



210 N. Park Ave.  
Winter Park, FL  
32789

P.O. Drawer 200  
Winter Park, FL  
32790-0200

Tel: 407-740-8575  
Fax: 407-740-0613  
tmi@tminc.com

January 30, 2002  
**Via Overnight**

020085-TV

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

**RE: Application Form for Authority to Provide Alternative Local Exchange Service  
within the State of Florida for Cinergy Communications Company**

Dear Ms. Bayo:

Enclosed is the original and six (6) copies of the above-referenced application filed on behalf of Cinergy Communications Company. Also enclosed is a check in the amount of \$250.00 to cover the required filing fee.

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided. Please contact me at (407) 740-8575 or via email at [mbyrnes@tminc.com](mailto:mbyrnes@tminc.com) should you have any questions regarding this application. Thank you for your assistance to this matter.

Sincerely,

Monique Byrnes, Consultant to  
Cinergy Communications Company

Enclosures

MB/mg

cc: B. Bye - Cinergy Corporate Counsel  
file: Cinergy - FL Access  
tms: FLA0200

DOCUMENT NUMBER-DATE

01183 JAN 31 02

FPSC-COMMISSION CLERK

**FLORIDA PUBLIC SERVICE COMMISSION**

**DIVISION OF REGULATORY OVERSIGHT  
CERTIFICATION SECTION**

**APPLICATION FORM  
for**

**AUTHORITY TO PROVIDE  
ALTERNATIVE LOCAL EXCHANGE SERVICE  
WITHIN THE STATE OF FLORIDA**

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**Instructions**

This form is used as an application for a certificate and for approval of the assignment or transfer of an existing certificate. In case of an assignment or transfer, the information provided shall be for the assignee or transferee. (See Page 12).

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  
2450 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(850) 413-6770**

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

**Florida Public Service Commission  
Division of Regulatory Oversight  
Certification Section  
2450 Shumard Oak Boulevard  
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 authority.
- Approval of assignment of existing certificate:** Example, a certificated company purchases an existing company and desires to retain the original certificate 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:**

Cinergy Communications Company.

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

Not applicable

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

**Name:** Cinergy Communications Company  
**Street:** 1419 West Lloyd Expy., Suite 101  
**P.O. Box:**  
**City:** Evansville  
**State:** Indiana  
**Zip Code:** 47710

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

**Name:**  
**Street:**  
**P.O. Box:**  
**City:**  
**State:**  
**Zip Code:**

**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:** Not applicable  
**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:**

**The Florida Secretary of State corporate registration number:**

Not applicable

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

**The Florida Secretary of State corporate registration number:**

F01000005211

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

**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:**

**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.**

**The Florida registration number:** Not applicable

14. **Provide F.E.I. Number (if applicable):** Not applicable

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.**

Neither the officers, directors, nor any of the ten largest stockholders have been adjudged bankrupt, mentally incompetent or found guilty of any felony or of any crime.

(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.**

Cinergy Communications Company is a subsidiary of Q-Comm Corporation. Additional subsidiaries of Q-Comm Corporation include QCC Incorporated. and Kentucky Data Link Incorporated. QCC, Inc. is a certificated Florida interexchange carrier. Officers, directors and stockholders of Cinergy Communications Company are also officers, directors and stockholders of the holding company and its affiliates. Please see Exhibit I for an organization chart.

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

(a) The application:

**Name:** Monique Byrnes  
**Title:** Consultant to Cinergy Communications  
**Address:** P.O. Drawer 200  
**City, State, Zip:** Winter Park, FL 32790-0200  
**Telephone No.:** (407) 740-8575  
**Fax No.:** (407) 740-0613  
**Internet E-Mail Address:** mbyrnes@tminc.com  
**Internet Website Address:** www.tminc.com

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

**Name:** Robert Bye  
**Title:** Corporate Counsel  
**Address:** 8829 Bond Street  
**City, State, Zip:** Overland Park, Kansas 66214  
**Telephone No.:** (913) 492-1230 x5132  
**Fax No.:** (913) 492-1684  
**Internet E-Mail Address:** bye@cinergycom.com  
**Internet Website Address:** www.cinergycom.com

(c) Complaints/Inquiries from customers:

**Name:** Norma Carlton-Zogelman  
**Title:** Customer Service Manager  
**Address:** 8829 Bond Street  
**City, State, Zip:** Overland Park, Kansas 66214  
**Telephone No.:** 812-461-3355  
**Toll Free Telephone No.:** (888) 703-1700  
**Fax No.:** (913) 492-1684  
**Internet E-Mail Address:** ncz@cinergycom.com  
**Internet Website Address:** www.cinergycom.com

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

- (a) has operated as an alternative local exchange company**

Indiana, Kentucky and Tennessee

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

None

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

Indiana, Kentucky and Tennessee

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

None

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

None

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

None

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 I.

- 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 I.

- 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.

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.

Please see Exhibit II.

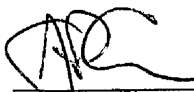


THIS PAGE MUST BE COMPLETED AND SIGNED

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 this application.

**UTILITY OFFICIAL:**

 as president

John P. Cinelli, President  
Cinergy Communications Company  
1419 West Lloyd Expy., Suite 101  
Suite 101  
Evansville, IN 47710  
Phone: 812-456-1215  
Fax: 812-461-3363

1/28/02  
Date

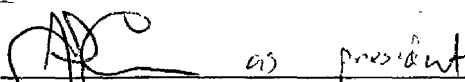
**THIS PAGE MUST BE COMPLETED AND SIGNED**

**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 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:**

  
\_\_\_\_\_  
John P. Cinelli, President  
Cinergy Communications Company  
1419 West Lloyd Expy., Suite 101  
Suite 101  
Evansville, IN 47710  
Phone: 812-456-1215  
Fax: 812-461-3363

1/23/02  
\_\_\_\_\_  
Date

**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.  
NONE

- |    |    |
|----|----|
| 1) | 2) |
| 3) | 4) |

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

- NONE
- |    |    |
|----|----|
| 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.

NONE

<u>Type of POP-to POP</u>	<u>Owned or Leased</u>
---------------------------	------------------------

- |    |
|----|
| 1) |
| 2) |
| 3) |
| 4) |

**CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT**

I, (Name and Title), of (Name of Company) and current holder of Florida Public Service Commission Certificate Number # \_\_\_\_\_, have reviewed this application and join in the petitioner's request for a:

- Sale
- Transfer
- Assignment

of the above mentioned certificate.

**UTILITY OFFICIAL:**

\_\_\_\_\_  
Name, Title  
Company  
Street  
City, State, Zip  
Phone:  
Fax:  
Toll Free:

\_\_\_\_\_  
Date

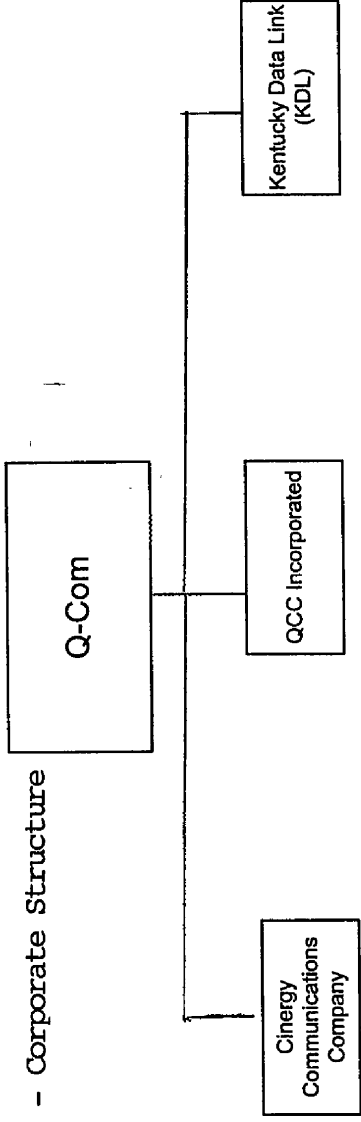
NOT APPLICABLE

**Cinergy Communications Company**

Exhibit I

Corporate Structure and Management Profiles

Exhibit I - Corporate Structure



Cinergy Communications is a wholly owned subsidiary of Q-Comm.

Cinergy Communications was formally known as Community Telephone.

**Corporate Resumes**  
**Cinergy Communications Company**

Cinergy Communications Company, formally known as Community Telephone Corporation, has management a management team with telecommunications experience and expertise, qualifying the company to implement and provide the local exchange services for which authority is requested.

Albert E. Cinelli, Chairman

Mr. Cinelli, a graduate of Lafayette College and Columbia University Law School, is Chairman of the Board of Cinergy Communications Company. Mr. Cinelli has been employed as General Counsel for several major corporations, including ELTRA Corporation and American Home Products in New York. Mr. Cinelli also worked for Marion Labs in Kansas City as Vice President and Chief Legal Counsel. Mr. Cinelli founded CSI Corporation, an interconnect company in Kansas City in 1985, and purchased Quest Communications in 1990. Currently Mr. Cinelli is President of QCC, Inc., a multi-service long distance reseller, which merged with Qwest Communications in 1994.

John P. Cinelli, President

Mr. Cinelli received his Bachelor of Arts in International Regulations from Tufts University in 1985. Mr. Cinelli's background is primarily in financial services, having worked for the Bank of Boston and Security Pacific. Mr. Cinelli has worked in a variety of capacities for Q-Comm Corporation, the parent company of Cinergy Communications, during the last 12 years - including his most recent position as President of Cinergy Communications. Mr. Cinelli has extensive management experience in all phases of telecommunications.

Lohn H. Weber, Vice President, CFP and Treasurer

A graduate of the University of Missouri, Columbia, Mr. Weber is Vice President, Chief Financial Officer and Treasurer of Community Telephone Corporation. Mr. Weber, a CPA with an extensive background in accounting, joined Cinergy Communications Company's senior management team in 1996. Prior to joining Cinergy Communications Company, Mr. Weber worked for Baird, Kurtz and Dobson, a Midwest regional public accounting firm.

Marc E. Rouleau, Chief Operating Officer

Mr. Rouleau is a graduate of the University of Virginia and has completed the coursework necessary to receive a Master of Science degree in Computer Science from the University of Virginia. Prior to joining Cinergy Communications in 1995, Mr. Rouleau was a Systems Engineer at the University of Virginia and the Director of Academic Computing at the University of Evansville. He has been an engineer of Internet Services since the mid-1980's. At Cinergy Communications, he served as Vice President of Engineering and Chief Information Officer prior to assuming his current role.

**Corporate Resumes**  
**Cinergy Communications Company**  
*continued*

Patrick L. Heck, Chief Technology Officer

Mr. Heck holds a Masters Degree in Computer Science from the University of Virginia. He also holds a Bachelor of Science in Computer Science from the University of Evansville, as well as having completed all the coursework necessary for a Ph.D. in Computer Science from that institution. Mr. Heck founded Network WCS, an ISP and consulting company which was acquired by the parent of Cinergy Communications Company.

John S. Johnson, Vice President of Sales

Mr. Johnson received his Bachelor of Science Degree in Management from the University of Southern Indiana. Mr. Johnson has 10 year of management and sales experience in the telecommunications industry. He is the founder of Telemanagement Systems, an interconnect company, which was acquired by the parent of Cinergy Communications Company.

Robert A. Bye, Secretary and General Counsel

Mr. Bye is a graduate, *cum laude*, of Washburn University School of Law and Texas Tech University. Prior to joining the Cinergy Communications Company management team in February of 2001, Mr. Bye was General Counsel for Deffenbaugh Industries, Inc., a privately-held Kansas City corporation with annual revenues in excess of \$120 million. He is listed in Who's Who of International Business 2000.



**Cinergy Communications Company**

Exhibit II

Financial Statements

Cinergy Communications Company  
 Monthly Statement of Earnings  
 September 2001  
 OPERATING UNIT : 002 - CINERGY COMMUNICATIONS

	Year to Date
<b>Revenue:</b>	
Local	\$5,949,115.25
Long Distance	\$9,846,427.08
Long Distance Box	\$207.30
Internet Services	\$4,243,706.07
Internet Telephony	\$12,154.92
Technology Consulting	\$533,611.70
Field Services	\$1,471,646.65
Debit Card	\$53,994.21
	-----
Total Revenue	\$22,110,863.18
	-----
<b>Direct Costs:</b>	
Local	\$4,085,562.45
Long Distance	\$6,032,985.35
Internet Services	\$1,847,676.83
Technology Consulting	\$406,530.56
Field Services	\$1,237,044.28
	-----
Total Direct Costs	\$13,609,799.47
	-----
Gross Margin	\$8,501,063.71
<b>Operating Expenses:</b>	
Salaries & Benefits	\$6,028,742.13
Travel & Entertainment	\$258,431.87
Office Expense	\$1,470,858.35
Bad Debt Expense	\$335,849.76
Office Occupancy	\$344,719.54
Professional Fees	\$93,429.19
	-----
Total Operating Expense	\$8,532,030.84
	-----
Income from Operations	(\$30,967.13)
<b>Other (Income) and expense:</b>	
Interest expense	\$199,585.56
Transmission Late fees	\$18,181.70
Depreciation	\$2,064,002.10
Contingency	\$0.00
Other (Income)/Expense	(\$339,715.01)
Discounts Taken	\$0.00
	-----
Total Other Income & Expense	\$1,942,054.35
	-----
Net Earnings (Loss)	(\$1,973,021.48)
	=====

Cinergy Communications Company  
Balance Sheet  
September 2001  
OPERATING UNIT : 002 - CINERGY COMMUNICATIONS

	<u>September 2001</u>
<b>CURRENT ASSETS</b>	
Cash	\$1,968,970.10
Accounts Receivable:	
Direct Billing	\$3,159,791.99
DacEasy	\$87,445.03
Wholesale	\$120,277.21
Other	\$275,476.66
Allowance for Doubtful Accounts	(\$395,000.00)
	<u>\$3,247,990.89</u>
Total Accounts Receivable	\$3,247,990.89
Inventories	\$201,863.30
Prepaid Expenses	\$138,373.89
Deferred Income Tax	(\$333,200.00)
Refundable Income Taxes	\$120,100.00
	<u>\$5,344,098.18</u>
<b>PROPERTY &amp; EQUIPMENT</b>	
Switch Facilities	\$4,194,238.32
Transmission Equipment	\$519,950.52
Facility Based Cust. Premise Equip.	\$64,113.56
Software	\$3,214,873.75
Computer Equipment	\$2,192,567.39
Office Equipment	\$664,869.74
Leasehold Improvements	\$564,270.27
Real Estate & Buildings	\$587,648.31
Automobiles	\$470,385.99
Construction In Progress	\$224,573.54
	<u>\$12,697,491.39</u>
Total Property & Equipment	\$12,697,491.39
Accumulated Depreciation	(\$6,619,826.36)
	<u>\$6,077,665.03</u>
Total Net Property & Equipment	\$6,077,665.03
Other Assets	\$46,920.02
	<u>\$11,468,683.23</u>
<b>Total Assets</b>	<u>\$11,468,683.23</u>
<b>CURRENT LIABILITIES</b>	
Accounts Payable	\$381,993.17
Accrued Expenses	\$1,756,957.97
Accrued Taxes	\$674,349.56
Deferred Revenue	\$592,922.43
	<u>\$3,406,223.13</u>
Total Current Liabilities	\$3,406,223.13
Other Liabilities:	
Intercompany	\$11,398,444.28
	<u>\$11,398,444.28</u>
Total Other Liabilities	\$11,398,444.28
<b>SHAREHOLDERS' EQUITY</b>	
Common Stock	\$596,992.28
Retained Earnings	(\$1,959,954.98)
Current Year Income (Loss)	(\$1,973,021.48)
	<u>(\$3,335,984.18)</u>
Total Stockholder's Equity	(\$3,335,984.18)
<b>Total Liabilities &amp; Equity</b>	<u>\$11,468,683.23</u>