

Qwik.Net ALEC, Inc.

P.O. Box 1865
Plant City, FL 33564
Tel:813-752-9243 Fax:813-752-3121

March 6, 2002

Florida Public Service Commission
Commission Clerk and Administrative Services
2540 Shumard Oaks Blvd
Tallahassee, FL 32399-0850

Re: Application for ALEC attached

020199-TX

Dear Mr. or Ms.:

Per my telephone conversation of yesterday with your Ms. Toni McCoy, attached is an original application for an ALEC certificate together with two copies. I am writing to add a few notes and remarks on this cover page.

Qwik.Net ALEC, Inc. is intended to be a data ALEC. Qwik.Net ALEC, Inc. does not intend to provide dial-tone for voice communications.

The common stock of Qwik.Net ALEC, Inc. is owned by Curtis & JoEllen Falany. Curtis & JoEllen Falany also own a majority of the common stock in ComputerMAX, Inc. and Qwik.Net Systems, Inc. which provide Internet, Networking, and Computer Services. It is intended that Qwik.Net ALEC, Inc. will provide data services to ComputerMAX, Inc. and its customers. Qwik.Net ALEC, Inc. will be supported by the financial, technical, and business resources of the Falanys and the client corporations.

ComputerMAX, Inc's business offices and NOC are located in separate buildings in Plant City, FL. It would be advantageous to connect the NOC to the business office with private fiber optic cable using City right-of-way. The City of Plant City is requiring that an ALEC make application to use the City right-of-way for this purpose.

If you have questions, please call me at 813-752-9243.

Cordially,

Qwik.Net ALEC, Inc.

By: 
Curtis E. Falany, President

DOCUMENT NUMBER-DATE

02725 MAR-8 8

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

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 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) ^{2 - Toni} 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

COMMUNICATIONS SECTION
ADMIN. SEC.

If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Regulatory Oversight
Certification Section
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6480

9/19/01

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:

Qwik.net ALEC, Inc.

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

Qwik.net ALEC, Inc.

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

3107 Sammonds Rd., Bld. #2
P.O. Box 1865
Plant City, FL 33564

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

SAME

6. Structure of organization:

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

7. If individual, provide:

Name: N/A_____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

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

P O... 0 43971_____

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

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

N/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:

N/A

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

(a) The Florida Secretary of State registration number:

N/A

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

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

(a) The Florida registration number: N/A

14. **Provide F.E.I. Number(if applicable):** N/A but application has been made

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

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

none

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

none

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

(a) The application:

Name: Curtis E. Falany
Title: President
Address: P.O. Box 1865
City/State/Zip: Plant City / FL / 33564
Telephone No.: 813-752-6900 Fax No.: 813-752-3121
Internet E-Mail Address: cefalany@cmx2.com
Internet Website Address: none

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

Name: SAME
Title: _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____
Internet Website Address: _____

(c) Complaints/Inquiries from customers:

Name: SAME

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

17. List the states in which the applicant:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

18. Submit the following:

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

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.

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.

THIS PAGE MUST BE COMPLETED AND SIGNED

APPLICANT ACKNOWLEDGMENT STATEMENT

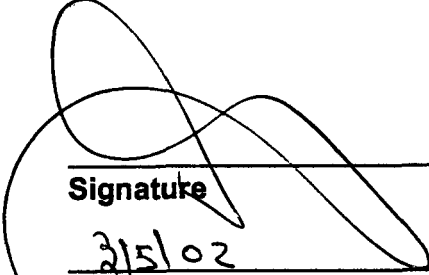
- 1. REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of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

Curtis E. Felony
Print Name

President
Title

813-752-6900
Telephone No.


Signature
2/5/02
Date
813-752-3121
Fax No.

Address: P.O. Box 1865
Plant City, FL 33564

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.

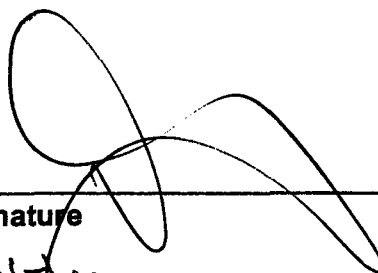
Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082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

UTILITY OFFICIAL:

Curtis E. Falany
Print Name

President
Title

813.752.6900
Telephone No.


Signature

3/5/02
Date

813.752.3121
Fax No.

Address: P.O. Box 1865
Plant City, FL 33564

N/A

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) <u>N/A</u>	2) _____
_____	_____
3) _____	4) _____
_____	_____

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

1) <u>N/A</u>	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) <u>N/A</u>	_____
2) _____	_____
3) _____	_____
4) _____	_____

CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

N/A

I, (Name) _____
(Title) _____ of (Name of Company)

and current holder of Florida Public Service Commission Certificate Number # _____
_____, have reviewed this application and join in the petitioner's request for a:

- () sale
- () transfer
- () assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Print Name

Signature

Title

Date

Telephone No.

Fax No.

Address: _____

**Curtis E. Falany, P.E.
802 E. Baker St., Suite 3
Plant City, FL 33566
813-752-6900**

Education

Bachelor of Science - Engineering Science, 1969, Florida State University,
Tallahassee, Florida

Graduate Studies - Engineering Science, 1971, Florida State University,
Tallahassee, Florida

Graduate Studies - Engineering Science, University of South Florida, Tampa, Florida

Certification

Registered Professional Engineer in Florida

Certified Electrical Contractor in Florida

Registered General Contractor, Class 'B', in Florida

Professional Experience

ComputerMAX, Inc - Plant City, FL

Officer, Shareholder, and Founder - Started in 1981 as an investment firm. In 1997 ComputerMAX became active in the computer industry as a service provider. ComputerMAX is now a networking and high technology applications consultant and Internet service provider. ComputerMAX, Inc provides solutions for clients requirements for Internet connectivity and e-commerce. ComputerMAX, Inc. also provides forensic and remedial consulting to the legal and insurance industries in the areas of high technology surety, and property and casualty losses and remediation.

Officer, Shareholder, and Founder - of two sister companies of ComputerMAX, Inc. Those companies are Qwik.Net Systems, Inc. and Qwik.Net ALEC, Inc. Qwik.Net Systems, inc. is an inactive marketing company and Qwik.Net ALEC, Inc. is applying for a certificate with the Florida Public Service Commission to provide local high speed data service.

Self Employed - Plant City, Florida

Consulting engineer - Started after the sale of Energy Control Contractors and continuing through 1999, I provided complex electrical and electronic systems; providing consultation, investigation and remediation services for computer systems, communication systems, electrical power and control systems, and related areas; expert in the installation, operation, and

maintenance of computer systems, communication systems, control systems, and networks.

Energy Control Contractors, Incorporated - Plant City, Florida

Officer, Shareholder, and Founder - sold and serviced process control computer systems and equipment in manufacturing, energy production and distribution, data communications, telecommunications, and space/defense. Specialized in buying, refurbishing, and reselling MODCOMP based computer control systems. Successfully developed and marketed to MODCOMP users several aftermarket memory and 'ramdisk' products. Energy Control Contractors was formed from the merger of EGS Systems, Inc., Southern Memory Devices, Inc. of Miami, FL, and Salha Computer Sales of Westfield, NJ. The Corporation was sold in 1987 to a group of investors in, and moved to, Ocala, Florida.

EGS Systems, Inc. - Plant City, Florida

Officer, Shareholder, and Founder - started in the mid-1970's as a computer software development and consulting firm, the company became involved in industrial control design and electrical engineering. The company merged into Energy Control Contractors, Inc.

James Linick and Associates - Tampa, Florida.

Chief Electrical Engineer - design of electrical, automated, and computer systems. Specialized in the turnkey design/build of highly automated industrial processes for government and private clients. Together with a small group of investors, I purchased computer systems capabilities from James Linick and Associates and formed EGS Systems, Inc.

School of Engineering - University of South Florida.

Adjunct Research Faculty - original research into nuclear magnetic resonance, computer aided process control, and signal recovery from noise.

Advanced Development Laboratory, Honeywell, Incorporated - Tampa, Florida.

Research and Development Engineer - high speed wire line data communications.

William J. Kessler and Associates, Consulting Engineers, Gainesville, Florida.

Associate - broadcast communications research and design.

State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of QWIK.NET ALEC, INC., a Florida corporation, filed on May 1, 2000 effective April 26, 2000, as shown by the records of this office.

The document number of this corporation is P00000043971.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Twenty-third day of May, 2000



CR2EO22 (1-99)

Katherine Harris

Katherine Harris
Secretary of State