

CHAN BRYANT ABNEY

Attorney-at-Law

August 12, 2000

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

001195-TX

Dear Ms. Bayo:

Please find enclosed an original and seven (7) copies of Baytel Communications, Inc. Application for Authority to Provide Alternative Local Exchange Service Within the State of Florida. I have also enclosed a check in the amount of \$250.00 for the application fee. Please date stamp the extra copy and return it to the undersigned in the enclosed self-addressed stamped envelope.

Please note that the original application includes certain information regarding Baytel Communications, Inc.'s funding sources. I am hereby requesting confidential treatment of this information which is being provided in response to Item 18.A.2. This information has been clearly marked and labeled as confidential in the original filing and has been redacted in the remaining six (6) copies. Please advise the undersigned as soon as possible should you have any questions or concerns regarding this request.

Thank you for your assistance in this matter.

Yours truly,

Chan Bryant Abney

Chan Bryant Abney

c: Mr. Marvin Holloway

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 10046-00. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

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:
[Signature]

DOCUMENT NUMBER - DATE

10045 AUG 17 8

FPSC-RECORDS/REPORTING

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

DIVISION OF TELECOMMUNICATIONS
BUREAU OF CERTIFICATION AND SERVICE EVALUATION

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

001175-TX

Instructions

- ◆ This form is used as an application for an original certificate and for approval of the assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Appendix A).
- ◆ Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of **\$250.00** to:

Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770

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

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

APPLICATION

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

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.

Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.

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:

BAYTEL COMMUNICATIONS, INC.

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

BAYTEL COMMUNICATIONS, INC.

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

1915 BRICKELL AVENUE, SUITE C-801

MIAMI, FLORIDA 33129

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

1915 BRICKELL AVENUE, SUITE C-801

MIAMI, FLORIDA 33129

6. Structure of organization:

- () Individual (x) Corporation
() Foreign Corporation () Foreign Partnership
() General Partnership () Limited Partnership
() Other _____

7. **If individual**, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

- (a) The Florida Secretary of State corporate registration number:

P00000062534

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

- (a) The Florida Secretary of State corporate registration number:

NOT APPLICABLE

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

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

NOT APPLICABLE

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

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

NOT APPLICABLE

12. **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: _____

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

(a) **The Florida registration number:** NOT APPLICABLE

14. Provide **F.E.I. Number**(if applicable): PENDING

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

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. Provide explanation.

NOT APPLICABLE

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

NOT APPLICABLE

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

(a) The application:

Name: CHAN BRYANT ABNEY

Title: ATTORNEY

Address: 3258 NW 22nd AVENUE

City/State/Zip: OAKLAND PARK, FLORIDA 33309

Telephone No.: (954) 731-2339 **Fax No.:** (954) 485-1458

Internet E-Mail Address: chanabney@aol.com

Internet Website Address: Not Applicable

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

Name: MARVIN HOLLOWAY

Title: PRESIDENT/CEO

Address: 1915 BRICKELL AVENUE, SUITE C-801

City/State/Zip: MIAMI, FLORIDA 33129

Telephone No.: (305) 860-2948 **Fax No.:** (305) 381-8499

Internet E-Mail Address: mhbaytel@bellsouth.net

Internet Website Address: NOT APPLICABLE

(c) Complaints/Inquiries from customers:

Name: EUGENE FORD, JR.

Title: VICE PRESIDENT, CUSTOMER CARE

Address: 1915 BRICKELL AVENUE, SUITE C-801

City/State/Zip: MIAMI, FLORIDA 33129

Telephone No.: (305) 860-2948 **Fax No.:** (305) 381-8499

Internet E-Mail Address: efjemm@aol.com

Internet Website Address: NOT APPLICABLE

17. List the states in which the applicant:

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

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

18. Submit the following:

A. Financial capability.

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

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer **affirming that the financial statements are true and correct** and should include:

1. the balance sheet;
2. income statement; and
3. statement of retained earnings.

NOTE: *This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.*

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

1. **written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
 2. **written explanation** that the applicant has sufficient financial capability to maintain the requested service.
 3. **written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.
- B. **Managerial capability:** give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.
- 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.

Item 18. A.

Financial Capability

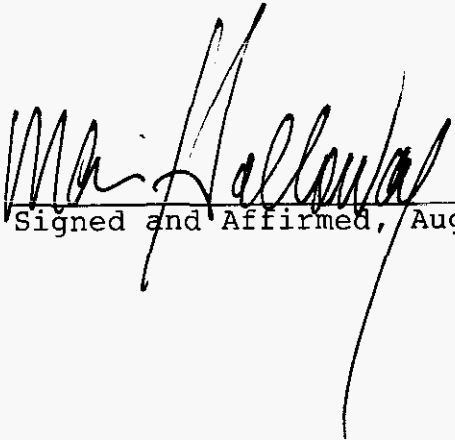
Please see P&L attached.

1. Baytel Communications, Inc. has attached its three (3) year pro forma P&L Statement. Baytel is making a dedicated commitment to its customers and will market and operate an advanced Customer Care program. Baytel is also negotiating financing in the amount of \$500,000.00 from a confidential lending source (please see reference attached) and is expecting a \$150,000.00 equity infusion from its owners.
2. The Company will operate in Miami/Dade County, Florida. The two (2) majority owners will register the company as an MBE operating in Dade County pursuant to Ordinance 99-167 (December 16, 1999). Baytel will also post a \$100,000.00 bond as required to assure acceptable performance. The Company is also required to meet certain liability requirements as provided by the County.
3. The Company's service offering is basic local phone service along with ISP and Internet. As a provider of these services, the Company is cautiously scaled for user-growth in Miami/Dade. Baytel believes that its management and financial capability will be sufficient to provide effective service while maintaining a positive level of Customer Care.

The Company's intent is to function as a non-facilities based Alternative Local Exchange Carrier. Baytel plans to implement a strategic alliance with an existing Florida-based ALEC that will provide A to Z back office tasks and functions. Baytel is planning to enter into a contractual relationship with an outsourced vendor to cover installations and technical maintenance as well as sales and customer service back-up. The vendor has a tremendous amount of experience in the industry and has provided service to firms such as Lucent Technologies, BellSouth, AT&T and others who are sophisticated in the Industry.

BAYTEL COMMUNICATIONS, INCORPORATED
3-year Pro Forma Profit & Loss Statement - U.S. dollars

| | <u>2000*</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|---|---------------------|-----------------------|-------------------|---------------------|
| Revenue | \$ 173,435 | \$ 2,081,220 | \$ 6,243,660 | \$ 10,406,100 |
| Operating expenses | <u>131,482</u> | <u>1,577,782</u> | <u>3,392,097</u> | <u>5,130,578</u> |
| Gross margin | 41,953 | 503,438 | 2,851,563 | 5,275,522 |
| Selling, general, and administration | | | | |
| Back-office cost | 44,583 | 535,000 | 901,000 | 1,267,000 |
| Other selling, general and administration | <u>111,587</u> | <u>1,339,041</u> | <u>1,960,302</u> | <u>2,523,603</u> |
| Total selling, general, and administration | 156,170 | 1,874,041 | 2,861,302 | 3,790,603 |
| Earning before interest and taxes | <u>\$ (114,217)</u> | <u>\$ (1,370,603)</u> | <u>\$ (9,739)</u> | <u>\$ 1,484,919</u> |


 Signed and Affirmed, August 2, 2000

* assumes operations begin in 2000 Q4

Item 18. B.

Managerial Capability

Please see resumes attached.

Marvin Holloway, President, CEO
Co-founder, Baytel Communications, Inc.

Mr. Holloway is an entrepreneur possessing multifaceted experiences in economic development for nonprofit and for-profit organizations.

Previously, Mr. Holloway served as Manager of an import-export Company that did business between the United States and North Africa.

Since coming to Miami, Mr. Holloway helped found the HCF Group, a hospitality industry development company that is part of a joint venture currently pursuing the development of an oceanside, four star resort hotel on Miami's South Beach.

Mr. Holloway has a Bachelor of Arts Degree from Lincoln University and a Masters Degree in African Studies from Howard University.

Marvin Holloway, President, CEO
Co-founder, Baytel Communications, Inc.

EDUCATION: Howard University, M.A. in African Studies, 1969
Lincoln University, B.A. in Political Science, 1966

EXPERIENCE: 1994 to Present
Formed JEMMCO Construction and Development, Miami, Florida. The company is a building contractor and property developer.

1989 to 1994
Public Assistance Specialist and Assistant Supervisor, Florida Department of Children and Families; provide program services for state welfare beneficiaries.

1986 to 1988
First Investors, Miami, Florida, District Manager; Registered Representative; sold investment securities; assisted in the management of branch sales office, staff training and administrative management.

1980 to 1985
Maytor Petroleum Company, Washington, D.C. a minority-owned venture; served as CEO; carried out company affairs with European bankers and shippers; developed contracts within the oil industry; successfully negotiated four year oil supply contract with OPEC country.

1977 to 1980
Emergency Fund for Southern Africa, Washington, D.C.; co-founder; served in voluntary capacity as a co-director responsible for administration, coordinator of programs and fund-raising.

1967-1977
Institute for Policy Studies, Washington, D.C., Resident Fellow, project coordinator of African Unit; carried out research, organized seminars, developed policy analysis on U.S. African relations and internal African developments.

1970-1971
University of Buffalo, Buffalo, NY, Visiting Lecturer; taught undergraduate course on Black political economy in America.

Eugene Ford, Jr., Executive Vice President
Co-founder, Baytel Communications, Inc.

8161 Shady Grove Road
Jacksonville, FL 32256

Home Phone (904) 646-5166
Fax (904) 641-0596
Email efjemm@aol.com

EDUCATION: **United States Naval Academy, Annapolis, Maryland.**
Bachelor of Science in Economics/General Engineering, 1976.
Certified Building Contractor, State of Florida.
Department of Business & Professional Regulation, Construction
Industry Licensing Board, 1990.

EXPERIENCE: **JEMMCO Companies, Miami, Florida**
May 1994- Present.
Co-Founder, Executive Partner in JEMMCO Enterprises,
Inc. a certified minority vendor and JEMMCO Construction
& Development Company, Inc. a building contractor and
property developer.

Argus Construction Corporation- Miami, Florida
August 1987-December 1997
President and Chief Executive Officer. The Company is a
general and specially contractor primarily engaged in the
construction of commercial and industrial buildings.

Humana, Inc. - Louisville, Kentucky
April 1985-July 1987
Corporate Office Human Resources. Responsible for
recruiting, workers' compensation and relocation.

Frito Lay, Inc. - Louisville, Kentucky
November 1983-March 1985
Administrative Manager. Responsible for day to day
operations of mid-size distribution center.

United States Naval Academy- Annapolis, Maryland
November 1980-November 1983
United States Naval Lieutenant. Central and North Central
Region Admissions Officer.

Helicopter Support Squadron - San Diego, California
May 1976- November 1980
Aircraft Mission Commander (Pilot) and Schedules Officer.
Flight Training - Pensacola, Florida and Corpus Christi, Texas.
Recruiting - Louisville, Kentucky

ACTIVITIES: **Captain, United States Naval Reserve**
Executive Board Member, South Florida Council,
Boy Scouts of America

Item 18. C.

Technical Capability

Please see resumes attached.

Global PhoneCenters

8700 NW 7th Ave
 Miami, FL 33150
 Phone: 305 691-4421
 Fax: 305 691-2589
www.globalphonecenter.com

Mack Samuel, the founder of Global, has 30 years experience and expertise in training, marketing and sales management of AT&T and Lucent products and services. Mr. Samuel has trained countless successful sales and service personnel, many of whom are now Lucent Dealers nationwide. He is the recipient of numerous sales management and leadership awards. Throughout his career, he has also maintained a very active leadership role in community service among local chambers of commerce and various education related organizations. He has also maintained close relationships with clients throughout the Southeastern United States. Mr. Samuel's management skills, knowledge of products, sales, and training dealers and technicians puts him in a unique position to lead Global in the implementation of this Business Plan.

Global Phone Centers, established in 1998, is a d.b.a. of Telan Technologies, a Florida corporation. We are an authorized business partner of Lucent Technologies offering a wide range of communications solutions designed expressly to meet the needs of home and all size businesses. Our product line includes Definity Wireless, Definity Business Communication Systems (BCS), Power Solutions - Powerware products, and Partner Advanced Communication systems. Our systems, software, products, and applications are backed by Bell Labs. We are also an AT&T Authorized Dealer offering a complete line of products and services from wireless to long distance services. Our AT&T product line includes AT&T Business Local Service, AT&T DSL Internet Service, AT&T PocketNet Phone, and AT&T PrePaid Wireless. As an authorized Acer Reseller we offer computer systems and software packages to meet your business needs.

Global's staff of technicians and sales personnel has established a base of clients ranging from private residents to commercial and government enterprises. Global continues to explore other products to enhance the quality of life through enhanced access to technology. Such as high speed internet access, wireless technology for smart homes.

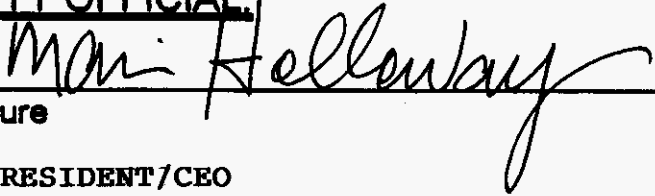
Lucent Technologies
 Business Partner



**** APPLICANT ACKNOWLEDGMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

| | |
|--|------------------------|
|  | <u>AUGUST 12, 2000</u> |
| Signature | Date |
| <u>PRESIDENT/CEO</u> | <u>(305) 860-2948</u> |
| Title | Telephone No. |
| Address: <u>1915 BRICKELL AVENUE, SUITE C-801</u> | <u>(305) 381-8499</u> |
| <u>MIAMI, FLORIDA 33129</u> | Fax No. |

ATTACHMENTS:

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

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:

| | |
|---|------------------------|
| <u>Mari Holloway</u> | <u>AUGUST 12, 2000</u> |
| Signature | Date |
| <u>PRESIDENT/CEO</u> | <u>(305) 860-2948</u> |
| Title | Telephone No. |
| Address: <u>1915 BRICKELL AVENUE, SUITE C-801</u> | <u>(305) 381-8499</u> |
| <u>MIAMI, FLORIDA 33129</u> | Fax No. |
| | |
| | |
| | |

CHAN BRYANT ABNEY

Attorney-at-Law

August 12, 2000

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

DEPOSIT DATE
D 3 4 9 AUG 1 8 2000

001175-TX

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Thank you for your assistance in this matter.

Yours truly,

Chan Bryant Abney

Chan Bryant Abney

| | | |
|--|--------------------------|---|
| BAYTEL COMMUNICATIONS, INC. 1915 BRICKELL AVENUE NO. C801 MIAMI, FL 33129 | 07-00 | 1002 |
| ACH R/T 063000047 | Date <i>Aug 2 00</i> | 63-4/630 FL 9832 |
| Pay to the Order of <i>Public Service Commission (FL)</i> | \$ <i>250.00</i> | |
| <i>Two hundred fifty</i> | <i>00</i> 100 Dollars | <input type="checkbox"/> Security Features Not Included. Details on back. |
| Bank of America | <i>Mar Hallway</i> | |
| For <i>ALEC/LIC FEE</i> | | |

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FPSC - RECORDS REPORTING

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