

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174

January 19, 2000

VIA OVERNIGHT MAIL

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

This claim of confidentiality was filed by or on behalf of a telecommunications company for Confidential Document No. 00850. The document has been placed in locked storage pending staff advice on handling. Your name must be on the CASR to access the material. If it is undocketed, your division director must obtain written permission from the EXD/Tech before you can access it.

0000058
Re: Application of Genesis Communications International, Inc. for Authority to Provide Alternative Local Exchange Telecommunications Services Within the State of Florida

Dear Ms. Bayo:

Enclosed for filing on behalf of Genesis Communications International, Inc. ("Genesis" or "Applicant") please find an original and six (6) copies of Genesis's application for authority to provide alternative local exchange telecommunications services within the State of Florida. Also enclosed is a check in the amount of \$250.00 to cover the filing fee.

Please note that the financial statements included with Exhibit 1 contain confidential and proprietary information not generally available to the public. Therefore, the financial statements are enclosed in a sealed envelope. Disclosure of this financial information would cause harm to Applicant's business operations. Pursuant to Florida Statutes Section 364.183, Applicant respectfully requests that the information contained in the sealed envelope be given confidential treatment and that it not be made part of the public record or otherwise disclosed to the public.

Please date-stamp the enclosed extra copies of this filing and return in the self-addressed, stamped envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact me at (202) 945-6922.

Respectfully submitted,



Kathleen L. Greenan

Enclosures

cc: Mr. Derek Geitzen
Brett P. Ferenchak, Esq.

DOCUMENT NUMBER-DATE

00849 JAN 20 8

FPSC-RECORDS/REPORTING

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000058-TV

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Brett P. Ferenchak, Esq.

DOCUMENT NO.
00849-00
1-20-00

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

DIVISION OF TELECOMMUNICATIONS
BUREAU OF CERTIFICATION AND SERVICE EVALUATION

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

Instructions

- ◆ This form is used as an application for an original certificate and for approval of the 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

- ◆ 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 \checkmark (check one):

(\checkmark) **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:

Genesis Communications International, Inc.

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

Genesis Communications International, Inc.

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

Genesis Communications International, Inc.
11995 El Camino Real
Suite 102
San Diego, California 92130-2565

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

Genesis currently does not have a mailing address in Florida. The name and address of Genesis' registered agent in Florida is:

HIQ Corporate Services, Inc.
529 East Park Avenue
Tallahassee, FL 32301

6. Structure of organization;

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

7. **If individual**, provide:

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

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

 N/A

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

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

 F99000005376

10. **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:

 N/A

11. **If a limited liability partnership**, provide proof of registration to operate in Florida:

(a) The Florida Secretary of State registration number:

N/A

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

Name: N/A

Title:

Address:

City/State/Zip:

Telephone No.: Fax No.:

Internet E-Mail Address:

Internet Website Address:

13. **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: N/A

14. Provide **F.E.I. Number** (if applicable): 33-0659638

15. 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. Provide explanation.

NONE.

(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.

NONE.

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

(a) The application:

Name: Kathleen L. Greenan

Title: Attorney and Counsel for Genesis

Address: 3000 K Street Suite 300

City/State/Zip: Washington D.C. N.W. 20007

Telephone No.: (202) 424-7500 Fax No.: (202) 424-7645

Internet E-Mail Address: KLGreenan@swidlaw.com

Internet Website Address: www.swidlaw.com

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

Name: Derek Gietzen

Title: President and Chief Executive Officer

Address: 11995 El Camino Real, Suite 102

City/State/Zip: San Diego, California 92130-2565

Telephone No.: (619) 792-2400 Fax No.: (619) 793-8339

Internet E-Mail Address: dgietzen@genesisld.com

Internet Website Address: www.genesisld.com

(c) Complaints/Inquiries from customers:

Name: De Lite S. Mullick

Title: Director of Customer Care

Address: 11995 El Camino Real, Suite 102

City/State/Zip: San Diego, California 92130 - 2565

Telephone No.: (619) 792-2400 Fax No.: (619) 793-8339

Internet E-Mail Address: Dmullick@genesisd.com

Internet Website Address: www.genesisd.com

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

California

(b) has applications pending to be certificated as an alternative local exchange company.

New York

(c) is certificated to operate as an alternative local exchange company.

California, Nevada, and Oregon

(d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

Not applicable.

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

Not applicable.

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

Applicant has not been involved in any civil court proceedings with an

IXC carrier, local exchange company or other telecommunications entity.

18. Submit the following:

A. Financial capability.

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. **Please see Exhibit 1.**
 2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service. **Please see Exhibit 1.**
 3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations. **Please see Exhibit 1.**
- B. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.
- Please see Exhibit 2.**
- 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.
- Please see Exhibit 2.**

**** 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 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:

 _____ Signature	<u>1/6/2000</u> _____ Date
President and Chief Executive Officer _____ Title	(619) 792-2400 _____ Telephone No.
Address: 11995 El Camino Real, Suite 102 _____ San Diego, California 92130-2565 _____ _____	(619) 793-8339 _____ Fax No. _____ _____

ATTACHMENTS:

- A - CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B - INTRASTATE NETWORK
- C - AFFIDAVIT

(Not applicable.)

**** APPENDIX A ****

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:

() sale

() transfer

() assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Signature

Date

Title

Telephone No.

Address: _____

Fax No.

INTRASTATE NETWORK (if available)

Genesis does not presently own any facilities or switches in the State of Florida and has not finalized plans for acquiring its intrastate network. Initially, Genesis will offer its services on a resale basis. Genesis will supply the Commission with any information concerning the construction or acquisition of facilities promptly once it becomes available.

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

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) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

3. TRANSMISSION FACILITIES: POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

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	<u>1/6/2000</u> _____ Date
<u>President and Chief Executive Officer</u> _____ Title	<u>(619) 792-2400</u> _____ Telephone No.
Address: <u>11995 El Camino Real, Suite 102</u> _____ <u>San Diego, California 92130-2565</u> _____ _____ _____	<u>(619) 793-8339</u> _____ Fax No. _____ _____

EXHIBIT 1

Financial Statements

Applicant is financially qualified to provide telecommunications services in Florida. In particular, Applicant has access to the financing and capital necessary to conduct its telecommunications operations as specified in this application. Attached in a sealed envelope is a copy of Genesis Communications International, Inc.'s audited financial statements for the years ended December 31, 1996 and 1997, and draft audited financial statements for year ended 1998. In addition, a copy of the Company's unaudited year to date 1999 financial statements as prepared by Genesis' Chief Financial Officer are also attached in the sealed envelope.

Please note that the financial statements included with this Exhibit contain confidential and proprietary information not generally available to the public. Therefore, the financial statements are enclosed in a sealed envelope. Disclosure of this financial information would cause harm to Applicant's business operations. Pursuant to Florida Statutes Section 364.183, Applicant respectfully requests that the information contained in the sealed envelope be given confidential treatment and that it not be made part of the public record or otherwise disclosed to the public.

The financial statements demonstrate that Applicant has sufficient financial capability to provide and maintain the requested service in the State of Florida, and to meet its lease or ownership obligations in connection with its provision of service in Florida.

Applicant possesses sound finances and the economic planning necessary to provide for its continued successful growth and the ability to provide continuous high quality services. As shown in the attached financial statements, Applicant's revenues from telecommunications services have grown significantly since the time of the Company's inception, from \$1,291,855 in 1995 to more than \$9,883,890 in 1996, \$11,717,603 in 1997, \$14,856,00 in 1998, and \$20,080,839 for the first nine (9) months of 1999 with pretax earnings of over \$544,000. Applicant submits that the availability of these resources demonstrate that Applicant has the financial qualifications to successfully provide the proposed telecommunications services.

Applicant is a young Company that has been providing telecommunications services with success since its inception in March of 1995. As Applicant's operations increase, the Applicant's sales revenues are also expected to increase, and the Applicant's general and administrative expenses will be spread over a larger revenue base, allowing the Applicant to achieve long-term profitability.

Applicant submits that the attached financial statements demonstrate that the Company is financially qualified to provide the proposed telecommunications services in the State of Florida, and that the public interest will be served by the presence in the Florida marketplace of an experienced and financially sound new entrant.

EXHIBIT 2

Managerial and Technical Qualifications

EXECUTIVE MANAGEMENT TEAM

Derek M. Gietzen

President and Chief Executive Officer

As the company's President and CEO, Derek Gietzen manages all aspects of operations, sales and marketing for Genesis Communications. With nearly ten years of telecommunications experience, Mr. Gietzen has a proven track record of hands-on management with high-growth companies in the burgeoning telecommunications marketplace. Prior to co-founding Genesis, he served as President and Chief Operating Officer of WXL Communications, a competitive telecommunications provider in the newly deregulated Canadian marketplace, preceded by a term as vice president and general manager of a start-up long-distance company. In that capacity, Mr. Gietzen directed the growth of the company to over 400 employees and \$40 million in annual revenues in less than three years. Mr. Gietzen began his telecommunications career in the marketing division of Com Systems, Inc., a \$150-million long-distance and operator services provider.

Mr. Gietzen holds a B.S. degree in applied mathematics and a B.A. degree in economics from the University of California, Los Angeles.

Thalia R. Gietzen

Chief Financial Officer

Thalia Gietzen oversees all financial, accounting, human resource, customer care and order processing operations for Genesis Communications. She has extensive experience managing the financial operations for telecommunications companies and brings nearly ten years of industry experience to her position. Prior to co-founding Genesis Communications, Ms. Gietzen served as the Chief Financial Officer and Vice President of Finance for a large long-distance and operator services provider. In this capacity, she managed the finance, accounting and human resources for the company and its subsidiaries. Ms. Gietzen also served as the assistant controller for Com Systems, Inc., a \$150-million long-distance and operator services provider. Ms. Gietzen began her career with Grant Thornton Accountants & Management Consultants.

Ms. Gietzen is a certified public accountant (CPA) and holds a B.S. degree in business administration and accounting from California State University, Northridge.

Ruben R. Caraveo**Vice President of Operations**

Ruben Caraveo is responsible for overseeing all of the daily activities of the engineering and operations groups at Genesis Communications. In this capacity, he manages the company's PC network support and data processing groups, as well as supervises the company's local and long-distance network trouble reporting and resolution department. Mr. Caraveo monitors the data exchange with local and long-distance carrier partners and leads the company's deployment of leading-edge technologies and automation processes. Mr. Caraveo has over ten years of marketing, information technology and management experience and has worked with various telecommunications companies ranging from \$1 million to over \$2 billion in annual revenues. His industry expertise spans data, network and systems analysis, business development and operations. Prior to joining Genesis, he served as director of operations for Worldtel Interactive.

Mr. Caraveo attended California State University, Northridge, School of Engineering.

De Lite S. Mullick**Director of Customer Care**

De Lite Mullick is the Director of Customer Care for Genesis Communications and is responsible for spearheading the company's customer service and order processing groups. Ms. Mullick's brings extensive management experience and proven customer service expertise to her position. Prior to joining Genesis Communications, Ms. Mullick spent thirteen years working in various customer service capacities at Pitney Bowes Inc. For the last seven years, she was a district manager of customer service operations with responsibility over multiple field regions and branch teams. During her tenure with Pitney Bowes, Ms. Mullick received company recognition as well as a variety of awards for service excellence.

Ms. Mullick holds a B.A. from the University of California, Los Angeles.

Mary Anne Kremicki**Vice President of Corporate Finance**

As vice president of corporate finance for Genesis Communications, Mary Anne Kremicki is responsible for various aspects of the company's day-to-day accounting operations including accounts payable, billing and collections, tax reporting and requirements and employee benefits. Ms. Kremicki brings over thirteen years of experience in corporate finance to her position. Prior to joining Genesis Communications, she served as the corporate controller for a \$4.5 million property management company that handled properties in California, Hawaii, and Oregon.

Ms. Kremicki is a certified public accountant (CPA) and holds a B.S. degree in business administration and accounting from California State University Northridge.

Michael A. Ginolfi**Director of Engineering**

Michael Ginolfi is the director of engineering for Genesis Communications. In this capacity, he is responsible for overseeing all areas of the company's network and switching operations and network provisioning. With over twenty years of telecommunications experience, Mr. Ginolfi brings extensive technical and management expertise to his position. Prior to joining Genesis Communications, Mr. Ginolfi served as the Vice President of Carrier Services for Colorado-based QUOcom Inc. Previous to that position, Mr. Ginolfi was the general operations manager of Thrifty Tel, a California-based telecommunications company. During his tenure as a telecommunications professional, Mr. Ginolfi has managed switch site activities and network operations for telecommunications companies ranging from \$5 million to \$1 billion in annual revenues.

Mr. Ginolfi holds a B.B.A in business computer systems from Eastern Michigan University.

Tim Miranda**Director of Sales**

As Director of Sales, Tim Miranda manages all of the company's retail sales activities which currently includes overseeing Genesis' in-house sales force of over 150 sales representatives. In this position, he is also instrumental in ensuring that the company maintains its sales quality levels while continuing to expand its residential and commercial local and long-distance customer base. In addition, Mr. Miranda is responsible for recruiting and maintaining external sales agents, as well as managing the sales and marketing of Genesis' prepaid local and long distance services. Mr. Miranda has over 7 years of telecommunications sales experience.

Mr. Miranda attended California State University, San Marcos, majoring in Business Administration.