina and Georgia

(d) has been denied authority to operate as a Competitive Local Exchange Telecommunications Company and the circumstances involved.

None

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

None

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

None

16. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

None

(b) granted or denied a competitive local exchange certificate in the State of Florida (this includes active and canceled competitive local exchange certificates). If yes, provide explanation and list the certificate holder and certificate number.

None

(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

None

17. Submit the following:

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

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

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet,
2. income statement, and
3. statement of retained earnings.

DukeNet is a wholly owned subsidiary of Duke Energy Corporation. Duke Energy provides all of DukeNet's capital and operating financial needs.

As indicated in Duke Energy's 2004, 2005 and 2006 Annual Reports,

offered at <http://www.duke-energy.com/investors/publications/annual/>, DukeNet has available through its parent corporation the resources to fund its proposed telecommunications operations in Florida.

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.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

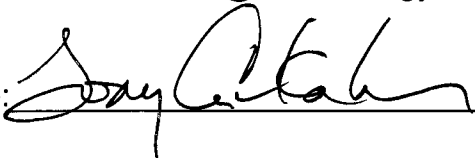
RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of competitive local exchange telecommunications company (CLEC) service in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide competitive local exchange telecommunications company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, **"Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."**

Company Owner or Officer

Print Name: Tony Cockerham
Title: Vice President – Sales and Marketing
Telephone No.: 704-382-5247
E-Mail Address: arcocker@duke-energy.com

Signature:  _____

Date: 02/07/07

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number _____, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

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

Signature: _____

Date: _____

Exhibit A

Managerial and Technical Capability

Resumes of employees/officers of the company that indicate sufficient managerial and technical experiences of each.

William Bradley Davis

President – DukeNet

Brad Davis is president of DukeNet, a business unit of Duke Energy that develops and manages fiber-optic communications systems.

A career employee, Davis has more than twenty years of experience with the company. He joined Duke Power, a former Duke Energy company, in 1982 as an instrumentation and controls engineer in the nuclear production department at Catawba Nuclear Station. After a series of promotions, he was named manager of information systems at McGuire Nuclear Station. After serving in several corporate leadership positions, Davis was named manager of customer support for information technology services in 1993, manager of telecommunications systems in 1994 and manager of generation business applications in 1997. In 2001, he was named vice president of engineering and operations for DukeNet. He was named president of DukeNet Communications in 2003 and continued in that role after Duke Energy's merger with Cinergy in April 2006.

Davis received a bachelor of science degree in mechanical engineering from North Carolina State University and earned a master's degree from Queens University.

Tony Cockerham

Vice President of Sales and Customer Operations – DukeNet

Tony Cockerham was named vice president of sales and customer operations of DukeNet Communications in March 2006. Prior to his current position, Cockerham served as vice president of engineering and operations for Duke Net Communications.

Before joining DukeNet in 1999, Cockerham spent three years in engineering and project management roles in Duke Energy's Telecommunications department. Prior to that, he spent six years in various positions at BellSouth including network engineering, infrastructure planning, sales technical support, and project management.

Kevin Lane

Vice President of Engineering and Operations – DukeNet

Kevin Lane was named vice president of engineering and operations of DukeNet Communications in March of 2006. Prior to his current position, Lane was responsible for business development in DukeNet. Prior to his DukeNet role, Lane was a division manager in the DEBS IT group responsible for workstation and enterprise database management services in Duke Energy.

Before joining Duke Energy in 1997, Lane's career has spanned twenty years in various technical and managerial positions within Information Technology spanning application development, systems management and project management roles in the energy, aerospace and manufacturing business sectors.