



April 21, 1997  
Overnight

970486-TX

210 N. Park Ave.  
P.O. Drawer 200  
Winter Park, FL  
32790-0200

Florida Public Service Commission  
Division of Communication  
2450 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Room 270  
Tallahassee, FL 32399-0850

DEPOSIT                      DATE  
D509 -4                      APR 23 1997

Tel: 407-740-8575  
Fax: 407-740-0613

Re: Application of Business Telecom, Inc. d/b/a BTI for  
Authority to Provide Alternative Local Exchange  
Service

Dear Mr. D'Haeseleer:

Enclosed is the original and six (6) copies of the  
application of Business Telecom, Inc. d/b/a BTI for  
authority to provide alternative local exchange service.  
Also enclosed is a check for the application fee of \$250.

The company is filing the required financial statements as  
well as its financial capability statement for this filing  
under separate cover and requesting that the statements be  
marked PROPRIETARY and CONFIDENTIAL.

Please return a date stamped the copy of this cover letter  
in the self-addressed stamped envelope which has been  
provided for this purpose.

Any questions pertaining to this filing may be addressed to  
me at (407) 740-8575.

Sincerely,

Thomas M. Forte  
Consultant to  
Business Telecom, Inc. d/b/a BTI

Enclosures

cc: B. Greene - BTI  
to file: BTI - FL (CLEC)  
TMX#: FL97000(L)

This document has been placed in confidential storage  
pending receipt of a request for confidentiality from the  
company, or further advice on handling from OPR staff.

DOCUMENT NUMBER-DATE

04086 APR 23 97

FPSC-RECORDS/REPORTING

**FLORIDA PUBLIC SERVICE COMMISSION**  
**Division of Communications, Certification & Compliance Section**  
**2450 SHUMARD OAK BOULEVARD**  
**TALLAHASSEE, FLORIDA 32399-0850**  
**(904) 413-6600**

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**APPLICATION FORM**

for

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

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**INSTRUCTIONS**

1. This form is used for an original application for a certificate and for approval of sale, assignment, or transfer of an existing alternative local exchange certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee.
2. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
3. Use a separate sheet for each answer which will not fit the allotted space.
4. Any questions regarding completion, contact above.
5. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250 made payable to the Florida Public Service Commission at the above address.

DOCUMENT NUMBER-DATE

04086 APR 23 86

FPSC-RECORDS/REPORTING

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

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

( X ) Original authority (new company)

( ) Approval of transfer (to another certificated company)

Example: a certificated company purchases an existing company and desires to retain the original certificate authority.

( ) Approval of assignment of existing certificate (to a noncertificated company)

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

( ) Approval for transfer of control (to another certificated company)

Example: a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

**2. Name of applicant:**

Business Telecom, Inc.

**3. A. National Mailing Address including street name, number, post office box, city, state, zip code and phone number.**

Street: 4300 Six Forks Road  
PO Box Suite 500  
City: Raleigh  
State: North Carolina  
Zip 27609  
Telephone: (919) 510-7000  
Facsimile: (919) 510-7319

**B. Florida Mailing Address including street name, number, post office box, city, state, zip code and phone number.**

Not Applicable

- C. **Physical Address of alternative local exchange service in Florida including street name, number, post office box, city, state, zip code and phone number.**

Street: 4300 Six Forks Road  
 PO Box Suite 500  
 City: Raleigh  
 State: North Carolina  
 Zip 27609  
 Telephone: (919) 510-7000  
 Facsimile: (919) 510-7319

4. **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"/> Joint Venture       | <input type="checkbox"/> Other, Please explain  |

5. **If incorporated, please provide proof from the Florida Secretary of State that the applicant has authority to operate in Florida.**

Corporate charter number: P33631

See Exhibit III

6. **Name under which the applicant will do business (d/b/a):**

Business Telecom, Inc. d/b/a BTI

7. **If applicable, please provide proof of fictitious name: (d/b/a) registration.**

Fictitious name registration number: G92021000135

8. **If applicant is an individual, partnership, or joint venture, please give name and address of each legal entity.**

Not applicable

9. **State whether any of the officers, directors, or any of the ten largest stockholders have previously been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.**

None.

10. Please provide the title, address, telephone number, internet address and facsimile number of the person serving as ongoing liaison with the Commission, and if different, the liaison responsible for this application:

**Application contact:**

Name: Thomas M. Forte  
 Title: Consultant to Business Telecom, Inc. d/b/a BTI  
 P.O. Box: P.O. Drawer 200  
 City: Winter Park  
 State: Florida  
 Zip: 32790-0200  
 Telephone: (407) 740-8575  
 Facsimile: (407) 740-0613  
 Internet Address: TMITMF@aol.com

**Ongoing Liaison:**

Name: Barbara Greene  
 Title: Regulatory Administrator  
 Street: 4300 Six Forks Road  
 PO Box: Suite 500  
 City: Raleigh  
 State: North Carolina  
 Zip: 27609  
 Telephone: (919) 510-7000  
 Facsimile: (919) 510-7198  
 Internet Address:

11. Please list other states in which the applicant is currently providing or has applied to provide local exchange or alternative local exchange service.

BTI has applied to provide local exchange service in Georgia and North Carolina. The Company is in the process of creating applications to provide local exchange service in Alabama, Louisiana, Mississippi, South Carolina, Tennessee and Texas. The company will also file the required tariff revisions in Kentucky and New York once the respective interconnection agreements are completed.

12. Has the applicant been denied certification in any other state? Yes( ) No(X)  
 If so, please list the state and reason for denial.

13. Have penalties been imposed against the applicant in any other state? Yes( ) No(X)  
 If so, please list the state and reason for penalty.

14. **Please indicate how a customer can file a service complaint with your company.**

Customers may reach the company at the toll-free customer service number, (800) 849-2111, which will be provided on each invoice for service. In addition, customers may contact the company in writing at 4300 Six Forks Road, Suite 500, Raleigh, North Carolina 27609.

15. **Please provide all available documentation demonstrating that the applicant has the following capabilities to provide alternative local exchange service in Florida.**

**A. Financial capability**

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements, including:

1. the balance sheet
2. income statement
3. statement of retained earnings for the most recent 3 years

If available, the financial statements should be audited financial statements.

If the applicant does not have audited financial statements, it shall be so stated. The unaudited financial statement should then be signed by the applicant's chief executive officer and chief financial officer. The signature should affirm that the financial statements are true and correct.

See Exhibit I.

**B. Managerial capability**

See Exhibit II.

**C. Technical capability**

See Exhibit II.

## 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 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.

Official:



Anthony M. Copeland

Date: MARCH 31, 1997

Title:

Vice President and General Counsel

Telephone: (919) 510-7000

Address:

4300 Six Forks Road  
Suite 500  
Raleigh, North Carolina 29706

**BUSINESS TELECOM, INC. d/b/a BTI**

**EXHIBIT I**

**FINANCIAL CAPABILITY**

Business Telecom, Inc. d/b/a BTI. has file the financial statements for this application with the Commission under separate cover and has requested that they are kept PROPRIETARY and CONFIDENTIAL.

STATE OF NORTH CAROLINA    )  
  )  
COUNTY OF WAKE            )

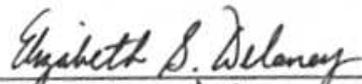
**VERIFICATION OF FINANCIAL INFORMATION**

The undersigned officer attests to the accuracy of the foregoing financial statements. The information contained therein is accurate to best of his knowledge and belief:

 Date: MARCH, 31, 1997

Anthony M. Copeland, Vice President and General Counsel

Sworn before me this 31<sup>st</sup> day of March, 1997.

  
\_\_\_\_\_  
Elizabeth S. Delaney  
Notary Public

**BUSINESS TELECOM, INC. d/b/a BTI**

**EXHIBIT II**

**MANAGERIAL CAPABILITY**

**Business Telecom, Inc.**  
**Management Profiles**

**Peter T. Loftin, President**

Mr. Loftin incorporated Business Telecom, Inc. (BTI) in November, 1983, with its headquarters in Raleigh, North Carolina. The company has experienced at least a 35% growth rate every year since its inception and today BTI ranks among the nation's top 15 long distance telecommunications companies.

The most recent telecommunications venture begun by Mr. Loftin is FiberSouth, Inc., which provides competitive access, local exchange, interexchange and advanced telecommunications services to business, academic and governmental customers in the Raleigh, N.C./Research Triangle area. FiberSouth was awarded the first competitive cable television franchise by the Raleigh City Council in 1996.

In 1984, Mr. Loftin founded the North Carolina Long Distance Association, an organization representing the independent long distance carriers in the state. In 1989, he was named Entrepreneur of the Year by Business: North Carolina magazine.

Mr. Loftin is a member of the Board of Directors of the Duke University Medical Center Heart Center and the North Carolina State Museum of Natural Sciences. A native of New Bern, NC, he attended NC State University in Raleigh.

**Michael Newkirk, Chief Operating Officer**

Mr. Newkirk came to BTI in 1986 with the acquisition of TMC, a Louisville, KY based long-distance carrier. He joined TMC in 1982, and was responsible for expanding the company into 18 new markets. In 1988 he was named Vice President of the Operations for BTI. In 1995, he was promoted to Executive Vice President and then earned the position of BTI's Chief Operating Officer in 1996. Mr. Newkirk is also co-founder and current Vice President of the Association of Communications Companies of America, a national trade association comprised of 10 telecommunication companies, with combined revenues in excess of \$2 billion a year.

**Business Telecom, Inc.**  
**Management Profiles - Continued**

**Michael E. Rogala, Senior Vice President, Sales**

Mr. Rogala joined BTI as the Senior Vice President of Sales in January, 1996. Prior to joining BTI, Mr. Rogala held a series of management positions for over 15 years within the telecommunications industry. Most recently, he was Vice President and General Manager for MFS Incorporated. From 1991 to 1994, he was Vice President of Sales for Mid-Com Communications, Inc. Prior to Mid-Com, Mr. Rogala was with MCI. He joined MCI in 1980 as an Account Executive and was promoted to Branch Manager in 1983, General Manager in 1986 and Senior Staff Director of General Business Sales in 1990. Mr. Rogala is a graduate of Augustana College where he received a Bachelor of Science degree.

**Anthony M. Copeland, Vice President/General Counsel**

Mr. Copeland joined BTI in 1992 as Corporate Counsel after serving as Chief Counsel for the North Carolina Department of Public Instruction and as Assistant District Attorney for the North Carolina 10th Prosecutorial District. He is currently involved in formulating local competitive telecommunications legislation and regulatory guidelines in most of the Southeastern United States and Washington, DC. He has been serving on the North Carolina Board of Public Telecommunications since his appointment by Lieutenant Governor, Dennis A. Sicker, and in 1996 was appointed to the Board of Directors of the North Carolina Electronics and Information Technologies Association (NCEITA).

His current memberships include the Wake Technical Community College Telecommunications Industry Advisory Committee, Wake Education Partnership-Technology Committee, the Federal Communications Bar Association, the North Carolina State Bar and the North Carolina Bar Association. He is a graduate of Duke University and the T.M. Cooley Law School in Lansing, MI, and studied at Oxford University and the John F. Kennedy School of Government at Harvard University.

**BUSINESS TELECOM, INC. d/b/a BTI**

**EXHIBIT III**

**ARTICLES OF INCORPORATION**

# State of Florida



## Department of State

I certify from the records of this office that BTI is a Fictitious Name registered with the Department of State on January 21, 1992.

The Registration Number of this Fictitious Name is G92021000135.

I further certify that said Fictitious Name Registration is active.

I further certify that this office began filing Fictitious Name Registrations on January 1, 1991, pursuant to Chapter 90-267, Laws of Florida.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-third day of January, 1992.



CR2EO22 (2-01)

Jim Smith  
Secretary of State

**RICHARD G. CHERRY, P.A.**

ATTORNEY AT LAW

UNITED NATIONAL BANK TOWER  
1645 PALM BEACH LAKES BOULEVARD • SUITE 1100  
WEST PALM BEACH, FLORIDA 00401

TELEPHONE (407) 471-0880  
TELECOPIER (407) 680-0446

January 24, 1992

**\*\*VIA FEDERAL EXPRESS\*\***

David W. Daniel, Esq.  
Parker, Poe, Adams & Bernstein  
One Exchange Plaza  
Raleigh, North Carolina 27602-0389

Re: BTI Fictitious Name Filing

Dear David:

You will find enclosed the Certificate of Status verifying the fictitious name filing for BTI in the State of Florida. Under the circumstances, we were actually able to obtain it quite expeditiously! By copy of this letter (via Federal Express) to Tom Williams at the Florida Public Service Commission, I am forwarding a photocopy of the Certificate, per his request.

Please let me know if I may be of further assistance concerning this matter!

Sincerely yours,

  
Mary M. Cherry  
Legal Assistant

/mc  
Encl.

cc: Henry Campen, Esq.  
Mr. Tom Williams w/encl. via Federal Express



**FLORIDA DEPARTMENT OF STATE**

**Jim Smith**  
Secretary of State

January 23, 1992

**BTI**  
**5000 FALLS OF NEUSE RD, STE 400**  
**RALEIGH, NC 27609**

**Subject: BTI**

**REGISTRATION NUMBER: G92021000135**

This will acknowledge the filing of the above fictitious name registration which was registered on January 21, 1992. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between July 1 and December 31 of the expiration year to maintain registration. Three months prior to expiration date a statement of renewal will be mailed.

**IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.**

For information regarding fictitious names on file or to search the record call (904) 488-9000.

Should you have any questions regarding this matter you may contact our office at (904) 487-6058.

**MICHAEL MAYS**  
**FICTITIOUS NAME SECTION**

**Letter No. 92A000006843**

**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. BUSINESS TELECOM, INC.

(Name of corporation: the word "INCORPORATED," "COMPANY," or "CORPORATION" or words or abbreviations of like import in language, as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)

2. NORTH CAROLINA

(State or country under the law of which it is incorporated)

3. November 14, 1983

(Date of Incorporation)

4. Perpetual

(Duration)

5. 56-1426866

(Federal Employer Identification number, if applicable)

6. No business transacted prior to date of this application

(Date first transacted business in Florida. See sections 607.1501, 607.1502, and 817.155, F.S.)

7. 120 1/2 W. Hargett Street, Raleigh, North Carolina 27602

(Current mailing address)

8. Telecommunications

(Brief description of the nature of the business in which it is engaged in the state of Florida)

9. Names and addresses of officers and or directors:

**A. Directors:**

Chairman: Peter Loftin

Address: 120 1/2 W. Hargett Street, Raleigh, North Carolina 27602

Vice Chairman: None

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

Director: Peter Loftin

Address: 120 1/2 W. Hargett Street

Raleigh, North Carolina 27602

Director: Alex Andrews

Address: 120 1/2 W. Hargett Street

Raleigh, North Carolina 27602

**B. Officers:**President: Peter LoftinAddress: 120 1/2 W. Hargett St.Raleigh, N.C. 27602Vice President: (Finance) Richard BrownAddress: 120 1/2 W. Hargett St.Raleigh, N.C. 27602Secretary: Alex AndrewsAddress: 120 1/2 W. Hargett St.Raleigh, N.C. 27602Treasurer: Peter LoftinAddress: 120 1/2 W. Hargett St.Raleigh, N.C. 27602

(If needed, you may attach an addendum to the application listing additional officers and/or directors.)

**10. Name and Street address of Florida registered agent:**Name: C T CORPORATION SYSTEMOffice Address: 8751 West Broward BoulevardPlantation, Florida 33324

Zip Code

**11. 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: Jerry V. Dawson, Asst VP

JERRY V. DAWSON, Assistant Vice President

12. 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.

13. Richard E. Brown  
(Signature of Chairman, Vice Chairman, or any officer listed in number 9 of the application)14. RICHARD BROWN, Vice President - Finance  
(Name and capacity of person signing application)

**BUSINESS TELECOM, INC. d/b/a BTI**

**EXHIBIT IV**

**PRICE LIST**

To be provided after certification and prior to offering local service in Florida.



April 21, 1997  
Overnight

770486-TX

210 N. Park Ave.  
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Winter Park, FL  
32790-0200

Florida Public Service Commission  
Division of Communication  
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DEPOSIT                      DATE  
D509                      APR 23 1997

Tel: 407-740-8575  
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Re: Application of Business Telecom, Inc. d/b/a BTI for Authority to Provide Alternative Local Exchange Service

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Please return a date stamped the copy of this cover letter in the self-addressed stamped envelope which has been provided for this purpose.

Any questions pertaining to this filing may be addressed to me at (407) 740-8575.

Sincerely,

FOR SECURITY PURPOSES THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING



P.O. Drawer 200  
Winter Park, FL  
32790-0200  
  
210 N. Park Avenue  
Winter Park, FL 32789  
(407) 740-8575



250 PARK AVENUE  
WINTER PARK, FLORIDA 32789

16270

NUMBER  
16270

PAY: TWO HUNDRED FIFTY DOLLARS

DATE                      AMOUNT  
04/02/97                      \*\*\*\*\*\$250.00

TO THE ORDER OF  
FLORIDA PUBLIC SERVICE COMM.  
RECORDS & REPORTING  
2540 SHUMARD OAK BLVD.  
TALLAHASSEE FL 32399-0850

DOCUMENT NUMBER-DATE  
04086 APR 23 97

TECHNOLOGIES MANAGEMENT, INC.

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK HOLED AT AN ANGLE TO VIEW