# Communication Opportunity, Inc.

OLICHALL OLE COPY

545 Broadway - 4th Hoor Brooklyn, New York 11206 Tel. (718) 384-2699

General Counsel

**DEPOSIT** 

DATE

97/163-TI

D607~

SEP 04 1997

September 3, 1997

Florida Public Service Commission Division of Administration 2540 Shumard Oak Boulevard Gunter Building Tallahassee, Florida 32399-0850

Att'n: Ms. Kelly Bigalski

Re:

Application of Communication Opportunity, Inc.

Dear Ms. Bigalski:

I am submitting herewith the application and filing fee for interexchange telephone service within the State of Florida as you had advised we are required to Lo. Although there may be omissions from this application, I am nevertheless submitting it with the intention of further supplementing it the future as may be necessary.

I respectfully call your attention to the fact that we do not directly provide service in the state of Florida. We are resellers of bulk time to various phone card companies who purchase this time from us in New York and who, in turn, then sell that time to end users through telephone calling cards that they issue. It is conceivable, and I am sure that it has happened, that some of the customers of these various phone card companies would travel to Florida where they would use their cards to place a telephone call from within your state. Actually, that would be our only connection to the state of Florida albeit it twice removed — from us, to our customer, and, ultimately, to the end user who might travel to Florida and use the card in your state.

As I had indicated to you, I would prefer to rely upon the side of caution and file this application rather than to possibly incur penalties and fines.

Thanking you for your attention hereto,

I remain.

Respectful

CAMPS.

SEA/2

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

## \*\* FLORIDA PUBLIC SERVICE COMMISSION \*

# DIVISION OF COMMUNICATIONS BURBAU OF SERVICE SYALUATION

# APPLICATION FORM

for

# AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE WITHIN THE STATE OF FLORIDA

## Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

Plorida Public Service Commission Division of Communications Bureau of Service Evaluation 2540 Shumard Oak Blvd. Gunter Building Tallahassee, Florida 32399-0850 (904) 413-6600

E. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250.00 to:

> Florida Public Service Commission Division of Administration 2540 Shumard Oak Blvd. Gunter Building Tallahassee, Florida 32399-0850 (904) 413-6251

- Select what type of business your company will be conducting (check all that apply):
  - () Facilities based carrier company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
  - ( ) Operator Service Provider company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
  - (I) Reseller company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
  - () Switchless Rebiller company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
  - () Multi-Location Discount Aggregator company contracts with unaffiliated
    entities to obtain bulk/volume discounts
    under multi-location discount plans from
    certain underlying carriers. Then offers
    the resold service by enrolling
    unaffiliated customers.
  - () Prepaid Debit Card Provider any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

2.	This is an application for (check one):
	<ul> <li>(I) Original Authority (New company).</li> <li>( ) Approval of Transfer (To another certificated company).</li> <li>( ) Approval of Assignment of existing certificated</li> </ul>
	<ul> <li>(To an uncertificated company).</li> <li>() Approval for transfer of control (To another certificated company).</li> </ul>
3.	Name of corporation, partnership, cooperative, joint venture or sole proprietorship:
4.	COMMUNICATION OPPORTUNITY, INC.  Name under which the applicant will do business (fictitious name, etc.):
5.	National address (including street name & number, post office box, city, state and zip code).  545 Broadway - 4th Fl., Brooklyn, New York 11206
6.	Florida address (including street name & number, post office box, city, state and zip code):
7.	Structure of organization;
	( ) Individual ( ) Corporation (I) Foreign Corporation ( ) Foreign Partnership ( ) General Partnership ( ) Limited Partnership
₿.	If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.
	(a) Provide proof of compliance with the foreign limited partnership statute (Chapter 620.169 FS), if applicable.
	(b) Indicate if the individual or any of the partners have previously been:

- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.
- (2) 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.
- 9. If incorporated, please give:
  - (a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

    Pending

Corporate charter number:

- (b) Name and address of the company's Florida registered agent.
- (c) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.

Pictitious name registration number:

- (c) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:
  - (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.
  - (2) 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

- 10. Who will serve as liaison with the Commission in regard to (please give name, title, address and telephone number):
  - (a) The application;

Solomon E. Antar, Esq. (address of corporation)

(b) Official Point of Contact for the ongoing operations of the company;

Same

(c) Tariff;

Same

(d) Complaints/Inquiries from customers;
Same

- 11. List the states in which the applicant:
  - (a) Has operated as an interexchange carrier.
    New York
  - (b) Has applications pending to be certificated as an interexchange carrier.

Yone

(c) Is certificated to operate as an interexchange carrier.

Hone

(d) Has been denied authority to operate as an interexchange carrier and the circumstances involved.

Yore

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

Hone

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

Circuit Court, 11th Circuit, Dade Co., Fla.

Blackstone Calling Card Inc. v. Frontier Comm. Ser.,

Inc. et. al., Case No. 97-15401 - CA22

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

12. What services will the applicant offer to other certificated telephone companies:
(r) Facilities. ( ) Operators. ( ) Billing and Collection. ( ) Sales. ( ) Maintenance. ( ) Other:
13. Do you have a marketing program? No
<pre>14. Will your marketing program:     ( ) Pay commissions?     ( ) Offer sales franchises?     ( ) Offer multi-level sales incentives?     ( ) Offer other sales incentives?</pre>
15. Explain any of the offers checked in question 14 (To whom, what amount, type of franchise, etc.).
16. Who will receive the bills for your service (Check all that apply)?
() Residential customers. (I) Business customers. () PATS providers. () PATS station end-users. () Hotels & motels. () Hotel & motel guests. () Universities. () Univ. dormitory residents. () Other: (specify)
17. Please provide the following (if applicable):
(a) Will the name of your company appear on the bill for your services, and if not who will the billed party contact to ask questions about the bill (provide name and phone number) and how is this information provided?
Yes (b) Name and address of the firm who will bill for your service.
SC/CMU 31 (11/95)

- 18. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide interexchange telecommunications service in Florida.
  - A. Financial capability.

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements for the most recent 3 years, including:

- 1. the balance sheet
- 2. income statement
- statement of retained earnings.

Further, a written explanation, which can include supporting documentation, regarding the following should be provided to show financial capability.

- 1. Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
- 2. Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.
- 3. Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

MOTE: 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.

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 statements should then be signed by the applicant's chief executive officer and chief financial officer. The signatures should affirm that the financial statements are true and correct.

- B. Managerial capability.
- C. Technical capability.
- 19. Please submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).
- 20. The applicant will provide the following interexchange carrier services (Check all that apply): \_ MTS with distance sensitive per minute rates \_ Method of access is FGA \_ Method of access is FGB Method of access is FGD I Method of access is 800 MTS with route specific rates per minute \_ Method of access is FGA \_\_\_\_ Method of access is FGB \_\_\_\_ Method of access is FGD Method of access is 800 MTS with statewide flat rates per minute (i.e. not distance sensitive) \_\_\_ Method of access is FGA \_\_ Method of access is FGB Method of access is FGD Method of access is 800

	MTS for pay telephone service providers
,	Block-of-time calling plan (Reach out Florida, Ring America, etc.).
	I 800 Service (Toll free)
	Wars type service (Bulk or volume discount) Nethod of access is via dedicated facilities Nethod of access is via switched facilities
	Private Line services (Channel Services) (For ex. 1.544 mbs., DS-3, etc.)
	Travel Service Method of access is 950 Method of access is 800
	900 service
	Operator Services Available to presubscribed customers Available to non presubscribed customers (for example to patrons of hotels, students in universities, patients in hospitals Available to inmates
	Services included are:
	Station assistance Person to Person assistance Directory assistance Operator verify and interrupt Conference Calling
21.	What does the end user dial for each of the interexchange carrier services that were checked in services included (above).
22.	End user accesses applicant's switching facilities via a toll-free 800 number assigned to each phone card Other: company.

### \*\* APPLICANT ACENOVLEDGEMENT STATEMENT \*\*

- REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its 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: A non-refundable application fee of \$250.00 must be submitted with the application.
- 5. RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Orders relating to my provision of interexchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding interexchange service.
- 6. ACCURACT OF APPLICATION: By my signature below, I the undersigned owner or officer of the named utility in the application, attest to the accuracy of the information contained in this application and associated attachments. I have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement.

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:	B. Mahme	03 Sep 97
	Signature	Date
	Berry Moscovitz	_
I v	President	718-384-2699
	Title	Telephone No.

# \*\* APPENDIX A \*\*

# CERTIFICATE TRANSFER STATEMENT

I, (TYPE MA	ME)	
(TITLE)		, of (MAME OF COMPANY)
		, and current
holder of certification	ite number	, have reviewed
this application as	nd join in the petitio	ner's request for a
transfer of the abo	ove-mention certificat	•.
UTILITY OFFICIAL:	Signature	Date
•	Title	Telephone No.

### \*\* APPENDIX B \*\*

#### CUSTOMER DEPOSITS AND ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- (I) The applicant will not collect deposits nor will it collect payments for service more than one month in advance.
- ( ) The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

DTILITY OFFICIAL:

Berry Moscovitz

President

718-384-2699

Title

Telephone No.

### \*\* APPENDIX C \*\*

### INTRASTATE NETWORK

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) 545 Broadway 4th F12) Brooklyn, New York 11206 (equipment leased)
- 3)
- 3. TRANSMISSION FACILITIES: Pop-to-Pop facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.
  - 1) POP-to-POP TYPE OWNERSHIP

2)

4. ORIGINATING SERVICE: Please provide the list of exchanges where you are proposing to provide originating service within thirty (30) days after the effective date of the certificate (Appendix D).

All service originates in New York by end user dialing directly into applicant's switching facility via an 800 number FORM PSC/CHU 31 (11/95) ned to the phone card company to whom applicant \* Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

<sup>\*</sup> sells time to.

5.	TRAFFIC RESTRICTIONS:	Please	explain	how the	applicant
	will comply with the				
	Commission Rule 25-24	.471 (4)	(a) (cor	y enclos	sed).

- 6. CURRENT FLORIDA INTRASTATE SERVICES: Applicant has () or has not ( ) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:
  - a) What services have been provided and when did these services begin?
  - b) If the services are not currently offered, when were they discontinued?
    - c) Applicant resells time in bulk to phone card companies who, in turn, sell that time to their customers in the form of pre-paid telephone debit cards. Applicant's switching facilities are accessed via a toll-free 800 number assigned by applicant to each individual phone card company.

UTILITY OFFICIAL:

Signature

03 Sep 97

Berry Moscowitz

President

718-384-2699

Title

Telephone No.

Code	Country		add. minute
2	lower 48	\$0.3800	
3	Canada	\$0.2500	\$0.2500
	information	\$0.9400	30.9400
	uncompleted calls	80.0600	
	Russia	\$1.6900	
	Egypt	\$1.1900	
	South Afr	\$0.7900	
		\$0.6400	
	Greece	\$0.4500	
153,55	Netherlan	The state of the s	
	Belgium	\$0.3960	
	France	\$1.2900	
	Spain	\$1.4900	
	Hungary	\$1.4920	
	Italy	\$0.3900	
	Romania	\$1.7480	
41	Switzerla	\$0.3900	
	Austria	\$1.4760	Annual Control of the
44	United Ki	\$0.2500	
45	Denmark	\$1.3640	
46	Sweden	\$1.2900	
	Norway	\$1.3480	\$0.3480
	Poland	\$1.5880	
	Germany	\$0.3700	
	Peru	\$2.1200	
	Mexico	\$1.0000	
1000	Cuba	\$1.8900	
	Argentina	\$1.7900	
	Brazil	\$1.6900	
	Chile	\$1.4900	
2000	Colombia	\$1.4900	
	Venezuela	\$1.4900	
		\$1.7000	D # 124 / 100 / 10
	Malaysia	\$0.3500	
	Australia	\$2.2400	
	Indonesia		
	Philippin	\$0.7900	
	New Zeals	\$1.3960	
	Singapore	\$1.4900	
	Thailand	\$2.3000	
	Japan	\$1.3900	
	South Korea	\$2.9900	
	Vietnam	\$1.7600	
	China	\$1.9900	
	Turkey	\$1.9400	
	India	\$1.8900	
The second second second	Pakistan	\$1.9900	
93	Afghanist	\$3.0800	
94	Sri Lanka	\$2.6400	\$1.6400
95	Myanmar	\$3.3000	\$2.3000

08	Iran	\$2.5400	\$1.5400
	Morocco	\$1.8000	\$0.8000
The second secon	Algeria	\$1.9500	\$0.9500
	Tunisia	\$2.7160	\$1.7160
	Libya	\$2.7160	\$1.7160
	Gembia	\$1.9400	\$0.9400
		\$2.9200	\$1.9200
	Senegal	\$2.3400	\$1.3400
	pMauritani		
	Mali Repu	\$2.7900	\$1.7900
	Guinea	\$2.3200	\$1.3200
	Ivory Coast	\$2.6600	\$1.6600
	Burkina F	\$1.9200	\$0.9200
	Niger	\$2.3600	\$1.3600
	Togo	\$2.5200	\$1.6200
	<b>Benin</b>	\$1.9400	\$0.9400
	Mauritius	\$2.1600	\$1.1600
	Liberia	\$1.9200	\$0.9200
232	Sierra Le	\$2.3400	\$1.3400
233	Ghana	\$2.1000	\$1.1000
234	Nigeria	\$2.2000	\$1.2000
	Chad	\$3.2400	\$2.2400
The state of the s	Central A	\$2.5800	\$1.5800
	Cameroon	\$2.4400	\$1.4400
	Cape Verd	\$1.8800	\$0.8600
	Sao Tome	\$3.0000	\$2.0600
	Equatoria	\$3.0400	\$2.0400
	Gabon Rep	\$2.4200	\$1.4200
	Congo Rep	\$2.5200	\$1.5200
	Zaire	\$2.2400	\$1.2400
	Angola	\$2.2600	\$1.2600
	Guinea-Bi	\$2.8400	\$1.8400
	Diego Gar	\$2.4000	\$1.4000
	Ascension	\$2.4400	\$1.4400
	Seychelle	\$3.0000	\$2.0800
	Sudan	\$1.8600	\$0.8600
	Rwanda	\$2.5200	\$1.5200
254	Ethiopia	\$2.5200	\$1.5800
251	Comple	\$2.6400	\$1.6400
	Somalia	\$2.4000	\$1.4000
	Djibouti	\$2.3000	\$1.3000
	Kenya	\$2,3000	\$1.3600
	Tanzania		\$1.2200
	Uganda	\$2.2200	
	Burundi	\$2.5000	\$1.5000
	Mozambiqu	\$2.1800	\$1.1800
	Zanzibar	\$3.3400	\$3.3400
	Zambia	\$2.3000	\$1.3000
	madagasca	\$2.3400	\$1.3400
	Reunion I	\$2.3000	\$1.3000
263	Zimbabwe	\$2.0600	\$1.0600

264	Namibia	\$2.3800	\$1.3800
	Malawi	\$1.9000	\$0.9000
	Lesotho	\$2.4400	\$1.4400
	Botswana	\$2.1600	\$1.1600
	Swaziland	\$1.9200	\$0.9200
	Comoros I	\$2.9200	\$1.9200
	St. Helen	\$2.5800	\$1.5800
	Eritrea	\$2.5640	\$1.5640
		\$1.6400	\$0.6400
1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	Aruba Faeroe Is	\$1.4600	\$0.4600
	Greenland	\$1.8000	\$0.8000
	Gibraltar	\$1.7000	\$0.7000
		\$1.000	\$0.6600
	Portugal	\$1.4760	\$0.4760
	Luxembour	\$0.3900	\$0.4760
	Ireland	\$1.4600	\$0.4600
	Iceland	\$1.8200	\$0.8200
	Albania	\$1.6360	\$0.6360
	Malta	\$1.7400	\$0.7400
	Cyprus	\$1,3800	\$0.3800
	Finland	\$1.7000	\$0.7000
	Bulgaria	\$1.7000	\$0.7000
	Lithuania	\$1.7000	\$0.6680
	Latvia		\$0.5880
	Estonia	\$1.5880	\$1.3200
	Moldova	\$2.3200	
	Armenia	\$2.1800	\$1.1800
	Belarus	\$1.7800	\$0.7800
	Andorra	\$1.4280	\$0.4280 \$0.6360
100	San Marin	\$1.6360	\$0.8600
The second second	Ukraine	\$1.8600 \$1.7640	\$0.7640
	Yugoslavi	\$1.7640	\$0.9000
	Croatia	\$1.6600	\$0.6600
	Slovenia	\$1.9800	\$0.9600
	Bosnia/He	\$1.8600	\$0.8600
	Macedonia	\$1.5400	\$0.5400
	Vatican C	\$2,9900	\$1.9900
Designation of the Party of the	Czech Republic		
	Czechosło	\$1.5240	\$0.5240 \$0.5880
	Slovakia	\$1.5880	\$1.1400
	Falkland	\$2.1400	\$1.1400
7	Belize	\$2.2200	\$0.7900
	Guatemala	\$1.7900	
	El Salved	\$2.0200	\$1.0200 \$1.9000
	Honduras	\$2.9000	\$1.0800
The second second	Nicaragua	\$2.0000	
	Costa Ric	\$1.9600	\$0.9600
	Panama	\$2.0400	\$1.0400
	St. Pierr	\$1.6200	\$0.6200
509	Haiti	\$1.5990	\$0.5900

521 Mexico	Zo \$0.2500	\$0.2500
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593 Ecuado		
594 French		
595 Paragu		
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597 Surinar		
598 Urugus		
599 Nether		
670 Salpan		
671 Guam	\$1.3800	
672 Antartic		
673 Brunei	\$1.9200	
674 Nauru	\$2,6400	
675 Papeu		
676 Tonga	\$2.2200	
677 Solomo		
678 Vanuat		
679 Fiji Isla		
680 Palau	\$3.0600	
681 Wallis		
682 Cook Is		
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852 Hong K		and the second s
853 Macao		
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856 Laos	\$2.8000	
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- COO I I WINGE	<b>455</b>	75.5550

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3458 Cayman is \$1.7900 \$0.790
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5399 Guantanam \$1.7900 \$0.790
6648 Montserra \$1.7900 \$0.790
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6723 Norfolk I \$1.7900 \$0.790
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# Communication Opportunity, Inc.

545 Broadway - 4lb Hoor Brooklyn, Xew York 11206 Tel. (718) 384-2699 Solomon & Antar Seneral Counsel

DEPOSIT

DATE

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SEP 04 1997

September 3, 1997

Florida Public Service Commission Division of Administration 2540 Shumard Oak Boulevard Gunter Building Tallahassee, Florida 32399-0850

Att'n: Ms. Kelly Bigalski

Re: Application of Communication Opportunity, Inc.

Dear Ms. Bigalski:

I am submitting herewith the application and filing fee for interexchange telephone service within the State of Florida as you had advised we are required to do. Although there may be omissions from this application, I am nevertheless submitting it with the intention of further supplementing it the future as may be necessary.

I respectfully call your attention to the fact that we do not directly provide service in the state of Florida. We are resellers of bulk time to various phone card companies who purchase this time from us in New York and who, in turn, then sell that time to end users through telephone calling cards that they issue. It is conceivable, and I am sure that it has happened, that some of the customers of these various phone card companies would travel to Florida where they would use their cards to place a telephone call from within your state. Actually, that would be our only connection to the state of Florida albeit it twice removed — from us, to our customer, and, ultimately, to the end user who might travel to Florida and use the card in your state.

COMMUNICATION OFFICE Service Commission

Two Hundred Fifty and 00/100\*

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

MEMO

hiul #785 800-433-9810