

YOUNG, VAN ASSENDERP & VARNADOE, P. A.

ATTORNEYS AT LAW

REPLY TO:

R. BRUCE ANDERSON  
TASHA O. BUFORD  
DAVID B. ERWIN  
DAVID P. HOPSTETTER\*  
C. LAURENCE KEESEY  
ANDREW I. SOLIS  
KENZA VAN ASSENDERP  
GEORGE L. VARNADOE  
ROY C. YOUNG

\*BOARD CERTIFIED REAL ESTATE LAWYER

WILLIAM J. ROBERTS  
OF COUNSEL

GALLIE'S MALL  
225 SOUTH ADAMS STREET, SUITE 200  
POST OFFICE BOX 1833  
TALLAHASSEE, FLORIDA 32302-1833  
TELEPHONE (904) 222-7206  
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SUNTRUST BUILDING  
801 LAUREL OAK DRIVE, SUITE 300  
POST OFFICE BOX 7907  
NAPLES, FLORIDA 34101-7907  
TELEPHONE (941) 597-2814  
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October 15, 1997

971345-TX

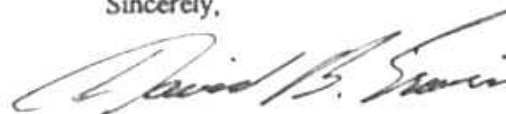
Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Utilicore Corporation - Application for Authority to Provide Alternative Local  
Exchange Service Within the State of Florida.

Dear Ms. Bayo:

Enclosed please find the original and six copies of the above captioned application on  
behalf of Utilicore Corporation. An application fee of \$250.00 is also enclosed.

Sincerely,



David B. Erwin

DBE:akh  
Enclosures

Check received with filing and  
forwarded to Fiscal for deposit  
Fiscal to forward a copy of check  
to RAR with proof of deposit  
Initials of person who forwarded check:  
A.G.

DOCUMENT NUMBER-DATE  
10596 OCT 15 97  
FPSC-RECORDS/REPORTING

**FLORIDA PUBLIC SERVICE COMMISSION**  
**CAPITAL CIRCLE OFFICE CENTER - 2540 SHUMARD OAK BOULEVARD**  
**TALLAHASSEE, FLORIDA 32399-0850**

**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. If you have questions about completing the form, contact:

**Florida Public Service Commission**  
**Division of Communications, Certification & Compliance Section**  
**2540 Shumard Oak Boulevard**  
**Tallahassee, Florida 32399-0866**  
**(904) 413-6600**

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.
-

FORM PSC/CMU 8 (11/95)  
Required by Chapter 364.337 F.S.

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

**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:

**Utilicore Corporation**

3. Name under which the applicant will do business (d/b/a)

**Utilicore Corporation**

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

Fictitious name registration number: \_\_\_\_\_

5. A. National mailing address including street name, number, post office box, city, state, zip code, and phone number.

**Utilicore Corporation  
2155 Main Street  
Sarasota, Florida 34237  
(941) 957-0173**

B. Florida mailing address including street name, number, post office box, city, state, zip code, and phone number.

**Utilicore Corporation  
2155 Main Street  
Sarasota, Florida 34237  
(941) 957-0173**

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"/> Joint Venture                  | <input type="checkbox"/> Other, Please explain _____ |

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

N/A

8. 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.

N/A

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

Corporate charter number: F 97000005131

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

**Thomas M. Beard  
5220 Greystoke Lane  
Tallahassee, Florida 32308**

**(850) 894-1361 - Voice  
(850) 668-0275 - Fax  
tmbeard@talstar.com**

FORM PSC/CMU 8 (11/95)  
Required by Chapter 364.337 F.S.

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

**None**

12. Has the applicant been denied certification in any other state? If so, please list the state and reason for denial.

**No**

13. Have penalties been imposed against the applicant in any other state? If so, please list the state and reason for penalty.

**No**

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

**Customer will be able to file a complaint by phone, fax or mail to the company or to the FPSC. Addresses and 800 phone numbers will be provided when they sign up for service.**

15. Please complete and file a price list in accordance with Commission Rule 25-24 825

**See attached price list. Lists will be developed regionally based on the local exchange carrier that is being resold.**

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

**A. Financial capability. See Attached**

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
3. statement of retained earnings

FORM PSC/CMU 8 (11/95)  
Required by Chapter 364.337 F.S.

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.

**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.

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 attest that the financial statements are true and correct.

B. Managerial capability.

**See Attached**

C. Technical capability.

**See Attached**

(If you will be providing local intra-exchange switched telecommunications service, then state how you will provide access to 911 emergency service. If the nature of the emergency 911 service access and funding mechanism is not equivalent to that provided by the local exchange companies in the areas to be served, described in detail the difference.)

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:

  
Signature

10/7/97  
Date

Title: **President**  
Telephone Number: **(941) 957-0173**

Address: **2155 Main Street  
Sarasota, Florida 34237**

# Utilicore Corporation

## Financial Statement September 30, 1997

### ASSETS

Current Assets	
Cash on hand	\$9,863.08
Accounts Receivable	\$41,821.37
Contracts Receivable	\$109,680.00
Total Current Assets	\$161,364.45
Fixed Assets	
Equipment - Corporate	\$12,108.00
Total Fixed Assets	\$12,108.00

### TOTAL ASSETS

\$173,472.45

### LIABILITIES

Current Liabilities	
Accounts Payable	\$8,724.79
Total Current Liabilities	\$8,724.79
Long Term Liabilities	
Notes Payable	\$30,000.00
Total Long Term Liabilities	\$30,000.00

### TOTAL LIABILITIES

\$38,724.79

### EQUITY

Current Year Earnings	\$134,747.66
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### TOTAL EQUITY

\$134,747.66

### TOTAL LIABILITY & EQUITY

\$173,472.45

By my signature below, I, David Bednarsh, chief executive officer of Utilicore Corporation, attest to the truth and accuracy of this unaudited financial statement.

10/7/97  
Date

  
Signature



Thomas M. Beard

5220 Greystoke Lane  
Tallahassee, Florida 32308  
(904) 894-1361

Professional Qualifications

Thomas M. Beard is the president and founder of Beard and Associates, a consulting firm that specializes in telecommunications, energy, water, disaster preparedness and international affairs. The firm has expertise in strategic planning, rate case review, rate structure, alternative regulation, economic development, economic analysis, and federal and state jurisdictional issues. He also currently serves as a member of the Board of Directors of Indiantown Company, the parent to telecommunications, water, banking, and real estate interests in western Martin County.

Mr. Beard was appointed to the Florida Public Service Commission in March 1987. He served as Chairman from January 1991 to January 1993. He ended his service to the State of Florida in August 1993.

During his appointment to the PSC, Mr. Beard worked at the national level in the telecommunications area. He served as chairman of the Communications Committee of the National Association of Regulatory Utility Commissioners (NARUC), and a member of the NARUC Executive Committee. He also served as president of the Southeastern Association of Regulatory Utility Commissioners (SEARUC).

Mr. Beard was the State Chairman of the Federal/State Joint Conference on Open Network Architecture (410(b)), which looked into many of the issues associated with the unbundling of the network. This was the first time that both the state and federal jurisdictions joined together to try and fashion an acceptable solution that could be supported by both.

Mr. Beard was the senior member of the Federal Communications Commission's (FCC) Federal/State Joint Board on Separations (80-286) which determines many of the financial separations issues between federal and state regulatory bodies. While he served, the Joint Board began a comprehensive review of the entire separations process in response to the rapid emergence of new technologies. He was also involved in initiating a review of the Universal Service Fund.

### Professional Qualifications (Continued)

In the area of energy, Mr. Beard was a member of the Keystone Group which, at the time, was focused on resolution of the emissions trading aspects of the Clean Air Act. He was active in seeking a solution to the problems of disposal of high level radioactive nuclear waste.

Mr. Beard was in Miami during Hurricane Andrew and remained there as a part of the Governor's Emergency Operations Center. He served as a technical advisor in the preparation of the Governor's Disaster Planning and Response Review. He has additionally worked with other states, particularly California, in response to their preparations for potential catastrophic disasters.

Mr. Beard has testified before the United States Congress on several occasions. He has testified before the United States House Energy and Commerce Committee's Subcommittee on Telecommunications and Finance as well as before the United States Governmental Operations Subcommittee on Government Information, Justice and Agriculture. He also served as a member of the Technical Advisory Board to the U.S. Congress, Office of Technology Assessment. In international affairs, he has worked with members of both the European Community (EC), the Caribbean Basin and South America.

A native of Tampa, Mr. Beard holds a bachelor's degree from Florida State University, with a major in Biology and a minor in Chemistry. He later attended the University of Florida and received his Masters of Educational Administration and Supervision.

**THOMAS M. BEARD**  
5220 Greystoke Lane  
Tallahassee, Florida 32308  
(904) 894-1361

## EDUCATION

- 1982 NRECA Management Internship Program,  
University of Nebraska at Lincoln, Nebraska.
- 1978 Master of Education, Administration and  
Supervision, University of Florida at Gainesville,  
Florida.
- 1971 Bachelor of Science, Major - Biology; Minor -  
Chemistry, Florida State University at  
Tallahassee, Florida.

## EXPERIENCE

August, 1993 to Present

President  
Beard & Associates

Thomas M. Beard founded Beard & Associates in August, 1993. This firm specializes in telecommunications, energy, water, disaster preparedness and with expertise in traditional and alternative regulatory structures, cost of capital, economic development, economic analysis, strategic planning, and federal/state jurisdictional issues. Mr. Beard's involvement with the legislative and regulatory process at the state, regional, and national level provides him with a network rich in experience and a background that few others can offer.

March 1987 to August, 1993

Chairman  
Florida Public Service Commission

Chairman Beard was appointed by Governor Bob Martinez to the Florida Public Service Commission in March, 1987. He was reappointed in January 1990 to serve through January 4, 1994. As chairman of the Public Service Commission, he was responsible for the over-all management of the agency which develops the regulatory policy for the State of Florida and ensures that the private investor-owned utilities (telephone, electric, gas, water and wastewater companies) adhere to that policy. He additionally represented the Commission before the U.S. Congress, the Federal Communications Commission, the Federal Energy Regulatory Commission, and numerous other federal and state agencies.

December 1981 - March 1987

Manager of Personnel  
Clay Electric Cooperative Inc.

Duties included responsibility for all personnel, safety, training, and employee relations in a non-union environment. Additional duties included the chairmanship of the ACRE committee (political action committee). Accomplishments include the review of the entire job evaluation and wage and salary systems.

November 1980 - December 1981

Coordinator  
Training & Staff Service Projects,  
Clay Electric Cooperative, Inc.

Duties included all training programs and special assignments to research organizational and management development areas. Accomplishments include the initiation of goals and objectives, work planning, and budget input from all areas of the Cooperative.

May 1980 - November 1980

Coordinator  
Safety and Training,  
Clay Electric Cooperative, Inc.

Duties included the responsibility for the total safety program to include Liability, Worker's Compensation, all worker safety programs, as well as responsibility for the training function. Accomplishments include the computerization of all safety records. The safety program was and continues to be accredited by the National Rural Electric Cooperative Association.

January 1979 - May 1980

Training Coordinator  
Clay Electric Cooperative, Inc.

Duties included the implementation of this function at the Cooperative. Responsibilities for the development and implementation of curriculum in all areas. Accomplishments include the development of a computerized records system for all training records, as well as the development of much of the curriculum presently in effect.

July 1977 - January 1979

Assistant Principal  
Putnam County School System

Duties included all curriculum development, performance appraisal of 50 teachers, supervision of the physical plant, custodial services, and food service activities in a union environment.

September 1975 - July 1977

Dean of Students  
Putnam County School System

Duties included coordination of all student activities; responsibility for discipline and review of all student behavior and coordination of the financial aspects of the athletic budget

September 1973 - September 1975

Science Teacher  
Putnam County School System

Responsibilities included instruction in Biology, Chemistry, and Physics to all high school students. Additional responsibilities included coaching the wrestling team, Science Club Sponsor, and French Club Sponsor.

December 1972 - June 1973

Science Teacher  
Bradford County School System

Responsibilities included instruction in Biology, Earth Science and Physical Science to ninth and tenth grade students.

### MILITARY HISTORY

Major, U.S. Army (Florida National Guard) - Retired July, 1992

September 1989 to July, 1992 - Communications Officer, Installation Support Unit, Camp Blanding Training Site, Camp Blanding, Florida.

August 1985 to August 1989 - Area Mobilization Officer, Selective Service Section, St Augustine, Florida.

January 1983 to August 1985 - Company Commander, 631st Maintenance Company, Starke, Florida.

October 1981 to January 1983 - Inactive Reserve

December 1980 to October 1981 - Detachment Commander for the 653rd Engineering Detachment, Camp Blanding, Florida.

1974 to December 1980 - Executive Officer for Battery A, 1/265 ADA, Palatka, Florida

1974 - Graduated from Officer Candidate School (FNG)

1972 - Trained as a medic at Fort Sam Houston, Texas

## CLUBS AND ORGANIZATIONS

Member of the National Association of Regulatory Utility Commissioners  
Communications Committee - Chair  
Executive Committee Member  
President, Southeastern Association of Regulatory Utility Commissioners  
State Caucus of the FCC 410(b) Conference - Chairman  
Member of FCC 80-286 Joint Board on Separations and Allocations  
Palatka Jaycees-Chairman for various committees; Treasurer  
Azalea Festival Chairman.  
Member of Melrose Lodge No. 89, F. & A.M.  
Scottish Rite  
Morocco Temple Shrine  
Member of Rotary Club of Keystone Heights

## AWARDS AND HONORS

Testify for NARUC before the United States House Energy and Commerce Committee, Subcommittee on Telecommunications and Finance regarding HR 1304 "Telephone Privacy Consumer Rights Act."

Testify for NARUC before the United States Governmental Operations Subcommittee on Government Information, Justice and Agriculture regarding the unauthorized changing of the customer selected long distance carrier.

Outstanding Young Educator, Putnam County

Florida Commendation Medal, Florida National Guard for work in training and leadership (2 awards).

YOUNG, VAN ASSENDERP & VARNADOE, P. A.

ATTORNEYS AT LAW

REPLY TO:

R. BRUCE ANDERSON  
TABBA O. BUFORD  
DAVID B. ERWIN  
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\*BOARD CERTIFIED REAL ESTATE LAWYER

WILLIAM J. ROBERTS  
OF COUNSEL

DEPOSIT DATE  
D 6 3 5 OCT 1 6 1997

October 15, 1997

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225 SOUTH ADAMS STREET, SUITE 200  
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971345

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Utilicore Corporation - Application for Authority to Provide Alternative Local Exchange Service Within the State of Florida.

Dear Ms. Bayo:

Enclosed please find the original and six copies of the above captioned application on behalf of Utilicore Corporation. An application fee of \$250.00 is also enclosed.

Sincerely,

David B. Erwin

97 OCT 1

UTILICORE CORPORATION 07-16-97  
(941)957-0173  
2155 Main Street  
Sarasota, FL 34237

October 7 19 97

1008

PAY TO THE ORDER OF Florida Public Service Commission \$ 250.00

THE SUNTRUST BANK

DOLLARS

SUNTRUST

SunTrust Bank, Gulf Coast  
Overseas Sarasota Office  
Sarasota, FL 1-800-825-4788

FOR ALEC Application Fee

YOUNG, VAN ASSENDERP & VARNADOE, P. A.

ATTORNEYS AT LAW

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WILLIAM J. ROBERTS  
OF COUNSEL

DEPOSIT                      DATE  
D685                      OCT 16 1997

October 15, 1997

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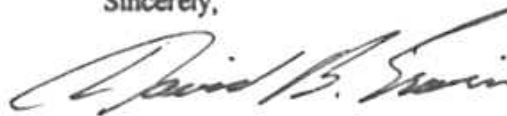
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