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080111

February 20, 2008

CHK# 2022699

\$ 400.00

DEPOSIT DATE 2-25-08  
824 FEB 26 2008  
RT

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk and Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Application for Authority to Provide Competitive Local Exchange Services

Dear Ms. Cole:

Kentucky Data Link, Inc. ("KDL") hereby petitions the Commission for authority to provide Competitive Local Exchange Telecommunications Company Service throughout the State of Florida. In support of this petition, KDL has enclosed one (1) original and two (2) copies of its application for authority plus a check in the amount of Four Hundred Dollars (\$400.00) to cover the filing fee.

Concurrent with this filing, KDL has submitted its confidential financial statements, under separate cover, pursuant to Rule 25-22.006(5)(a).

Please acknowledge receipt of this transmittal by returning a date-stamped copy of the enclosed cover letter duplicate in the self-addressed, stamped envelope included for this purpose.

If you have any questions regarding this submission, please contact me at (913) 754-3341 or you can reach me by e-mail at anthony.gillette@qservicesco.com.

Sincerely,

Anthony D. Gillette  
Regulatory Attorney

- CMP   1
- COM
- CTR
- ECR
- GCL
- OPC
- RCA
- SCR
- SGA
- SEC
- OTH

cc: File

DOCUMENT NUMBER-DATE

01411 FEB 25 08

FPSC-COMMISSION CLERK

080111

**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**

**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.

DOCUMENT NUMBER-DATE

01411 FEB 25 88

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: Kentucky Data Link, Inc.

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

Kentucky Data Link, Inc.

4. Official mailing address:

Street/Post Office Box: 8829 Bond Street  
City: Overland Park  
State: Kansas  
Zip: 66214

5. Florida address:

Street/Post Office Box: 2731 Executive Park Drive, Suite 4  
City: Weston  
State: Florida  
Zip: 33331

6. Structure of organization:

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

7. **If individual**, provide:

Name:  
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:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: F07000005616

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:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

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

Name:  
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:

14. Provide **F.E.I. Number**(if applicable): 61-1196739

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

(a) The application:

Name:	Anthony Gillette
Title:	Regulatory Attorney
Street name & number:	8829 Bond Street
Post office box:	
City:	Overland Park
State:	Kansas
Zip:	66214
Telephone No.:	(913) 754-3341
Fax No.:	(812) 759-0999
E-Mail Address:	anthony.gillette@kdline.com
Website Address:	www.kdline.com

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

Name:	Anthony Gillette
Title:	Regulatory Attorney
Street name & number:	8829 Bond Street
Post office box:	
City:	Overland Park
State:	Kansas
Zip:	66214
Telephone No.:	(913) 754-3341
Fax No.:	(812) 759-0999
E-Mail Address:	anthony.gillette@kdline.com
Website Address:	www.kdline.com

(c) Complaints/Inquiries from customers:

Name:	Anthony Gillette
Title:	Regulatory Attorney
Street/Post Office Box:	8829 Bond Street
City:	
State:	Overland Park
Zip:	Kansas
Telephone No.:	66214
Fax No.:	(913) 754-3341
E-Mail Address:	(812) 759-0999
Website Address:	anthony.gillette@kdline.com
	www.kdline.com

**16. List the states in which the applicant:**

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

Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin

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

Oklahoma & South Carolina

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

Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, North Carolina, North Dakota, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin

(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

17. 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.

No.

(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.

No.

(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.

Yes. Applicant has an affiliate that is currently certified in Florida: Norlight, Inc.  
(formerly known as Cinergy Communications Company)

18. Submit the following:

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

(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.

See Exhibit A.

(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.

See Exhibit B.

**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: Lohn Weber  
Title: C.F.O.  
Telephone No.: (913) 754-3322  
E-Mail Address: lohnw@cinergycom.com

Signature:  Date: 2-20-08



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Exhibit A

## KENTUCKY DATA LINK, INC. KEY PERSONNEL PROFILES

### **John Greenbank – President**

Mr. Greenbank oversees every aspect of KDL, Inc.'s operations and sales. His main responsibilities include network management, rights of way negotiations, fiber builds and the day-to-day maintenance of the network. During Mr. Greenbank's tenure at KDL, Inc., its fiber network has grown significantly and now covers more than 2000 miles spanning from Indianapolis, IN to Cincinnati, OH to Lexington, KY to Chattanooga, TN and Paducah, KY. Mr. Greenbank joined the parent of KDL, Inc., Q-Comm Corporation, in 1992 and was a key participant in building that company's operational departments. In addition, he has been an essential advisor on the future growth of Q-Comm. Before working at Q-Comm, Mr. Greenbank gained a vast amount of telecommunications experience as a senior applications engineer working for several interconnect companies. As project manager, he coordinated many large PBX installations throughout the United States.

### **Cole Hawks – Executive Vice President, Secretary , General Counsel**

Mr. Hawks is actively involved in the management of KDL, Inc.'s business development and the company's contract negotiations and legal affairs. Along with Mr. Greenbank, Mr. Hawks has been intimately involved in the company's fiber network expansion. Mr. Hawks joined the company in May of 1996. Mr. Hawks received his Bachelor of Business Administration in Management and Economics, Summa Cum Laude, from Wichita State University and his Juris Doctorate from the University of Kansas School of Law.

### **Lohn H. Weber – Chief Financial Officer, Vice-President, and Treasurer**

A graduate of the University of Missouri, Columbia, Mr. Weber is a Vice-President, Chief Financial Officer, and Treasurer of Kentucky Data Link, Inc. Mr. Weber, a CPA with an extensive background in accounting, joined the Kentucky Data Link, Inc. senior management team in 1996. Prior to joining Kentucky Data Link, Inc., Mr. Weber worked for Baird, Kurtz and Dobson, a large Midwest regional public accounting firm. He has 16 years of experience in accounting with 7 specifically in Telecom.

### **Timothy Gimmel – Director, Optical Engineering**

Mr. Gimmel directs the design, engineering and installation of the KDL, Inc.'s fiber optic transmission systems. In addition, he also manages the ongoing engineering of the company's fiber optic network. He began working for KDL, Inc.'s parent company, Q-Comm Corporation in 1985 as an interconnect technician. Before his transition to KDL, Inc. in 2001, he worked in every technical department within the company, including managing the company's long distance switching center. During his tenure with KDL, Inc., he has been instrumental to its growth, including designing and building its fiber route from Louisville, KY to Johnson City, TN. Mr. Gimmel holds an Associates Degree in Applied Science from Paducah Community College and numerous telecommunication system certifications.

### **Ed Corr – Vice-President - Tax**

Mr. Corr is Vice-President of Tax for Norlight, Inc. He oversees the tax department and is responsible for handling all state and federal taxing requirements, along with many state and federal regulatory requirements. Mr. Corr joined the Norlight management team in December of 2004 and brings with him over 15 years of business and management experience. He received his Bachelor of Science in Accounting and his Masters of Science in Accounting, Tax from Oklahoma State University in 1985 and 1986 respectively. Prior to working for Norlight, Inc., Mr. Corr was with Deloitte & Touche, LLP, (formerly Deloitte, Haskins & Sells) for six years where he achieved the position of Tax Manager. He was co-founder and Senior Partner of Walsh, Corr & Associates, CPA's for eight years. For several years he was also President of his own consulting company.

**David Dobbs – Vice President - Construction**

Mr. Dobbs oversees the day to day operation of outside plant engineering, construction, cable maintenance, and project management for KDL Inc.'s fiber optic network. Mr. Dobbs joined KDL, Inc in November of 2003. Prior to joining KDL, he had 20+ years of broad industry experience in project management and construction of fiber backbones, including route development, field mapping, CAD drawing, and permitting. While with KMC Telecom, Mr. Dobbs was instrumental in designing and constructing 3 city network builds primarily located on the East Coast and upper Midwest. These network builds included all associated backbone fiber and SONET rings. In his most recent position as Project Manager with MCI, Mr. Dobbs was responsible for network design and project management of metropolitan access network builds in Baltimore, Richmond, and, Washington D.C..

**John Iber – Vice President - Operations**

Mr. Iber manages the daily operation of KDL, Inc. As Vice President of Operations, he leads the engineering, operation, maintenance and service implementation functions for KDL, Inc. He joined the KDL team in April of 2005 and brings with him over fifteen years of management experience. Mr. Iber previously served as Chief Operations Officer at Manquehue Net where he was responsible for the repositioning and development of that CLEC in Santiago, Chile. He helped accomplish a successful merger, integration and re-capitalization of the company. Mr. Iber held the position of Director of Fiber Operations at Williams Vyvx Services. During his tenure he successfully implemented new systems software, created network planning and quality assurance teams, and related processes and standards. Mr. Iber has also held various management positions with WorldCom/WilTel. He holds a BS in Electrical Engineering from Texas A&M University.

## Exhibit B

## Financial Statements

Applicant's financial statements are being filed as Confidential under separate cover.

These documents demonstrate Applicant's financial ability to provide the proposed services. Applicant is a privately-held corporation and as such its financial statements are not public information, but rather constitute confidential and proprietary information. These financial statements are therefore submitted under Seal. Applicant respectfully requests that this confidential information not be provided to any party other than members of staff who need to review the material for evaluation of Applicant's fitness to provide service.

## Exhibit C

## Waivers

Applicant requests the following waivers in connection with its application for authority:

Rule 25-4.040 – Applicant asks that the requirement to publish a directory be waived. Applicant intends to have all of its customers telephone numbers listed in the directory published by the incumbent local exchange carrier (“ILEC”). This approach is reasonable and will have a direct benefit to the customers of both Applicant and the ILEC because their customers will have to refer only to one directory for a universal listing of customer information.

Rule 25-4.017 – Applicant requests that the requirement to maintain its accounts and records in conformity with the Uniform System of Accounts be waived. Applicant is a competitive carrier exempt from the FCC Uniform System of Accounts regulations and has no market power. Therefore it would be burdensome and unnecessary to require it to comply with these regulations. Applicant maintains its books and records in accordance with Generally Accepted Accounting Principles (“GAAP”). GAAP accounting is effective in meeting the same goals as these regulations.

Rule 25-4.020 – Applicant requests that the requirement to maintain its books and records within the State of Florida be waived. As a national company headquartered in Evansville, Indiana, it would be impractical for Applicant to maintain separate records in each state in which it operates. Should the Board request any such records for review, they would be promptly submitted. In the event travel would be required to review Applicant’s records, Applicant would promptly tender reimbursement to the Commission in accordance with this Rule.