



ORIGINAL

14504 Greenview Drive, Suite 302  
Laurel, Maryland 20708  
Phone 301 • 953 • 9300  
Fax 301 • 953 • 2454  
www.lightwavecomm.net

November 12, 2001

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

Dear Sir or Madam:

011582-TX

Enclosed for filing please find an original and six copies of LightWave Communications, LLC's Alternative Local Exchange Service application.

Please note that Lightwave is filing its financial statements under seal and that they are marked "Proprietary and Confidential - Filed Under Protective Seal."

If you have any questions please contact Bela Gary at (301) 412-5915.

Sincerely,

*Bela A. Gary*  
Bela A. Gary

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Check received with filing and  
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and receipt of deposit.

Initials of person who forwarded check:  
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*Confidential*  
DOCUMENT NUMBER - DATE

14509 NOV 15 01

FPSC-COMMISSION CLERK

*Application*  
DOCUMENT NUMBER - DATE

14508 NOV 15 01

FPSC-COMMISSION CLERK



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This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 14509-01. 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.

DOCUMENT NUMBER DATE

14508 NOV 15 01

FPSC-COMMISSION CLERK

## 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:

LightWave Communications, LLC

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

LightWave Communications, LLC

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

14504 Greenview Drive, Suite 302

Laurel, MD 20708

\_\_\_\_\_

\_\_\_\_\_

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

At this time, Applicant does not have a Florida address.  
\_\_\_\_\_  
\_\_\_\_\_

**6. Structure of organization:**

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

**7. If individual, provide:**

Name: \_\_\_\_\_

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:**

\_\_\_\_\_

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

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

Registration Number: M01000002469                      Please see Exhibit A.

**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:

\_\_\_\_\_

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

(a) The Florida Secretary of State registration number:

\_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

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

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

Internet E-Mail Address: \_\_\_\_\_

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

**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: \_\_\_\_\_

**14. Provide F.E.I. Number(if applicable): 52-2230-327**

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

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

None of LightWave's officers, directors, or any of the ten largest stockholders have been previously adjudged bankrupt, mentally incompetent, or found guilty of any felony or crime and no such actions may 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 LightWave's officers, directors, or any of the ten largest stockholders have been or are now an officer, director, partner or stockholders in any other Florida certificated telephone company.

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

(a) The application:

Name: Bela A. Gary  
Title: Corporate Counsel  
Address: 14504 Greenview Drive, Suite 302  
City/State/Zip: Laurel, MD 20708  
Telephone No.: (301) 953-9300 Fax No.: (301) 953-2454  
Internet E-Mail Address: bgary@lightwavecomm.net  
Internet Website Address: www.lightwavecomm.net

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

Name: Same as above  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
  
Internet E-Mail Address: \_\_\_\_\_  
Internet Website Address: \_\_\_\_\_

(c) Complaints/Inquiries from customers:

Name: Jo Ann Perry  
Title: Director - Customer Services  
  
Address: 14504 Greenview Drive, Suite 302  
City/State/Zip: Laurel, MD 20708  
  
Telephone No.: (301) 953-9300 Fax No.: (301) 953-2454  
  
Internet E-Mail Address: jperry@lightwavecomm.net  
Internet Website Address: www.lightwavecomm.net

**17. List the states in which the applicant:**

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

District of Columbia, Maryland, Massachusetts, New Jersey, New York, Virginia

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

Georgia

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

California, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Texas, and Virginia

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

None

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

None

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

None

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**18. Submit the following:**

- A. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.**

Please see Exhibit B.

- B. 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 C.



### C. 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.

Please see Exhibit D.

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.

Please see Exhibit E.

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

Please see Exhibit E.

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

Please see Exhibit E.

THIS PAGE MUST BE COMPLETED AND SIGNED

**APPLICANT ACKNOWLEDGMENT STATEMENT**

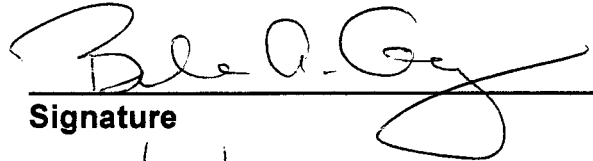
- 1. REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of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

Bela A. Gary  
Print Name

Corporate Counsel  
Title

(301) 953-9300  
Telephone No.

  
Signature

11/12/01  
Date

(301) 953-2454  
Fax No.

Address: 14504 Greenview Drive, Suite 302

Laurel, MD 20708

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

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**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.

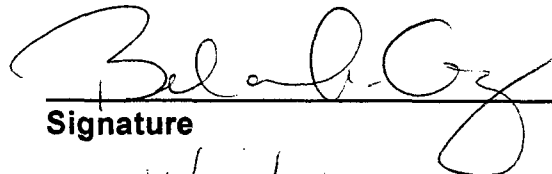
Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

**UTILITY OFFICIAL:**

Bela A. Gary  
Print Name

Corporate Counsel  
Title

(301) 953-9300  
Telephone No.

  
Signature

11/12/01  
Date

(301) 953-2454  
Fax No.

**Address:** 14504 Greenview Drive, Suite 302

Laurel, MD 20708

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**INTRASTATE NETWORK (if available)**

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

**1. POP: Addresses where located, and indicate if owned or leased.**

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

**2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased.**

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

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

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

At this time, Applicant does not own or lease any switches, facilities or POPs in the State of Florida. Applicant will inform the Commission once it purchases or leases any switches, facilities or POPs.

**EXHIBIT A**

**Proof of Authority to Operate in Florida**

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by LIGHTWAVE COMMUNICATIONS, LLC, a Delaware limited liability company, authorized to transact business within the state of Florida on November 1, 2001, as shown by the records of this office.

The document number of this limited liability company is M01000002469.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
First day of November, 2001



CR2EO22 (1-99)

*Katherine Harris*

Katherine Harris  
Secretary of State

*State of Delaware*  
*Office of the Secretary of State* PAGE 1

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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "LIGHTWAVE COMMUNICATIONS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TENTH DAY OF SEPTEMBER, A.D. 2001.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3044609 8300

AUTHENTICATION: 1335789

010442663

DATE: 09-10-01

No. 0095 P. 5/5

Nov. 12. 2001 12:37PM

**EXHIBIT B**

**Managerial Capability**



## **EXHIBIT B**

### **MANAGERIAL CAPABILITY**

#### **Mark J. Ricigliano, President and Chief Executive Officer.**

Mr. Ricigliano founded LightWave Communications, Inc., formerly known as Atlantic Media, Inc., in 1995 when he entered the telecommunications industry reselling local exchange services. Since that time, he has transformed LightWave Communications, Inc. into a premier facilities-based telecommunications carrier with services that extend from Boston to Atlanta to Los Angeles. LightWave Communications, LLC (a wholly-owned subsidiary of LightWave Communications, Inc.) was formed in June 2000 and is the name under which all telecommunications business will be conducted. Prior to 1995, Mr. Ricigliano founded Lexsys, Inc., a software development company, and was Managing Director at Advanced Imaging, a medical imaging concern. He also founded and was the Managing Director at MJR Properties, a real estate investment trust.

#### **Eric N. Gary, Chief Financial Officer, Secretary and Treasurer**

Mr. Gary joined LightWave as Chief Financial Officer in April 2001. He brings with him over 18 years experience of which the last 10 has been in the telecommunications industry. Prior to joining LightWave, Eric held senior finance roles at Covad Communications including Vice President Finance and Corporate Controller. As Controller, Eric successfully completed Covad's initial public offering, a secondary equity offering, and two high-yield debt offerings. He also structured several strategic investments and developed Covad's initial financial policies and procedures. As Vice President Finance, Eric managed the financial integration of an acquired company and focused on driving improved financial performance from Covad's regional operations. Prior to Covad, Eric held senior finance and controller positions for MFS Communication (now WorldCom), was Corporate Controller for Mid Atlantic Telecom and was Director of Finance for Ameritech.

#### **Edward M. Quattrone, Executive Vice President.**

Mr. Quattrone has been Executive Vice President of LightWave Communications since May 2000. Prior to joining the company, he held Sales and Marketing Management positions at Bell Atlantic during his career that spanned from May 1985 to May 2000. Mr. Quattrone brings years of technical experience and regulatory knowledge to the company. He pioneered the local exchange resale industry beginning in 1990 by developing a full service product offering with availability throughout the Bell Atlantic footprint. Prior to joining Bell Atlantic, Mr. Quattrone was employed in the Mortgage Banking industry from January 1980 to May 1985. He is a graduate of the University of Maryland with a Bachelor of Science degree in Business and Finance.

#### **Robert Lawson, Vice President – Planning and Engineering.**

Mr. Lawson joined LightWave Communications in June 2000 after ending a 32 -year career with Bell Atlantic where he held a number of positions in the Outside Plant Division. Career highlights include being on the original team to plan and design the first SONET self-healing rings deployed in the Washington Metropolitan Area. He later went

on to the Inter-Office Facilities engineering group where he was a Long Range Planner for the Washington Metropolitan Area. He culminated his career as the Project Manager for planning and engineering of the region-wide ISAN tariff. Mr. Lawson possesses in-depth technical knowledge and vast experience in the design, installation and management of fiber optic networks.

**Terry Anderson, Director of Systems Engineering.**

Terry Anderson joined LightWave in September, 2000. He has over 15 years experience in UNIX system configuration, administration and support. Here at LightWave, Terry is responsible for new product evaluation, development and deployment, Network Operation Center design and implementation, staffing and managing the UNIX and Windows System Administration departments. Previously, Terry was the Director of Operations for LogicStream and worked at StorNet Inc., International Network Services and Quotron Systems Development.

**Scott Brooke, Director of Packet Services.**

Scott Brooke joined LightWave in June 2000. He comes from a background in the systems consulting field. Previously at Corporate Technology Group he started as a field engineer and finished as the Manager of Technical Services. With a background primarily in network design and troubleshooting, he designs and manages packet related offerings on the Light Wave network.

**Aubrohn King, Director of Network Operations.**

Aubrohn King joined LightWave Communications in October 1998. Previously at Houston Associates, Inc. in Arlington, VA, he was responsible for managing and troubleshooting LightWave's Frame Relay Network and Dedicated Leased Circuits. With a background in the United States Marine Corps' Data Communications field, Aubrohn manages all installation, operation and maintenance issues for LightWave's Fiber Optic Network / Field Engineering and Network Operations Center (NOC).

**EXHIBIT C**

**Technical Capability**

## **EXHIBIT C**

### **TECHNICAL CAPABILITY**

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**EXHIBIT D**

**Financial Capability**

**Filed Under Seal**

**EXHIBIT E**

**Financial Statement**

## EXHIBIT E

LightWave is financially qualified to operate as a provider of local exchange and interexchange telecommunications services in Florida. LightWave, a wholly-owned subsidiary of LightWave Communications, Inc., will rely on its parent company to finance its Florida operations. (See attached *Exhibit D*.) LightWave has access to ample capital, provided through privately-placed venture capital investment, to fund the construction and operations of its telecommunications network in Florida, and to meet any lease and ownership obligations associated with its provision of local exchange and interexchange telecommunications services in Florida.

Because LightWave and its parent are privately-owned companies, the Applicant requests that its financial information be treated as confidential. Accordingly, copies of the most recent Balance Sheet, Statement of Operations and Cash Flow Statement (*Exhibit D*) are marked "PROPRIETARY AND CONFIDENTIAL – FILED UNDER PROTECTIVE SEAL," and are not to be made part of the public record.