

# SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR  
3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FAX (202) 424-7645  
WWW.SWIDLAW.COM

NEW YORK OFFICE  
THE CHRYSLER BUILDING  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174  
(212) 973-0111 FAX (212) 891-9598

August 14, 2000

ORIGINAL

**VIA FEDERAL EXPRESS**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0870

001144-77

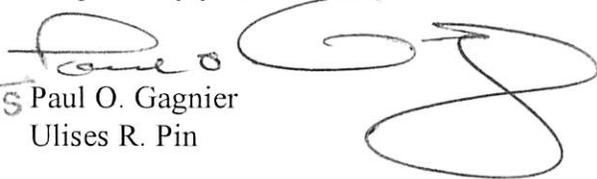
Re: Application of Net Communications Corporation to Provide Interexchange Services in Florida

Dear Ms. Bayo:

Enclosed for filing on behalf of Net Communications Corporation ("Net Communications") please find an original and six (6) copies of Net Communications's application for authority to provide alternative interexchange services in Florida. Also enclosed is a check in the amount of \$250.00 to cover the application filing fee.

Please date-stamp the enclosed extra copy 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 us.

Respectfully yours,

  
Paul O. Gagnier  
Ulises R. Pin

Counsel for Net Communications Corporation

RECEIVED & FILED  
*Man*  
FPSC-BUREAU OF RECORDS

RECEIVED  
SERVICES DIVISION  
AUG 15 11 09 33  
MAIL ROOM

Enclosures  
cc: Marcos Luciano

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  
*HL*

09861 AUG 15 00

FPSC-RECORDS/REPORTING

**DIVISION OF TELECOMMUNICATIONS**  
**BUREAU OF CERTIFICATION AND SERVICE EVALUATION**

ORIGINAL

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

001144-77

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**

DOCUMENT NUMBER-DATE

09861 AUG 15 8

FPSC-RECORDS/REPORTING

1. This is an application for  $\sqrt{\quad}$  (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:

Net Communications Corp. ("Net Communications" or "Applicant")

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

Net Communications Corp.

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

Net Communications Corp.

2635 Camino del Rio South, Suite 111

San Diego, CA 92108

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

Net Communications does not currently have an office in the State of Florida. If Net Communications does establish a Florida office in the future, Net Communications will provide this information to the Commission.

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

8. If individual, provide:

Name: Not Applicable

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:**

**Not applicable.**

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

Net Communications is a privately held Nevada Corporation. Applicant is in the process of obtaining its Certificate of Authority to Transact Business in the State of Florida and will submit it to the Commission when it becomes available.

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

**Net Communications will submit the number to the Commission when it becomes available.**

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:** Not Applicable.

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

(a) **The Florida Secretary of State registration number:**  
**Not Applicable** \_\_\_\_\_

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

**Name:** **Not Applicable** \_\_\_\_\_

**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:** **Not Applicable** \_\_\_\_\_

15. Provide **F.E.I. Number** (if applicable): **52-2114243**

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: Not Applicable

Title: \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

(c) How is this information provided?

**Net Communications will bill its customers directly. [Please Confirm]**

17. Who will receive the bills for your service?

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Residential Customers | <input checked="" type="checkbox"/> Business Customers    |
| <input type="checkbox"/> PATs providers                   | <input type="checkbox"/> PATs station end-users           |
| <input type="checkbox"/> Hotels& motels                   | <input type="checkbox"/> Hotel & motel guests             |
| <input type="checkbox"/> Universities                     | <input type="checkbox"/> Universities dormitory residents |
| <input type="checkbox"/> Other: (specify) _____           |   |

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

(a) The application:

Name: Paul Gagnier/Ulises Pin

Title: Swidler Berlin Shereff Friedman, LLP

Address: 3000 K Street, N.W., Suite 300

City/State/Zip: Washington, DC 20007

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

Internet E-Mail Address: pogagnier@swidlaw.com; urpin@swidlaw.com

Internet Website Address: www.swidlaw.com

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

Name: Marcos Luciano

**Title:** Chief Executive Officer

**Address:** 2635 Camino del Rio South, Suite 111

**City/State/Zip:** San Diego, CA 92108

**Telephone No.:** (619) 491-0122 **Fax No.:** (619) 491-0126

**Internet E-Mail Address:** netusacom@aol.com

**Internet Website Address:** \_\_\_\_\_

(c) Complaints/Inquiries from customers:

**Name:** Marcos Luciano

**Title:** Chief Executive Officer

**Address:** 2635 Camino del Rio South, Suite 111

**City/State/Zip:** San Diego, CA 92108

**Telephone No.:** (619) 491-0122 **Fax No.:** (619)491-0126

**Internet E-Mail Address:** netusacom@aol.com

**Internet Website Address:** \_\_\_\_\_

Net Communications' toll-free number for customer inquiries and complaints is 1-888-713-4652. Net Communications' customer service representatives will be available during business hours at its toll-free number for customer inquiries.

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

Net Communications has not operated as an interexchange carrier in any state.

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

Net Communications currently has pending applications to provide such services in Illinois and New York.

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

Net Communications is certificated to operate as an interexchange carrier in California, Nevada and Texas.

- (d) has been denied authority to operate as an interexchange telecommunications company and the circumstances involved.

Net Communications has not been denied authority to offer service in any state.

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

Net Communications has not been involved in any civil court proceeding with any violations of the telecommunications statutes in any state.

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

Net Communications has not been involved in any civil court proceeding with any interexchange carrier, local exchange company, or other telecommunications entity.

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.

None of Net Communications officers, directors, or largest stockholders have previously been adjudged bankrupt, mentally incompetent, or found guilty of any felony or any crime nor will any such actions result from pending proceedings.

- (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 of Net Communications officers, directors, or largest shareholders have been an officer, director, partner or stockholder in any other Florida certificated telephone company.

21. The applicant will provide the following interexchange carrier services,  (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.   x   **MTS with statewide flat rates per minute (i.e. not distance sensitive)**

\_\_\_\_\_ Method of access is FGA  
  x   \_\_\_\_\_ Method of access is FGB  
\_\_\_\_\_   x   \_\_\_\_\_ Method of access is FGD  
\_\_\_\_\_   x   \_\_\_\_\_ 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.   x   **800 service (toll free)**

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

\_\_\_\_\_   x   Method of access is via dedicated facilities  
\_\_\_\_\_   x   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

l. **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). Please see Exhibit 1.

23. 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.

Applicant is a recently incorporated company and has access to the financing and capital necessary to conduct the telecommunications operations as specified in this application. Applicant has been financed with \$\_\_\_\_\_ in initial capital contributions to fund operations during the start-up phase. Applicant is a new and emerging company, and as such, does not yet have audited financial statements. Attached as Exhibit 2 is a copy of Applicant's balance sheet income statement and statement of returned 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 2.
  2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service. Please see Exhibit 2.
  3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations. Please see Exhibit 2.
- B. Managerial capability;** give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

Please 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.

Please see Exhibit 3.

**\*\* 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: Marcos Luciano

  
\_\_\_\_\_  
Signature

3/21/00  
\_\_\_\_\_  
Date

Chief Executive Officer  
\_\_\_\_\_  
Title

(619) 491-0122  
\_\_\_\_\_  
Telephone No.

Address: 2365 Camino del Rio South, Suite 111, San Diego, CA 92108

Fax No.  
(619) 491-0126

**ATTACHMENTS:**

- A - CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - CURRENT FLORIDA INTRASTATE SERVICES
- D - AFFIDAVIT - FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES
- GLOSSARY

**CERTIFICATE TRANSFER, OR ASSIGNMENT STATEMENT**

1, (Name) NOT APPLICABLE

(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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

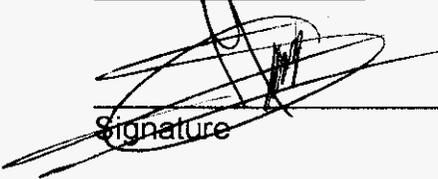
**\*\* APPENDIX B \*\***

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

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

- ( X ) 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: Marcos Luciano



Signature

3/21/00  
Date

Chief Executive Officer  
Title

(619) 491-0122  
Telephone No.

Address: 2635 Camino del Rio South, Suite 111, San Diego, CA 92108

Fax No.  
(619) 491-0126

**CURRENT FLORIDA INTRASTATE SERVICES**

Applicant **has** ( ) or **has not** ( X ) 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?

**Not Applicable**

---

---

---

---

- b) If the services are not currently offered, when were they discontinued?

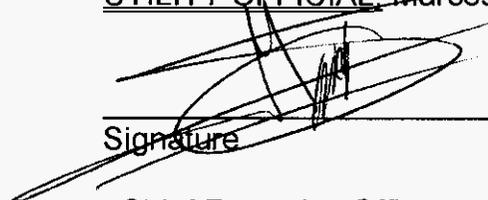
**Not Applicable**

---

---

---

UTILITY OFFICIAL: Marcos Luciano



Signature

3/21/00

Date

Chief Executive Officer

Title

(619) 491-0122

Telephone No.

Address: 2635 Camino del Rio South, Suite 111, San Diego, CA 92108

Fax No.

(619) 491-0126

**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: Marcos Luciano



Signature

3/21/00  
Date

Chief Executive Officer  
Title

(619) 491-0122  
Telephone No.

Address: 2635 Camino del Rio South, Suite 111, San Diego, CA 92108  
Fax No.  
(619) 491-0126

## FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES

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

Describe the service area in which you hold yourself out to provide service by telephone company exchange. If all services listed in your tariff are not offered at all locations, so indicate.

In an effort to assist you, attached is a list of major exchanges in Florida showing the small exchanges with which each has extended area service (EAS).

### \*\*FLORIDA EAS FOR MAJOR EXCHANGES\*\*

Extended Service Area    in    These Exchanges

PENSACOLA:                    Cantonment, Gulf Breeze,  
Milton, Holley-Navarre. Pace

PANAMA CITY:                Lynn Haven, Panama City Beach,  
Youngstown-Fountain, Tyndall AFB.

TALLAHASSEE:                Crawfordville, Havana,  
Monticello, Panacea,  
Sopchoppy, St. Marks.

JACKSONVILLE:            Baldwin, Ft. George,  
Jacksonville Beach, Callahan,  
Maxville, Middleburg, Orange  
Park, Ponte Vedra, Julington.

GAINESVILLE:                Alachua, Archer, Brooker,  
Hawthorne, High Springs,  
Melrose, Micanopy, Newberry,  
Waldo.

OCALA:                         Belleview, Citra, Dunnellon,  
Forest, Lady Lake, McIntosh,  
Oklawaha, Orange Springs, Salt  
Springs, Silver Springs Shores.

Extended Service Area in These Exchanges

DAYTONA BEACH: New Smyrna Beach

TAMPA:	Central East North South West	None Plant City Zephyrhills Palmetto Clearwater
--------	---	---

CLEARWATER: St. Petersburg, Tampa-West,  
Tarpon, Springs.

ST. PETERSBURG: Clearwater.

LAKELAND: Bartow, Mulberry, Plant City  
Polk City, Winter Haven.

ORLANDO: Apopka, East Orange, Lake  
Buena Vista, Orlando, Oviedo,  
Sanford, Windermere, Winter  
Garden, Oviedo-Winter Springs,  
Reedy Creek, Geneva,  
Monteverde.

TITUSVILLE: Cocoa and Cocoa Beach.

COCOA: Cocoa Beach, Eau Gallie,  
Melbourne, Titusville.

MELBOURNE: Cocoa, Cocoa Beach, Eau  
Gallie, Sebastian

SARASOTA: Bradenton, Myakka, Venice

Extended Service Area in These Exchanges

FT. MYERS: Cape Coral, Ft. Myers Beach,  
North Cape Coral, North Ft.  
Myers, Pine Island, Lehigh  
Acres, Sanibel-Captiva  
Islands.

NAPLES: Marco Island and North Naples.

WEST PALM BEACH: Boynton Beach and Jupiter.

POMPANO BEACH: Boca Raton, Coral Springs, Deerfield Beach,  
Ft. Lauderdale.

FT. LAUDERDALE: Coral Springs, Deerfield Beach, Hollywood, Pompano  
Beach.

HOLLYWOOD: Ft. Lauderdale and North Dade.

NORTH DADE: Hollywood, Miami, Perrine.

MIAMI: Homestead, North Dade,  
Perrine

## **\*\*GLOSSARY\*\***

**ACCESS CODE:** A uniform four- or seven-digit code assigned to an individual IXC. The five-digit code has the form 1 OXXX and the seven-digit code has the form 950-XXXX.

**BYPASS:** Transmission facilities that go direct from the local exchange end user to an IXC point of presence, thus bypassing the local exchange company.

**CARRIERS CARRIER:** An IXC that provides telecommunications service, mainly bulk transmission service, to other IXCs only.

**CENTRAL OFFICE:** A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three-digit central office code (NXX) used shall be considered a separate central office unit.

**CENTRAL OFFICE CODE:** The first three digits (NXX) of the seven-digit telephone number assigned to a customer's telephone exchange service.

**COMMISSION:** The Florida Public Service Commission.

**COMPANY, TELEPHONE COMPANY, UTILITY:** These terms are used interchangeably herein and refer to any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.

**DEDICATED FACILITY:** A transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.

**END USER:** Any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (13) subscribes to interstate services provided by an IXC or uses the services of the IXC when the IXC provides interstate service for its own use.

**EQUAL ACCESS EXCHANGE AREAS (EAEA):** A geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.

**EXCHANGE:** The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

**EXCHANGE (SERVICE) AREA:** The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.

**EXTENDED AREA SERVICE:** A type of telephone service furnished under tariff provision whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.

**FACILITIES BASED:** An IXC that has its own transmission and/or switching equipment or other elements of equipment and does not rely on others to provide this service.

**FOREIGN EXCHANGE SERVICES:** A classification of exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

**FEATURE GROUPS:** General categories of unbundled tariffs to stipulate related services.

**Feature Group A:** Line side connections presently serving specialized Common carriers.

**Feature Group B:** Trunk side connections without equal digit or code dialing.

**Feature Group C:** Trunk side connections presently serving AT&T-C.

**Feature Group D:** Equal trunk access with prescription.

**INTEREXCHANGE COMPANY (IXC):** Any telephone company, as defined in Section 364.02(4), F.S. (excluding Payphone Providers), which provides telecommunications service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.

**INTER-OFFICE CALL:** A telephone call originating in one central office unit or entity but terminating in another central office unit or entity, both of which are in the same designated exchange area.

**INTRA-OFFICE CALL:** A telephone call originating and terminating within the same central office unit or entity.

**INTRASTATE COMMUNICATIONS:** Any communications in Florida subject to oversight by the Florida Public Service Commission as provided by the laws of the State.

**INTRA-STATE TOLL MESSAGE:** Those toll messages which originate and terminate within the same state.

**LOCAL ACCESS AND TRANSPORT AREA (LATA):** The geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes

**LOCAL EXCHANGE COMPANY (LEC):** Any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunications service within exchange areas as those areas are described in the approved tariffs of the telephone company.

**OPTIONAL CALLING PLAN:** An optional service furnished under tariff provisions which recognizes a need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

**900 SERVICE:** A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.

**PIN NUMBER:** A group of numbers used by a company to identify its customers.

**PAY TELEPHONE SERVICE COMPANY:** Any telephone company, other than a LEC, which provides pay telephone service as defined in Section 364.335(4), F.S.

**POINT OF PRESENCE (POP):** Bell-coined term which designates the actual (physical) location of an IXC's facility. Replaces some applications of the term "demarcation point."

**PRIMARY SERVICE:** Individual line service or party line service.

**RESELLER:** An IXC that does not have certain facilities but purchases telecommunications service from an IXC and then resells that service to others.

**STATION:** A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.

**SUBSCRIBER, CUSTOMER:** Terms used interchangeably to mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.

**SUBSCRIBER LINE:** The circuit or channel used to connect the subscriber station with the central office equipment.

**SWITCHING CENTER:** Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

**TRUNK:** A communication channel between central office units or entities, or private branch exchanges.

**EXHIBIT 1**

**Proposed Tariff**

**TITLE SHEET****NET COMMUNICATIONS CORP.****RESALE TELECOMMUNICATIONS SERVICES**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of resold interexchange telecommunications services provided by Net Communications Corp. ("Carrier") 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 Carrier's principal place of business, 2635 Camino del Rio South, Suite 111, San Diego, CA 92108, telephone number 1-888-713-4652.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

CHECK SHEET

All sheets listed below are effective as of the date shown. Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>
1	Original	26	Original				
2	Original	27	Original				
3	Original	28	Original				
4	Original	29	Original				
5	Original	30	Original				
6	Original	31	Original				
7	Original	32	Original				
8	Original	33	Original				
9	Original						
10	Original						
11	Original						
12	Original						
13	Original						
14	Original						
15	Original						
16	Original						
17	Original						
18	Original						
19	Original						
20	Original						
21	Original						
22	Original						
23	Original						
24	Original						
25	Original						

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

TABLE OF CONTENTS

	<u>Sheet</u>
TITLE SHEET .....	1
CHECK SHEET .....	2
TABLE OF CONTENTS .....	3
EXPLANATION OF SYMBOLS .....	6
TARIFF FORMAT .....	7
TECHNICAL TERMS AND ABBREVIATIONS .....	8
SECTION 1 - APPLICATION OF TARIFF .....	10
SECTION 2 - REGULATIONS .....	11
2.1 Undertaking of the Carrier .....	11
2.1.1 Scope .....	11
2.1.2 Limitations .....	11
2.1.3 Liability of the Company .....	12
2.1.4 Initial Service Periods and Termination of Service .....	17
2.1.5 Credit Allowances for Interruption of Service .....	17
2.2 Responsibilities of the Subscriber .....	18
2.3 Use of Service .....	19
2.4 Customer Equipment and Channels .....	19
2.4.1 Interconnection With Other Companies .....	19
2.5 Advance Payments and Deposits .....	19

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:                    Marcos Luciano, CEO  
                                   Net Communications Corp.  
                                   2635 Camino del Rio South, Suite 111  
                                   San Diego, CA 92108



TABLE OF CONTENTS (Cont'd)

	<u>Sheet</u>
SECTION 5 - RATES .....	30
5.1 Long Distance Service - Rates N50 .....	30
5.2 Long Distance Service - Rates N55 .....	30
5.3 Long Distance Service - Rates N65 .....	31
5.4 Toll-Free Service .....	31
5.5 Miscellaneous Services .....	31
5.6 Late Payment Charge .....	32
5.7 Return Check Charge .....	32
5.8 Restoration of Service .....	32
5.9 Directory Assistance Charge .....	32
5.10 Special Promotions .....	32
5.11 Presubscribed Interexchange Carrier Charge ("PICC") .....	32
5.12 Payphone Surcharge .....	33
5.13 Special Rates For The Handicapped .....	33
5.13.1 Directory Assistance .....	33
5.13.2 Hearing and Speech Impaired Persons .....	33
5.13.3 Telecommunications Relay Service .....	33

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:                    Marcos Luciano, CEO  
                                   Net Communications Corp.  
                                   2635 Camino del Rio South, Suite 111  
                                   San Diego, CA 92108

---

EXPLANATION OF SYMBOLS

Any tariff modification shall be marked in the right-hand margin of the replacing tariff sheet with symbols described to indicate the place, nature, and extent of the change in text.

- 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: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

TARIFF FORMAT

- 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 Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page 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.(i).
  - 2.1.1.A.1.(a).I.(i).(1).
- D. Check Sheets - When a tariff filing is made with the Commission, 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 Sheets 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 the check sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some Sheets). 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 Commission.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

### TECHNICAL TERMS AND ABBREVIATIONS

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

Account Code - A numeric code which enables a customer to identify individual users for administrative purposes.

Authorization Code - A numerical code, one or more of which may be assigned to a Subscriber, to enable Carrier to identify the origin of service User so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no Subscriber shall have any property or other right or interest in the use of any particular authorization code. Automatic numbering identification (ANI) may be used as or in connection with the authorization code.

Automatic Numbering Identification (ANI) - A type of signaling provided by a local exchange telephone company which automatically identifies the local exchange line from which a call originates.

Carrier or Company - Net Communications Corp.

Calls - Telephone messages completed by customers or users.

Commission - Refers to the Florida Public Service Commission.

Common Carrier - A company or entity providing telecommunications services to the public.

Customer or Subscriber - The person, firm or corporation that orders service and is responsible for the payment of charges and compliance with the Carrier's tariff regulations.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

Feature Group D (FGD) - The method of "+1" access available through the switched network of the local exchange utility. FGD is also known as equal access.

Holidays - Net Communications Corp.'s recognized holidays are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

Net Communications - Net Communications Corp.

Tariff - The entire body of regulated rates, tolls, rentals, changes, classifications, rules, procedures, policies, etc. adopted and filed with the Commission by a telephone utility in fulfilling its role of telecommunications service. The term may also be used in reference to similar documents filed with state regulatory agencies.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

User or End User - A Customer, Joint User, or any other person(s) authorized by a Customer to use service provided under this tariff.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**Section 1 - APPLICATION OF TARIFF**

- 1.1 This tariff contains the regulations and rates applicable to resold intrastate interexchange telecommunications services provided by Carrier between one or more points within the State of Florida. Carrier's services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff.
- 1.2 The rates and regulations contained in this tariff apply only to the services furnished by Carrier and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of Carrier.
- 1.3 The Subscriber is entitled to limit the use of Carrier's services by Users at the Subscriber's facilities, and may use other common carriers in addition to or in lieu of Carrier.
- 1.4 Net Communications will provide resold intrastate interexchange telecommunications services on a 24 hour basis. Net Communications maintains a highly qualified customer service staff accessible via a toll-free number. When applying for service each prospective customer will be required to furnish Net Communications with the following information:
- (a) Name of the party who will be responsible for payment for the interexchange service provided.
  - (b) Address or exact location of the premises where interexchange service is to be provided and billed.

Service shall be considered initiated hereunder upon the earlier of the following:

- (a) First use by the customer of the Net Communications service, and,
  - (b) The receipt by Net Communications of a customer's initial payment for Net Communications service.
- 1.5 Service is provided and billed on the basis of usage except as otherwise specified beginning on the date that billing becomes effective, and continues to be provided after the initial period until the customer requests cancellation or until Net Communications disconnects service pursuant to the provisions of this Tariff.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

## SECTION 2 - REGULATIONS

### 2.1 Undertaking of the Carrier

#### 2.1.1 Scope

Resold intrastate interexchange telecommunications is furnished in accordance with the conditions and regulations which are set forth in the body of this Tariff.

#### 2.1.2 Limitations

- A. Service is offered subject to the availability of facilities as provided under this Tariff.
- B. Net Communications reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond it's control; or when the customer is using service in violation of the law or the provisions of this Tariff.
- C. All facilities provided under this Tariff are controlled by Net Communications and the customer may not transfer or assign the use of service of facilities, except with the express written consent of the Carrier. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- D. Prior written permission from the Carrier 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.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.3 Liability of the Carrier**

- A. Except as otherwise stated in this section, the liability of Carrier for damages arising out of either: (1) the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services, or (2) the failure to furnish its service, whether caused by acts or omission, shall be limited to the extension of allowances to the Customer for interruptions in service as set forth in Section 2.1.5.
- B. Except for the extension of allowances to the Customer for interruptions in service as set forth in Section 2.1.5, Carrier shall not be liable to a Customer or third party for any direct, indirect, special, incidental, reliance, consequential, exemplary or punitive damages, including, but not limited to, loss of revenue or profits, for any reason whatsoever, including, but not limited to, any act or omission, failure to perform, delay, interruption, failure to provide any service or any failure in or breakdown of facilities associated with the service.
- C. The liability of Carrier for errors in billing that result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.3 Liability of Carrier (Cont'd)**

- D. Carrier shall not be liable for any claims for loss or damages involving:
1. Any act or omission of: (1) the Customer, (2) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by Carrier; or (3) common carriers or warehousemen;
  2. Any delay or failure of performance or equipment due to causes beyond Carrier's control, including but not limited to, acts of God, fires, floods, earthquakes, hurricanes, or other catastrophes; national emergencies, insurrections, riots, wars or other civil commotions; strikes, lockouts, work stoppages or other labor difficulties; criminal action taken against Carrier; unavailability, failure or malfunction of equipment or facilities provided by the Customer or third parties; and any law, order, regulation or other action of any governing authority or agency thereof;
  3. Any unlawful or unauthorized use of Carrier's facilities and services;
  4. Libel, slander, invasion of privacy or infringement of patents, trade secrets, or copyrights arising from or in connection with the transmission of communications by means of Carrier-provided facilities or services; or by means of the combination of Carrier-provided facilities or services with Customer-provided facilities or services;

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.3 Liability of Carrier (Cont'd)**

- D. Carrier shall not be liable for any claims for loss or damages involving: (Cont'd)
5. Breach in the privacy or security of communications transmitted over Carrier's facilities;
  6. Changes in any of the facilities, operations or procedures of Carrier that render any equipment, facilities or services provided by the Customer obsolete, or require modification or alteration of such equipment, facilities or services, or otherwise affect their use or performance, except where reasonable notice is required by Carrier and is not provided to the Customer, in which event Carrier's liability is limited as set forth in section 2.1.3;
  7. Defacement of or damage to Customer premises resulting from the furnishing of services or equipment on such premises or the installation or removal thereof;
  8. Injury to property or injury or death to persons, including claims for payments made under Worker's Compensation law or under any plan for employee disability or death benefits, arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected, or to be connected to Carrier's facilities;

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.3 Liability of Carrier (Cont'd)**

- D. Carrier shall not be liable for any claims for loss or damages involving: (Cont'd)
9. Any intentional, wrongful act of a Carrier employee when such act is not within the scope of the employee's responsibilities for Carrier and/or is not authorized by Carrier;
  10. Any representations made by Carrier employees that do not comport, or that are inconsistent, with the provisions of this Tariff;
  11. Any act or omission in connection with the provision of 911, E911, or similar services involving emergencies;
  12. Any noncompletion of calls due to network busy conditions;
  13. Any calls not actually attempted to be completed during any period that service is unavailable.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.3 Liability of Carrier (Cont'd)**

- E. Carrier shall be indemnified, defended and held harmless by the Customer or end user from and against any and all claims, loss, demands, suites, expense, or other action or any liability whatsoever, including attorney fees, whether suffered, made, instituted, or asserted by the Customer or by any other party, for any personal injury to or death or any person or persons, and for any loss, damage or destruction of any property, including environmental contamination, whether owned by the Customer or by any other party, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, presence, condition, location, use or removal of any Carrier or customer equipment or facilities or service provided by Carrier.
- F. Carrier assumes no responsibility for the availability or performance of any cable or satellite systems or related facilities under the control of other entities, or for other facilities provided by other entities used for service to the Customer, even if Carrier has acted as the Customer's agent in arranging for such facilities or services. Such facilities are provided subject such degree of protection or nonpreemptibility as may be provided by the other entities.
- G. Any claim of whatever nature against Carrier shall be deemed conclusively to have been waived unless presented in writing to Carrier within thirty (30) days after the date of the occurrence that gave rise to the claim.
- H. CARRIER MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, EXCEPT THOSE EXPRESSLY SET FORTH HEREIN.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.1 Undertaking of the Carrier (Cont'd)****2.1.4 Initial Service Periods and Termination of Service**

The initial service period is one (1) month except as specified in other sections of this Tariff. The initial service period of any class may be greater than that specified above, or elsewhere in this Tariff, when facilities are not available and the customer's location or the character or quantity of the service requested is such that, upon termination of the customer's use thereof, the required facilities are not likely to be useful as a part of a properly designed telephone distribution system serving telephone users in or beyond the customer's location.

**2.1.5 Credit Allowances for Interruption of Service**

Credit allowance for the interruption of service which is not due to the Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth. It shall be the obligation of the customer to notify the Carrier immediately of any interruption in service 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 is not in wiring or equipment, if any, furnished by the customer and connected to the Carrier's facilities.

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 hours in a month (month = 720)

"C" - total monthly charge for affected facility

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.2 Responsibilities of the Subscriber**

- 2.2.1 The Subscriber is responsible for placing any necessary orders; for complying with tariff regulations; for the placement of any stickers or tent cards provided by Carrier or as required by law; and for assuring that Users comply with tariff regulations. The Subscriber shall ensure compliance with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the Subscriber to Users. The Subscriber is also responsible for the payment of charges for calls originated at the Subscriber's numbers which are not collect, third party, calling card, or credit card calls.
- 2.2.2 The Subscriber must pay Carrier for replacement or repair of damage to the equipment or facilities of Carrier caused by negligence or willful act of the Subscriber, Users, or other, by improper use of the services, or by use of equipment provided by the Subscriber, Users, or others.
- 2.2.3 The Subscriber must pay for the loss through theft of any Carrier equipment installed at Subscriber's premises.
- 2.2.4 The Subscriber shall indemnify and save Carrier harmless from all liability disclaimed by Carrier in this tariff, arising in connection with the provision of service by Carrier, and shall protect and defend Carrier from any suits or claims against Carrier and shall pay all expenses and satisfy all judgments rendered against Carrier in connection herewith. Carrier shall notify the Subscriber of any suite or claim against Carrier of which it is aware.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

**SECTION 2 - REGULATIONS (Cont'd)****2.3 Use of Service**

The services tariffed are furnished subject to the condition that they will not be used for any unlawful purpose. Services will not be furnished if any law enforcement agency, acting within its jurisdiction, advises that such services are being used or are likely to be used in violation of the law.

**2.4 Customer Equipment and Channels****2.4.1 Interconnection With Other Companies**

Service furnished by Net Communications may be connected with services or facilities of another participating carrier or may be provided over facilities which are solely provided by local utilities and/or interexchange carriers other than Net Communications. Service furnished by Net Communications is not part of a joint undertaking with such other carriers.

**2.5 Advance Payments and Deposits**

Net Communications will not collect advance payments or deposits from Customers.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.6 Rendering and Payment of Bills****2.6.1 Rendering of Bills**

Regular customer bills are issued monthly. Each bill contains the dates included in the billing period, dates for service charges associated with work performed and the last date for timely payment. Bills include the amount the customer is charged, stated by category, sales tax and excise tax, with separate entries for total amounts current or in arrears. Reasonable customer requested adjustments to monthly bills may be made if the Customer brings the desired adjustment to Net Communications' attention.

**2.6.2 Due Dates**

Customer payments are considered prompt when received by Net Communications or its agent by the due date on the bill. The due date is thirty (30) days after the bill is rendered. Any Customer not paying within thirty (30) days is considered delinquent.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

**SECTION 2 - REGULATIONS (Cont'd)****2.6 Rendering and Payment of Bills (Cont'd)****2.6.3 Payment for Service**

The rates specified in this tariff are rates based on usage, billed monthly and payable in arrears. All Customers shall be permitted to have a last date for timely payment changeable for cause in writing. Such a change will become effective when acknowledged by Net Communications. Until acknowledged, no change in date of timely payment is recognized by Net Communications. The maximum payment required for restoration of service that existed prior to disconnection shall be the total past-due amount, applicable charges and Advance Payment and Deposit as specified elsewhere in this tariff. The Customer is held responsible for all charges for services furnished at the Customer's request and for all toll service furnished. It is the Customer's responsibility to contact Net Communications when no bill is received. Except as provided elsewhere in this tariff, the rate for a full billing period is specified in this tariff. If the prorating indicates a refund is due, the refund is applied as a bill credit.

**2.6.4 Disputed Bills**

In the event of a dispute concerning a bill, Net Communications may require the Customer to pay the undisputed portion of the bill. Following payment of the undisputed amount, efforts to resolve the complaint, using complaint procedures in this tariff, shall continue for no more than forty-five (45) days after the rendering of the disputed bill. During this period the service shall not be disconnected for nonpayment of the disputed amount.

---

**Issued: August 14, 2000****Effective: October 13, 2000****Issued by:****Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108**

---

**SECTION 2 - REGULATIONS (Cont'd)****2.6 Rendering and Payment of Bills (Cont'd)****2.6.5 Customer Complaints**

Customer complaints are handled by a full service customer service department. A customer or prospective customer may initiate a complaint or billing inquiry with Net Communications by either calling 1-888-713-4652 during normal business hours or submitting a written complaint to:

Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

Net Communications' response to the customer will generally be in the same form used by the customer. However, Net Communications may respond to written complaints by telephone when it believes such communications will be more effective in resolution of the issue. When a complaint or billing inquiry is received, a Net Communications customer service representative will determine if the call was processed by Net Communications, and if so, the type of call. If it is a fraud or unanswered call for which the customer should not be held responsible, Net Communications will refund all charges for the call. If there is a rate dispute, Net Communications will adjust the charges if an error is confirmed. The customer may at any point during the resolution of the complaint or billing inquiry seek review by a Net Communications supervisor or manager. If the customer wishes further review after investigation and final resolution by Net Communications, the customer may direct all appropriate information to the Federal Communications Commission or the Consumer Affairs Division of the Florida Public Service Commission. The Division's address is:

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399 -0850  
Phone: 1-850-413-6100  
Complaint Line: 1-800-342-3552  
E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

**SECTION 2 - REGULATIONS (Cont'd)****2.6 Rendering and Payment of Bills (Cont'd)****2.6.6 Discontinuance of Service**

Carrier may terminate Service to a Customer for nonpayment of undisputed charges or other violation of this tariff or provision of law upon written notice, as required below, to the Customer without incurring any liability for damages due to loss of telephone Service to the Customer. Termination of Service will not occur on any Friday, Saturday, Sunday or legal holidays. Charges will not be considered past due until thirty (30) days from the closing date printed on the Customer's bill.

The Carrier may refuse or discontinue Service under the following conditions provided that the Customer shall be given five (5) days written notice, excluding Sundays and legal holidays, to comply with any rule or remedy any deficiency:

- A. For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telephone Service, including, but not limited to, the placement of harassing, annoying or repeated unwanted calls of which the Carrier receives notice.
- B. For use of telephone Service for any purpose other than that described in the application.
- C. For neglect or refusal to provide reasonable access to the Carrier or its agents for the purpose of inspection and maintenance of equipment owned by the Carrier or its agents.
- D. For noncompliance with or violation of Commission regulation or the Carrier's rules and regulations on file with the Commission.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 2 - REGULATIONS (Cont'd)****2.6 Rendering and Payment of Bills (Cont'd)****2.6.6 Discontinuance of Service (Cont'd)**

- E. For failure of Customer to pay a bill for utility service when due.
- F. For failure of Customer to meet the Carrier's credit requirements.
- G. Without notice in the event of Customer use of equipment or services in such a manner as to adversely affect the Carrier's equipment or Service to others.
- H. Without notice in the event of tampering with the equipment or services owned by the Carrier, the Underlying Carrier or their agents.
- I. Without notice in the event of a condition determined to be hazardous to the Customer, to other Customers of the Carrier, to the Carrier's equipment, the public, or to employees of the Carrier.

---

**Issued: August 14, 2000****Effective: October 13, 2000****Issued by:****Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108**

---

**SECTION 2 - REGULATIONS (Cont'd)****2.7 Taxes And Fees**

Now, or at any future time, if a state or municipality possesses or acquires the legal right to impose an occupation tax, license tax, sales tax, gross receipts tax, permit fee, franchise fee or other similar charge upon Net Communications, and has imposed, or imposes the same by ordinance or otherwise, such taxes, fees or charges shall be billed to the customers receiving service within the territorial limits of such municipality. Such billing shall allocate the tax, fee or charge among customers uniformly on the basis of each customer's monthly charges for the types of service made subject to such tax, fee or charge.

If at any future time a county or other local taxing authority acquires the legal right to impose an occupation tax, license tax, sales tax, gross receipts tax, permit fee, franchise fee or other similar charge upon Net Communications, and has imposed, or imposes the same by ordinance or otherwise, such taxes, fees or charges shall be billed to the customers receiving service within the territorial limits of such municipality. Such billing shall allocate the tax, fee or charge among customers uniformly on the basis of each customer's monthly charges for the types of service made to such tax, fee or charge.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 3 - EXPLANATION OF RATES****3.1 Timing of Calls**

The Customer's long distance usage charge is based on the actual usage of Net Communications' network. Usage begins when the called party picks up the receiver. 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. A call is terminated when either calling party hangs up.

**3.2 Billing Increments**

Except as otherwise stated herein, all calls are billed in one (1) minute increments. All calls are rounded up to the next whole increment.

**3.3 Uncompleted Call Crediting**

If A Customer receives a bill for an uncompleted call, Net Communications will reimburse the customer for the full amount.

**3.4 Minimum Call Completion Rate**

A Customer can expect a call completion rate (number of calls completed/number of calls attempted) of not less than 95% during peak use periods for all FGD services.

**3.5 Rates Based Upon 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:  $\sqrt{(V1 - V2)^2 + (H1 - H2)^2}$

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

**SECTION 3 - EXPLANATION OF RATES****3.6 Specialized Pricing Arrangements**

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be provided to Customers pursuant to contract. Unless otherwise specified, the regulations for such arrangements are in addition to the applicable regulations and prices in other sections of the tariff. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis.

---

Issued: August 14, 2000

Effective: October 13, 2000

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

---

**SECTION 4 - SERVICE OFFERINGS****4.1 Long Distance Service**

Carrier's Long Distance Service (LDS) is a communications service which is available for use by customers twenty-four (24) hours a day. Customers may originate LDS from locations served by the Carrier, and may terminate in all locations within the State of Florida.

The service is offered in Feature Group D (FGD) exchanges where the Customer's local telephone lines are presubscribed by the local exchange company to the Company's LDS service, such that "1+" interLATA calls are automatically routed to the Company's network.

**4.2 Toll Free Service**

Toll Free Service is an inbound communications service which permits calls to be completed at the Customer's location without charge to the calling party. Access to the service is gained by dialing a ten (10) digit telephone number (800+ NXX-XXXX) which will terminate at the Customer's location. Calls may originate from any location within the State of Florida and may terminate at the Customer's location.

Toll Free Service will be billed per call based on the duration of the call. Usage discounts apply to aggregate monthly interstate and intrastate usage.

Toll Free service calls are originated via normal shared use facilities and are terminated via the Customer's local exchange service access line.

---

**Issued:****Effective:****Issued by:**

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

SECTION 4 - SERVICE OFFERINGS (Cont'd)

4.3 Miscellaneous Services

**RESERVED FOR FUTURE USE**

---

Issued:

Effective:

Issued by:

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

**SECTION 5 - RATES**

**5.1 Long Distance Service - Rates N50**

Minimum Monthly Service Fee: \$ 3.95  
Maximum Monthly Service Fee: \$ 9.95

	<u>Rate Per Minute</u>
Rates apply 24 hours a day, 7 days a week	\$0.085

**5.2 Long Distance Service - Rates N55**

"Hello America" / "Hola America"

This service provides the user with a savings of 50% on each additional minute after the first ten minutes of call.

Monthly Service Fee: \$ 4.95

	<u>First Ten Minutes</u>	<u>Each Addnl. Minute</u>
Rates apply 24 hours a day, 7 days a week	\$0.2200	\$0.1100

Issued:

Effective:

Issued by: Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 5 - RATES****5.3 Long Distance Service - Rates N65****"Hello USA" / "Hola USA"**

This service provides a flat rate designed for Customers that spend an average of at least \$10.00 per month in domestic long distance calling.

Monthly Service Fee:       \$ 4.95

Rate Per Minute

Rates apply 24 hours a day,  
7 days a week

\$0.0950

**5.4 Toll-Free Service**

**[PLEASE PROVIDE]**

**5.5 Miscellaneous Services**

**RESERVED FOR FUTURE USE**

---

**Issued:****Effective:****Issued by:**

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 5 - RATES****5.6 Late Payment Charge**

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

**5.7 Return Check Charge**

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds.

**5.8 Restoration of Service**

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

**5.9 Directory Assistance Charge**

Carrier will connect LDS Service Customers to Directory Assistance (DA) for a fee of \$0.75 per occurrence.

**5.10 Special Promotions**

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

**5.11 Presubscribed Interexchange Carrier Charge ("PICC")**

Presubscribed Interexchange Carrier Charges are neither contributory to nor eligible to receive discounts nor are they eligible to contribute to meeting minimum monthly usage requirements. This charge applies on a monthly basis to all Customer monthly bills beginning with bills dated on or after October 30, 1998. The application of this charge is subject to billing availability. Only one PICC will be applied per line.

A PICC of \$2.75 applies to each line presubscribed to the Company as the primary interexchange carrier.

---

**Issued:****Effective:****Issued by:**

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

---

**SECTION 5 - RATES****5.12 Payphone Surcharge**

A charge will apply to calls that originate from any payphone used to access Carrier's services.

Rate per Call: \$0.24

**5.13 Special Rates For The Handicapped****5.13.1 Directory Assistance**

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

**5.13.2 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.

**5.13.3 Telecommunications Relay Service**

The charge for intrastate toll calls received from the relay service, will be 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.

313595.1

---

**Issued:****Effective:****Issued by:**

Marcos Luciano, CEO  
Net Communications Corp.  
2635 Camino del Rio South, Suite 111  
San Diego, CA 92108

## EXHIBIT 2

### **FINANCIAL STATEMENTS**

Net Communications has access to the financing and capital necessary to conduct the telecommunications operations as specified in this Application. Net Communications has been financed with \$310,000 in initial capital and debt contributions from its shareholders and affiliates to fund operations during the start-up phase. Net Communications is a new and emerging company, and as such, does not yet have audited financial statements. Attached is a copy of Net Communications's balance sheet and income statement for the fiscal quarter ended May 31, 2000. As discussed above, Net Communications will be reselling the services of other carriers.

## NET COMMUNICATIONS CORP.

## Balance Sheet

May 31, 2000

## ASSETS

Current Assets		
BOFA-Primary	\$	<34.56>
BOFA-First Account		2.88
BofA Checking California		<8.46>
Accounts Receivable		233,302.24
Other Receivables		165,124.97
		<hr/>
Total Current Assets		398,387.07
Property and Equipment		
Equipment		3,396.94
		<hr/>
Total Property and Equipment		3,396.94
Other Assets		
Organization Costs		3,103.00
		<hr/>
Total Other Assets		3,103.00
		<hr/>
Total Assets	\$	<u>404,887.01</u>

## LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	127,940.60
Other Taxes Payable		<8,833.00>
		<hr/>
Total Current Liabilities		119,107.60
Long-Term Liabilities		
Long-Term Shareholders		100,000.00
Long-Term CIMVERSA		200,000.00
		<hr/>
Total Long-Term Liabilities		300,000.00
		<hr/>
Total Liabilities		419,107.60
Capital		
Common Stock		10,000.00
Retained Earnings		1,680.78
Net Income		<25,901.37>
		<hr/>
Total Capital		<14,220.59>
		<hr/>
Total Liabilities & Capital	\$	<u>404,887.01</u>

Unaudited - For Management Purposes Only

NET COMMUNICATIONS CORP.  
Income Statement  
For the Eleven Months Ending May 31, 2000

	Current Month		Year to Date	
<b>Revenues</b>				
Fees Earned	\$ 16,393.01	100.00	\$ 4,700,917.87	100.00
<b>Total Revenues</b>	<u>16,393.01</u>	<u>100.00</u>	<u>4,700,917.87</u>	<u>100.00</u>
<b>Cost of Sales</b>				
Cost of Sales	8,977.71	54.77	1,348,906.56	28.69
Cost of Sale- Commission	0.00	0.00	3,203,062.64	68.14
<b>Total Cost of Sales</b>	<u>8,977.71</u>	<u>54.77</u>	<u>4,551,969.20</u>	<u>96.83</u>
<b>Gross Profit</b>	<u>7,415.30</u>	<u>45.23</u>	<u>148,948.67</u>	<u>3.17</u>
<b>Expenses</b>				
Advertising Expense	0.00	0.00	1,136.58	0.02
Bad Debt Expense	0.00	0.00	9,355.54	0.20
Bank Charges	212.90	1.30	1,510.66	0.03
Contracted Services	299.89	1.83	3,251.61	0.07
Legal and Professional Expense	4,264.59	26.01	25,397.31	0.54
Licenses Expense	0.00	0.00	665.00	0.01
Office Expense	4,086.50	24.93	20,357.58	0.43
Other Taxes	0.00	0.00	252.00	0.01
Rent or Lease Expense	0.00	0.00	4,657.03	0.10
Salaries Expense	37,509.30	228.81	77,509.30	1.65
Wages Expense	0.00	0.00	30,757.43	0.65
<b>Total Expenses</b>	<u>46,373.18</u>	<u>282.88</u>	<u>174,850.04</u>	<u>3.72</u>
<b>Net Income</b>	<u>\$ &lt;38,957.88&gt;</u>	<u>&lt;237.65&gt;</u>	<u>\$ &lt;25,901.37&gt;</u>	<u>&lt;0.55&gt;</u>

For Management Purposes Only

NET COMMUNICATIONS CORP.  
Statement of Cash Flow  
For the eleven Months Ended May 31, 2000

	Current Month	Year to Date
<b>Cash Flows from operating activities</b>		
Net Income	\$ <38,957.88>	\$ <25,901.37>
Adjustments to reconcile net income to net cash provided by operating activities		
Accounts Receivable	0.00	<233,302.24>
Other Receivables	0.00	<155,124.97>
Accounts Payable	44,155.98	127,940.60
Other Taxes Payable	<5,229.56>	<8,833.00>
	<hr/>	<hr/>
Total Adjustments	38,926.42	<269,319.61>
	<hr/>	<hr/>
Net Cash provided by Operations	<31.46>	<295,220.98>
	<hr/>	<hr/>
<b>Cash Flows from investing activities</b>		
Used For		
Equipment	0.00	<3,396.94>
Organization Costs	0.00	<3,103.00>
	<hr/>	<hr/>
Net cash used in investing	0.00	<6,499.94>
	<hr/>	<hr/>
<b>Cash Flows from financing activities</b>		
Proceeds From		
Long-Term Shareholders	0.00	100,000.00
Long-Term CIMVERSA	0.00	200,000.00
Used For		
	<hr/>	<hr/>
Net cash used in financing	0.00	300,000.00
	<hr/>	<hr/>
Net increase <decrease> in cash	\$ <31.46>	\$ <1,720.92>
	<hr/> <hr/>	<hr/> <hr/>
<b>Summary</b>		
Cash Balance at End of Period	\$ <40.14>	\$ <40.14>
Cash Balance at Beginning of P	8.68	<1,680.78>
	<hr/>	<hr/>
Net Increase <Decrease> in Cash	\$ <31.46>	\$ <1,720.92>
	<hr/> <hr/>	<hr/> <hr/>

Unaudited - For Internal Use Only.

**EXHIBIT 3**

**MANAGERIAL AND TECHNICAL CAPABILITY**



### **Marcos Luciano, President and CEO**

Born in Mexico City and a naturalized American citizen completing his degree in Business Administration, Marcos brings with him more than eight years of experience within the residential and commercial telecommunications industry. In 1992, Marcos began as General Sales Manager, developing a sales plan for the telecommunications company World XChange. There, he formed a sales team consisting of more than 200 in-house representatives and 100 independent contractors, reaching monthly revenues of more than \$3.5 million.

Shortly thereafter, Marcos helped found Genesis Communications International, Inc. in the position of Sales Director, with responsibility for developing the company's entire sales strategy. By offering its long distance services via in-house telemarketing and outside agents, Genesis Communications International, Inc. has reached monthly revenues of more than \$1.5 million.

Marcos has now forged a partnership with Edgardo Morelos and Lucio Rodriguez in the telecommunications company known as Net Communications, Corp. With the combined experience of these three, Net Communications, Corp. expects to quickly become a leader in the U.S. long distance market.

### **Edgardo Morelos – COO.**

In 1992, after receiving his degree in Business Administration, and with an interest in the rapidly developing telecommunications industry, Edgardo decided to launch his career within the telecommunications medium.

Edgardo entered the residential long distance market at World Xchange. His abilities soon enabled him to expand into the commercial market. Edgardo advanced rapidly at World Xchange, holding supervisory positions in both residential and commercial sales, becoming Customer Service Supervisor, and later, Credits and Disputes Manager. His management skills and diplomacy in dealing with local companies ultimately gained him the position of Executive Director of International Sales focusing on the long distance market in Mexico.

In 1996, Edgardo established his own telecommunications company, "Comunicaciones Intercambio Mundial, Inc." (C.I.M., Inc.), offering services such as 0+ [Zero Plus] Dialing from Mexico to the United States, and reaching annual sales of over \$5 million.

C.I.M.'s success motivated Edgardo to embark on a new venture -- providing telecommunications services in the United States. Net Communications, Corp. is the realization of that ambition.

2635 Camino del Rio South # 111 San Diego, Ca. 92108  
Phone (619) 291-8841 Fax (619) 491-0126  
E-mail: netusacom@aol.com



## **Lucio Rodriguez - CFO**

After completing his studies in Business Administration, Lucio entered the transportation industry in Mexico, eventually holding a top executive position inside the largest transportation company worldwide, Autobuses Estrella Blanca, S.A de C.V.

In 1989, Lucio founded Turistar, S.A. de C.V., a tourist transportation company offering executive passenger services between Mexico City and the northern border cities. As Regional Manager, he was responsible for the operation of 60 offices throughout the country with a total of more than 2500 employees.

In 1995, Lucio founded Crucero and Los Rapidos, two companies that, together with Greyhound Lines, Inc., offer transportation from key points in several states of Mexico to major destinations in the United States. Working in the transportation field, Lucio observed the frustration of many passengers in not being able to communicate with relatives in the United States due to the lack of public telephones in Mexico. As a result, he opened TeleExpress, S.A de C.V., a telecommunications company which established call centers in the main bus terminals in Mexico as well as in rural towns whose telecommunications needs were not being met by the government-operated telephone company.

Shortly thereafter, Lucio created Versatel Communications, Corp. whose main objective was to offer 0+ [Zero Plus] Dialing service from Mexico to the United States. Sales figures for Versatel Communications have reached \$6 million.

Lucio's achievements with Versatel, prompted him, along with his associates, to form Net Communications, Corp., a company providing domestic and international long distance telecommunications services within the United States.

EXHIBIT 4

**CERTIFICATE TO TRANSACT BUSINESS**



**FLORIDA DEPARTMENT OF STATE**  
**Katherine Harris**  
**Secretary of State**

February 14, 2000

**CORPORATE ACCESS**

**TALLAHASSEE, FL**

Qualification documents for NET COMMUNICATIONS CORP. were filed on February 14, 2000 and assigned document number F00000000828. Please refer to this number whenever corresponding with this office.

Your corporation is now qualified and authorized to transact business in Florida as of the file date.

The certification you requested is enclosed.

A corporation annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (850) 487-6091, the Foreign Qualification/Tax Lien Section.

Buck Kohr  
Corporate Specialist  
Division of Corporations

Letter Number: 400A00007622

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 32314



**Department of State**

I certify the attached is a true and correct copy of the application by NET COMMUNICATIONS CORP., a Nevada corporation, authorized to transact business within the State of Florida on February 14, 2000 as shown by the records of this office.

The document number of this corporation is F0000000828.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the Fourteenth day of February, 2000



CR2EQ22 (1-99)

*Katherine Harris*  
Katherine Harris  
Secretary of State

FILED  
DEPARTMENT OF STATE  
CORPORATION  
00 FEB 14 PM 2:48

**APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA**

**IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA.**

- 1. NET COMMUNICATIONS CORP.  
(Name of corporation; must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)
- 2. NEVADA  
(State or country under the law of which it is incorporated)
- 3. 52-2114243  
(FEI number, if applicable)
- 4. July 21, 1998  
(Date of incorporation)
- 5. Perpetual  
(Duration: Year corp. will cease to exist or "perpetual")
- 6. Upon qualifications  
(Date first transacted business in Florida.) (SEE SECTIONS 607.1501, 607.1502 and 617.155, F.S.)  
2635 Camino Del Rio S III San Diego, CA 92108
- 7. \_\_\_\_\_  
(Current mailing address)

8. The corporation is organized for the purpose of engaging in any lawful activity.  
(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box NOT acceptable)

Name: Paracorp Incorporated

Office Address: 236 East 6th Ave.

Tallahassee, Florida, 32303  
(Zip code)

10. Registered agent's acceptance:

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

Dennis Zolner  
(Registered agent's signature) Assistant Secretary.

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

12. Names and addresses of officers and/or directors: (Street address ONLY - P.O. Box NOT acceptable)

**A. DIRECTORS (Street address only - P.O. Box NOT acceptable)**

~~CHAIRMAN~~ Director: Lucio Rodriguez

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

~~Vice Chairman~~ Director: Edgardo Morelos

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

Director: Marcos Luciano

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

Director: \_\_\_\_\_

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

**B. OFFICERS (Street address only - P.O. Box NOT acceptable)**

President: Lucio Rodriguez

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

Vice President: \_\_\_\_\_

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

Treasurer & Secretary: Edgardo Morelos

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

Chief Executive Officer

Marcos Luciano

Address: 2635 Camino del Rio South #111  
San Diego, CA 92108

**NOTE:** If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13. \_\_\_\_\_

(Signature of Chairman, Vice Chairman, or any officer listed in number 12 of the application)

14. MARCOS LUCIANO, CHIEF EXECUTIVE OFFICER

(Typed or printed name and capacity of person signing application)

FILED  
SECRETARY OF STATE  
CORPORATE  
00 FEB 14 PM 2:48

# SECRETARY OF STATE



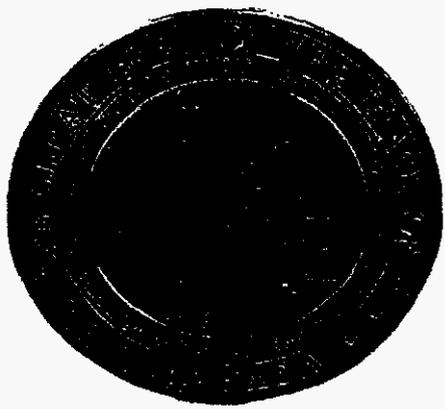
## CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

FILED  
 SECRETARY OF STATE  
 DIVISION OF CORPORATIONS  
 FEB 14 PM 2:48

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **NET COMMUNICATIONS CORP.**, as a corporation duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since July 21, 1998, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office, in Carson City, Nevada, on February 4, 2000.



*Dean Heller*

Secretary of State

By *Joann Larson*  
Certification Clerk

# SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR  
3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FAX (202) 424-7645  
WWW.SWIDLAW.COM

NEW YORK OFFICE  
THE CHRYSLER BUILDING  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174  
(212) 973-0111 FAX (212) 891-9598

August 14, 2000

## VIA FEDERAL EXPRESS

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0870

DEPOSIT                      DATE  
D 3 4 8                      AUG 1 6 2000

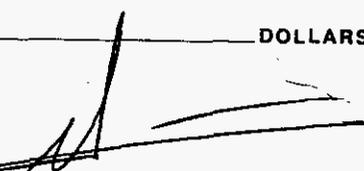
Re:    Application of Net Communications Corporation to Provide Interexchange  
      Services in Florida

Dear Ms. Bayo:

Enclosed for filing on behalf of Net Communications Corporation ("Net Communications") please find an original and six (6) copies of Net Communications's application for authority to provide alternative interexchange services in Florida. Also enclosed is a check in the amount of \$250.00 to cover the application filing fee.

Please date-stamp the enclosed extra copy 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 us.

Respectfully yours,

NET COMMUNICATION CORPORATION		1112
Florida Public Service Commission		94-79/1224
PAY TO THE ORDER OF	March 21, 2000	DATE
Two Hundred and Fifty dls 00/100		\$ 250.00
DOLLARS		
 Bank of America PO. Box 98600 #7013 Las Vegas, Nevada 89193-8600 (800) 388-2265	DOCUMENT NO. 09861-00 R-15-00	
FOR	Application fee	
⑈0000 1 1 1 2⑈ 1		