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2550 M Street, NW
Washington, DC 20037-1350
202-457-6000
Facsimile 202-457-6315

July 14, 1999

Paul C. Besozzi
202-457-5292
pbsozzi@pattonboggs.com

BY FEDERAL EXPRESS

Florida Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

990923-71

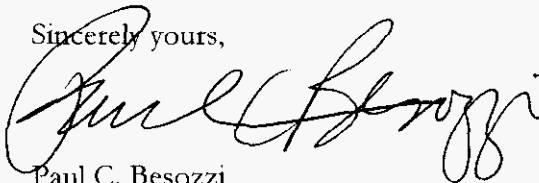
**Re: Application of PICUS Communications, LLC For Authority To Provide
Interexchange Telecommunications Service Between Points Within The
State of Florida**

Ladies and Gentlemen:

Enclosed are an original and six (6) copies of the application of PICUS Communications, LLC ("PICUS") for authority to provide interexchange telecommunications service between points within the State of Florida. Financial information being provided in support of the application is considered confidential and proprietary and, therefore, PICUS is hereby requesting that it not be made part of the public record. That information is, therefore, being filed under seal in a separate envelope marked "Confidential and Proprietary Financial Information." The requisite filing fee of \$250.00 is also enclosed.

An extra copy of this letter is enclosed to be stamped "filed" or "received" and returned in the enclosed envelope. Should you have any questions, please contact the undersigned.

Sincerely yours,



Paul C. Besozzi
PCB/lyt

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:
LLT

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DEPOSIT DATE
D16000 JUL 15 1999

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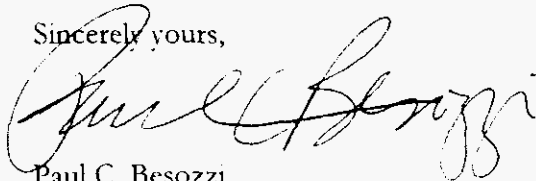
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Enclosures

Doc. 452(12)2

POST OFFICE
JUL 17 10 43 AM '99
ADMINISTRATIVE
MAIL ROOM

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Florida Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Blvd.
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**Re: Application of PICUS Communications, LLC For Authority To Provide
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1320

PICUS COMMUNICATIONS, LLC
ONE COLUMBUS CENTER, SUITE 641
VIRGINIA BEACH, VA 23462
(757) 321-4901

FIRST UNION NATIONAL BANK
68-141-510

Two Hundred Fifty and 0/100 Dollars

DATE

AMOUNT

PAY TO THE ORDER OF Florida Public Service Comm.
Division Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jul 12, 1999 *****\$250.00*

Memo:

⑈00001320⑈



**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF TELECOMMUNICATIONS
BUREAU OF CERTIFICATION AND SERVICE EVALUATION

**Application Form for Authority to Provide
Interexchange Telecommunications Service
Between Points Within the State of Florida**

Instructions

- ◆ This form is used as an application for an original certificate and for approval of assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Appendix A).
- ◆ Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ 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 Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

Note: No filing fee is required for an assignment or transfer of an existing certificate to another certificated company.

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Telecommunications
Bureau of Certification and Service Evaluation
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

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

Original certificate (new company).

Approval of transfer of existing certificate:

Example, a certificated company purchases an existing certificated company and desires to retain the authority of both certificates.

Approval of assignment of existing certificate:

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 of transfer of control:

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

2. Name of company:

PICUS Communications, LLC

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

PICUS Communications, LLC

4. Official mailing address (including street name & number, post office box, city, state, zip code):

2877 Guardian Lane

Suite 301

Virginia Beach, Virginia 23452

5. Florida address (including street name & number, post office box, city, state, zip code):

Corporation Service Company (Registered Agent)

1201 Hays Street, Tallahassee, Florida 32301

6. Select 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.
- 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 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.

7. 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 <u>Foreign Limited Liability Company</u> | |

8. **If individual**, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) **The Florida Secretary of State fictitious name registration number:** _____

12. **If a limited liability ^{company} partnership**, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:** M99000001043

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

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

14. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) **The Florida registration number:** _____

15. Provide **F.E.I. Number** (if applicable): 0541927257

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?
() Yes () No

(b) If not, who will bill for your services?

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

(c) How is this information provided?

17. Who will receive the bills for your service?

() Residential Customers
() PATs providers
() Hotels & motels

() Business Customers
() PATs station end-users
() Hotel & motel guests

(X) Universities () Universities dormitory residents
(X) Other: (specify) government

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: Paul C. Besozzi

Title: _____

Address: Patton Boggs LLP, 2550 M Street, N.W.

City/State/Zip: Washington, D.C. 20037

Telephone No.: 202-457-5292 **Fax No.:** 202-457-6315

Internet E-Mail Address: pbesozzi@pattonboggs.com

Internet Website Address: not applicable

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

Name: John R. Williams

Title: Vice President - CLEC Operations

Address: 2877 Guardian Lane, Suite 301

City/State/Zip: Virginia Beach, Virginia 23452

Telephone No.: 757-321-4901 Ext. 514 **Fax No.:** 757-463-6589

Internet E-Mail Address: john@picus.com

Internet Website Address: _____

(c) Complaints/Inquiries from customers:

Name: John R. Williams

Title: Vice President - CLEC Operations

Address: 2877 Guardian Lane, Suite 301

City/State/Zip: Virginia Beach, Virginia 23452

Telephone No.: 757-321-4901 Ext. 514 **Fax No.:** 757-463-6589

Internet E-Mail Address: john@picus.com

Internet Website Address: not applicable

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

Virginia

(b) has applications pending to be certificated as an interexchange telecommunications company.

District of Columbia, Maryland

(c) is certificated to operate as an interexchange telecommunications company.

Virginia

(d) has been denied authority to operate as an interexchange 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

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

(a) 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.

Not applicable

(b) an 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.

Not applicable

21. The applicant will provide the following interexchange carrier services \checkmark (check all that apply):

a. _____ **MTS with distance sensitive per minute rates**

- Method of access is FGA
- Method of access is FGB
- Method of access is FGD
- Method of access is 800

b. **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

c. **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

d. **MTS for pay telephone service providers**

e. **Block-of-time calling plan (Reach Out Florida, Ring America, etc.).**

f. **800 service (toll free)**

g. **WATS type service (bulk or volume discount)**

- Method of access is via dedicated facilities
- Method of access is via switched facilities

h. **Private line services (Channel Services)
(For ex. 1.544 mbs., DS-3, etc.)**

i. **Travel service**

- Method of access is 950
- Method of access is 800

j. **900 service**

k. **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

I. **Services included are:**

- Station assistance
 Person-to-person assistance
 Directory assistance
 Operator verify and interrupt
 Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

See Exhibit 1

23. Submit the following:

A. **Financial capability.** - See Exhibit 2

The application **should contain** the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The 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.

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.*

Further, the following (which includes supporting documentation) should be provided:

1. **A written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.

2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service.

3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.

B. Managerial capability; give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

See Exhibit 3

C. Technical capability; give 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 4

**** APPLICANT ACKNOWLEDGMENT STATEMENT ****

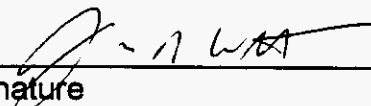
1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee 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:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

	7/12/99
Signature	Date
Vice President - CLEC Operations	757-321-4901 Ext. 514
Title	Telephone No.
Address: 2877 Guardian Lane, Suite 301	757-463-6589
Virginia Beach, VA 23452	Fax No.

ATTACHMENTS:

- A - CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - CURRENT FLORIDA INTRASTATE NETWORK
- D - AFFIDAVIT

CERTIFICATE TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) _____,

(Title) _____ of

(Name of Company)

and current holder of Florida Public Service Commission Certificate Number

_____, have reviewed this application and join in the
petitioner's request for a:

() transfer

() assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Signature

Date

Title

Telephone No.

Address: _____

Fax No.

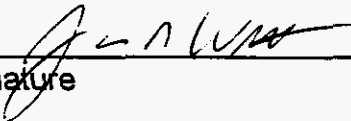
CUSTOMER DEPOSITS AND ADVANCE PAYMENTS

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

- () The applicant will **not** collect deposits nor will it collect payments for service more than one month in advance.

- () The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.
(The bond must accompany the application.)

UTILITY OFFICIAL:

<u>Signature</u>		<u>Date</u>	7/12/99
<u>Title</u>	Vice President - CLEC Operations	<u>Telephone No.</u>	757-321-4901 Ext. 514
<u>Address:</u>	2877 Guardian Lane, Suite 301	<u>Fax No.</u>	757-463-6589
	Virginia Beach, VA 23452		

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?

UTILITY OFFICIAL:

Signature	<u><i>J. A. Whit</i></u>	Date	<u>7/12/99</u>
Title	<u>Vice President - CLEC Operations</u>	Telephone No.	<u>757-321-4901 Ext. 514</u>
Address:	<u>2877 Guardian Lane, Suite 301</u>	Fax No.	<u>757-463-6589</u>
	<u>Virginia Beach, VA 23452</u>		

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 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."

UTILITY OFFICIAL:

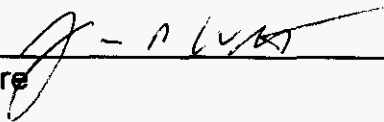
Signature		Date	7/12/99
Title	Vice President - CLEC Operations	Telephone No.	757-321-4901 Ext. 514
Address:	2877 Guardian Lane, Suite 301	Fax No.	757-463-6589
	Virginia Beach, VA 23452		

EXHIBIT 1

TITLE SHEET**FLORIDA TELECOMMUNICATIONS TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by PICUS Communications, LLC, with principal offices at 2877 Guardian Lane, Suite 301, Virginia Beach, VA 23452 and registered agent office at 1201 Hays Street, Tallahassee, Florida 32301. This tariff applies for services furnished within the State of Florida. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

ISSUED: _____, 1999**EFFECTIVE:** _____, 1999**By:**

**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

CHECK SHEET

This sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

TABLE OF CONTENTS

Title Sheet 1
Check Sheet 2
Table of Contents 3
Symbols Sheet..... 4
Tariff Format Sheets..... 5
Section 1 – Technical Terms and Abbreviations 6
Section 2 – Rules and Regulations..... 7
Section 3 – Description of Service 12
Section 4 – Rates 16

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SYMBOLS SHEET

The following are the only symbols used for the purposes indicated below:

D – Delete Or Discontinue

I – Change Resulting In An Increase to A Customer's Bill

M – Moved From Another Tariff Location

N – New

R – Change Resulting In A Reduction To A Customer's Bill

T – Change in Text Or Regulation But No Change In Rate Or Charge

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

TARIFF FORMAT SHEETS

A. **Sheet Numbering** – Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

B. **Sheet Revision Numbers** – Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the Sheet currently in effect.

C. **Paragraph Numbering Sequence** – There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.
2.1.
2.1.1.
2.1.1.A.
2.1.1.A.1.
2.1.1.A.1.(a).
2.1.1.A.1.(a).I.
2.1.1.A.1.(a).I.(T)
2.1.1.A.1.(a).I.(T).(1).

D. **Check Sheets** – When a tariff filing is made with the FPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the FPSC.

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 1 – TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to the Company's network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - PICUS Communications, LLC

Customer - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 AM up to but not including 5:00 PM local time Sunday through Friday.

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

Holidays - The Company's recognized holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 2 - RULES AND REGULATIONS**2.1 Undertaking of the Company.**

The Company's services and facilities are furnished for communications originating at specified points within the State of Florida under terms of this tariff.

The Company's installs, operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

The selling of IXC telecommunication service to uncertificated IXC resellers is prohibited.

2.2 Limitations.

2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.

2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, or when the customer is using service in violation of the law or the provisions of this tariff.

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 2 - RULES AND REGULATIONS continued**2.2 Limitations (Cont.)**

- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

2.3 Liabilities of the Company.

- 2.3.1 The Company's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
 - (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

ISSUED: _____, 1999**EFFECTIVE: _____, 1999****By:****John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

SECTION 2 RULES AND REGULATIONS continued**2.4 Interruption of Service.**

2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence or the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the customer's obligation to notify the Company immediately of any service interruption for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control or any equipment, if any, furnished by the customer and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.

2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.

2.4.3 The customer shall be credited for an interruption of more than twenty-four hours as follows:

Credit Formula:

$$\text{Credit} = A/B \times C$$

"A" - outage time in hours

"B" - total days in month

"C" - total monthly charge for affected facility

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By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 2 - RULES AND REGULATIONS continued**2.5 Disconnection of Service by Carrier.**

The company (carrier), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The Company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.

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John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 2 - RULES AND REGULATIONS continued**2.6 Deposits**

The Company does not require a deposit from the customer.

2.7 Advance Payments

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

2.8 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

2.9 Billing of Calls

All charges due by the subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

SECTION 3 - DESCRIPTION OF SERVICE**3.1 Timing of Calls****3.1.1 When Billing Charges Begin and End For Phone Calls**

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e., when 2-way communication, often referred to as "conversation time" is possible.). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

3.1.2 Billing Increments

The minimum call duration for billing purposes is 1 minute for a connected call and calls beyond 1 minute are billed in 1 minute increments.

3.1.3 Per Call Billing Charges

Billing will be rounded up to the nearest penny for each call.

3.1.4 Uncompleted Calls

There shall be no charges for uncompleted calls.

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**John Williams, Vice President
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Virginia Beach, VA 23452**

SECTION 3 - DESCRIPTION OF SERVICE continued**3.2 Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

FORMULA:

The square
root of:
$$\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}$$

3.3 Minimum Call Collection Rate

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all FG D services ("1+" dialing).

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By:

John Williams, Vice President
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Virginia Beach, VA 23452

SECTION 3 - DESCRIPTION OF SERVICE continued**3.4 Service Offerings****3.4.1 PICUS Long Distance Service**

PICUS Long Distance Service is offered to residential and business customers. The service permits direct dialed outbound calling at a single per minute rate. Service is provided from prescribed, dedicated or shared use access lines. Calls are billed in one minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.2 PICUS 800/888 (Inbound) Long Distance Service

PICUS 800/888 (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from prescribed, dedicated or shared use access lines. Calls are billed in six second increments, with a six second minimum call duration. No monthly recurring charges apply. A \$10.00 minimum monthly billing requirement applies. Customers whose monthly usage is less than the minimum will be billed the minimum amount.

3.4.3 PICUS Calling Card Service

PICUS Calling Card Service is a calling card service offered to residential and business customers who subscribe to the PICUS Long Distance Service calling plan. Customers using the Carrier's calling card service access the service by dialing a 1-800 number followed by an account identification number and the number being called. This service permits subscribers utilizing the Carrier's calling card to make calls at a single per minute rate. Calls are billed in one (1) minute increments after the initial minimum period of one (1) minute. There are no nonrecurring or monthly recurring charges. No calling card surcharge applies.

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**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

SECTION 3 - DESCRIPTION OF SERVICE continued**3.4.4 Operator Services**

The Company's operator services are provided to residential and business customers who "presubscribe" to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Carrier operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein) : (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of day of the call.

3.4.4.A Operator Dialed Surcharge

This surcharge applies to Operator Station and Person-to-Person rated calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the PICUS Communication, LLC network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap.

The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

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**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

SECTION 4 - RATES

4.1 PICUS Long Distance Service

Rate per minute - \$0.10.
Plan is billed in full minute increments.

4.2 PICUS 800/888 (inbound) Long Distance Service

Rate per minute - \$0.12.
Plan is billed in six second increments with a six second minimum.

4.3 PICUS Calling Card Service

Rate per minute - \$0.20.
Plan is billed in full minute increments.

4.4 Operator Services (For presubscribed customers)

4.4.1 Usage Rates: The appropriate rate found under 4.1 or 4.3 shall apply.

4.4.2 Operator Charges:

Collect Station-to-Station	\$1.00
Collect Person-to-Person	\$3.25
Person-to-Person	\$3.25
Station-to-Station	\$1.00
Customer Dialed Calling Card	\$1.00
Operator Dialed Calling Card	\$1.75
Operator Dialed Surcharge	\$0.75

ISSUED: _____, 1999

EFFECTIVE: _____, 1999

By:

John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452

SECTION 4 - RATES continued**4.5 Determining Applicable Rate in Effect.**

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

4.6 Payment of Calls**4.6.1 Late Payment Charges**

Interest charges of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

4.6.2 Return Check Charges

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

4.7 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

ISSUED: _____, 1999**EFFECTIVE:** _____, 1999**By:**

**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

SECTION 4 - RATES continued**4.8 Special Promotions**

The Company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates.

4.9 Special Rates For The Handicapped**4.9.1. Directory Assistance**

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

4.9.2 Hearing and Speech Impaired Persons

Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

4.9.3. Telecommunications Relay Service

For intrastate toll calls received from the relay service, the Company will when billing relay calls discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.

ISSUED: _____, 1999**EFFECTIVE: _____, 1999****By:**

**John Williams, Vice President
2877 Guardian Lane, Suite 301
Virginia Beach, VA 23452**

EXHIBIT 2

FINANCIAL CAPABILITY

The Applicant possesses sufficient financial capability to provide and maintain alternative local exchange service within the State of Florida, including meeting its lease and ownership obligations. The Applicant has access to financial resources through Ecufin, Inc., a privately-held State of Virginia corporation which is the ultimate parent of the Applicant. Ecufin's financial statements demonstrate very substantial current assets and Ecufin has committed to supporting the Applicant's financial needs for its Florida operations. Evidence of that commitment is attached hereto as Attachment 1. Ecufin's three-year financial statements are also being submitted, under separate cover. Applicant, formed in November of 1998, is submitting its most recently available financial statements. As noted above, Ecufin, as is Applicant, is a privately-held company and both request that this financial information be kept *confidential* and not subject to the public disclosure. In addition, the Applicant will have access to the necessary capital through existing lending relationships with First Union National Bank. Finally, as noted elsewhere in this Application, the Applicant has existing operations which are generating cash flow. Collectively, this information establishes the financial capability of the Applicant.

**Ecufin, Inc.
One Columbus Center
Suite 641
Virginia Beach, Virginia 23462**

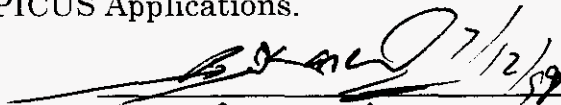
July 8, 1999

John R. Williams
Vice President – CLEC Operations
PICUS Communications, LLC
2788 Guardian Lane
Suite 301
Virginia Beach, Virginia 23452

**Re: Applications to the Florida Public Service Commission
for Authority to become a Provider of Interexchange
and Local Exchange Service**

Dear Mr. Williams:

The purpose of this letter is to further confirm that Ecufin, Inc. shall guarantee the necessary financial resources to PICUS Communications, LLC ("PICUS") for its planned telecommunications operations in the State of Florida. That is the intent of the representations made in PICUS' Applications, as supported by Ecufin's financial statements, as submitted in connection with PICUS Applications.


Name: BIJAN KAZEMI
Title: Exec. VP & CFO

County of Virginia Beach
Commonwealth of Virginia

Subscribed and sworn to before me by Bijan Kazemi of Ecufin, Inc.
this 12th day of July 1999.


NOTARY PUBLIC

My Commission Expires: My Commission Expires August 31, 2002

EXHIBIT 3

MANAGERIAL CAPABILITY

Attached are description of the Applicant's key managers. The group is highly qualified to oversee, provide and maintain the proposed services. The group collectively has over 75 years of experience in telecommunications, including 10 years managing TFN Group Communications, a highly successful Virginia-based national long-distance telephone provider which merged its U.S. operations with Worldcom in 1992.

BIOGRAPHIES OF PICUS MANAGEMENT TEAM

Mohammand Koochekzadeh

Mohammand Koochekzadeh is the Chairman and CEO of PICUS.

His 30-year industrial and manufacturing background as the chairman and founder of Ecufin, Inc. included acquisition and management of large appliance manufacturing companies in Italy.

In 1986 Mr. Koochekzadeh entered the US telecommunication industry and established TFN Group Communications, as a wholly owned subsidiary of Ecufin. TFN grew to be a highly successful national long distance company, merging with WorldCom in 1992.

As Chairman and CEO of PICUS, Mr. Koochekzadeh contributes his experience as a driving force for the company.

Michael Adolphi

Michael Adolphi is the President of PICUS.

Mr. Adolphi is the President and founder of iTRiBE, a Norfolk, VA company focused on Internet software development that enables Internet based commerce. He also serves as Executive Vice President and Co-founder of PROSOFT, a 300 employee, 30 million in sales Virginia Beach, VA company. It's focus is on software development and training; network and telecommunications design, installation and maintenance; training development and engineering and analytical support.

Mr. Adolphi joins PICUS as President with over 16 years engineering experience on defense-related programs and over 14 years executive experience with U.S. Government and commercial contracting.

Bijan Kazemi

Bijan Kazemi is the Vice-Chairman and CFO for PICUS.

Mr. Kazemi was the controller and vice-chairman of Warwick Manufacturing Corporation, a subsidiary of Philco – USA and continued in that position for five years before re-joining the Ecufin group as the Executive Vice President of TFN Group Communications. Mr. Kazemi joined WorldCom (then LDDS) in 1992 as Director of Operations – International, until he resumed his cooperation with Ecufin to establish a telecommunications operation in Europe.

Mr. Kazemi now serves as Vice-Chairman and CFO for PICUS.

Thomas Flake

Thomas Flake is the Executive Vice President of Business Development for PICUS.

Mr. Flake is the President of Synergy Consultants, a nationally renowned Customer Support company serving the customers of Internet Providers from coast to coast in the United States.

Mr. Flake developed and implemented the underlying business model which has allowed the technical support center to grow from 500 clients supported to over 10,000 and continues to be the driving force in this expansion.

Mr. Flake was instrumental in the first PICUS acquisition, less than two months into operation. The acquisition of Atlantic Telecom placed PICUS into center stage as a Competitive Local exchange Carrier for the state of Virginia.

Mr. Flake serves as Executive Vice President of Business Development for PICUS.

Robert Sabine, Jr.

Robert Sabine, Jr. is the Vice President of Network Operations for PICUS.

Mr. Sabine worked with Universal Network Services as Vice President of information services and was responsible for all computer and data networking operations which supported pre-paid telephone calling cards, cellular, and traditional long distance services.

Mr. Sabine worked with TFN for four years as the Networking Manager before re-joining Ecufin in March 98 to take charge of networking and information services.

Mr. Sabine now heads the Networking operations for PICUS worldwide as Vice President.

Kamran Koochekzadeh

Kamran Koochekzadeh is the Vice-President of European Operations for PICUS.

Mr. Koochekzadeh has been instrumental in establishing the European operations of Ecufin in Switzerland and Germany by negotiating termination agreements, hiring sales forces and obtaining the necessary licenses and carrier identification codes.

Prior to his European responsibilities, Mr. Koochekzadeh worked with TFN as the market manager for California - US a market that he developed over a two-year period to become a successful part of TFN.

Kamran Koochekzadeh serves as Vice-President of European Operations for PICUS in the European Headquarters located in Lugano, Switzerland.

John Williams

John Williams is Vice President of CLEC Operations for PICUS.

John Williams joined PICUS as Vice President of CLEC Operations in December of 1998. Mr. Williams came to PICUS by way of the Atlantic Telecom acquisition, one of Virginia's first operating Competitive Local Exchange Carriers (CLEC). As Director of Telecommunications for Atel, Mr. Williams developed the CLEC program from its inception.

As Vice President of CLEC Operations for PICUS, Mr. Williams' responsibilities include the day to day operation of the PICUS Local-Link dial-tone service. PICUS Local-Link is available in the Bell Atlantic operating areas within the state of Virginia.

EXHIBIT 4

TECHNICAL CAPABILITY

As reflected in the previously-provided background information on the Applicant's management team, there is substantial technical experience in the operation and maintenance of telecommunications services and facilities. In addition, the same management team is overseeing the provision of such services in the State of Virginia, to some 3,500 customers, and expects to be doing so in the near future in the District of Columbia and Maryland.

RECEIVED
JUL 15 10 08 AM '99
ADMINISTRATIVE
MAIL ROOM

2550 M Street, NW
Washington, DC 20037-1350
202-457-6000
Facsimile 202-457-6315

July 14, 1999

Paul C. Besozzi
202-457-5292
pbsozzi@pattonboggs.com

DEPOSIT DATE
D169 JUL 15 1999

BY FEDERAL EXPRESS

Florida Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

990923-TX

**Re: Application of PICUS Communications, LLC For Authority To Provide
Interexchange Telecommunications Service Between Points Within The
State of Florida**

Ladies and Gentlemen:

Enclosed are an original and six (6) copies of the application of PICUS Communications, LLC ("PICUS") for authority to provide interexchange telecommunications service between points within the State of Florida. Financial information being provided in support of the application is considered confidential and proprietary and, therefore, PICUS is hereby requesting that it not be made part of the public record. That information is, therefore, being filed under seal in a separate envelope marked "Confidential and Proprietary Financial Information." The requisite filing fee of \$250.00 is also enclosed.

An extra copy of this letter is enclosed to be stamped "filed" or "received" and returned in the enclosed envelope. Should you have any questions, please contact the undersigned.

DOCUMENT NUMBER-DATE
08475 JUL 15 99
FPSC-RECORDS/REPORTING

PICUS COMMUNICATIONS, LLC
ONE COLUMBUS CENTER, SUITE 641
VIRGINIA BEACH, VA 23462
(757) 321-4901

FIRST UNION NATIONAL BANK
68-141-510

1320

Two Hundred Fifty and 0/100 Dollars

DATE AMOUNT

Jul 12, 1999 *****\$250.00*

PAY TO THE ORDER OF
Florida Public Service Comm.
Division Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Memo:



⑈0000 1320⑈