

**Presented to the Florida Public Service Commission**

**Application for:**

*021230-TI*

**Interexchange Telecom Services**

**By**

**AMERICAN**

**UTILITY**

**SYSTEMS, Inc.**

DOCUMENT NUMBER-DATE

13537 DEC 11 8

FFSC-COMMISSION CLERK



**American  
Utility  
Systems, Inc.**

PO Box 970145  
Boca Raton, FL 33497-0145

**Telephone:**  
In Florida (561) 852-1872  
Other Areas (800) 958-2822

**Fax:**  
All Areas (561) 477-3100

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December 9, 2002

Florida Public Service Commission  
Division of Records and Recording  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Phone: 850-413-6770

02/230-TI

RE: Application form for authority to provide **Interexchange Telecommunications Service** between points within the state of Florida (\$250 – check # 1127).

To Whom It May Concern:

Please find the attached application for the above referenced certification services to be approved by your department. I have enclosed both applications, which include the original and six (6) copies, along with the non-refundable fees. We appreciate that the review of our applications be made so that we can offer the services under Florida Public Service Commission guidelines.

If you have any questions, please do not hesitate to contact me at 561-852-1872 Ext.307 or 561-482-9447 or email me at [lgarvin@aubanet.net](mailto:lgarvin@aubanet.net).

Very Truly Yours,

Len Garvin, President



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

021230-TI

**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:

American Utility Systems, Inc.

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

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

P. O. Box 970145

Boca Raton, FL 33497-0145

5. Florida Address (including street name & number, post office box, city, state, zip code)  
same as above

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.

Interexchange Telecom Services Application for American Utility Systems, Inc.

**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 from 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 un-aggregated 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 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 _____         |   |

8. If individual, provide:

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

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:

P02000099632  
-----

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

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

N/A --Not a foreign corp.  
-----

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:

N/A --We are a Florida corporation  
-----

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

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

N/A— We are a Florida corporation  
-----

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

Name: N/A— We are a Florida corporation -----

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.

N/A – see above

(a) The Florida registration number: \_\_\_\_\_

15. Provide F.E.I. Number (if applicable): 32-0030813  
\_\_\_\_\_

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?

( ) Yes ( X ) No

(b) If not, who will bill for your services?

Name: Rialto Place LTD  
\_\_\_\_\_

Title: Property Real Estate Management Office  
\_\_\_\_\_

Address: 100 Rialto Place, Suite 700  
\_\_\_\_\_

City/State/Zip: Melbourne, FL 32901  
\_\_\_\_\_

Telephone No.: 321-729-8888 Fax No.: 321-725-6315  
\_\_\_\_\_

(c) How is this information provided?

The Nortel Meridian 1 Option 11C with release 25, which will be used at Rialto Place includes the Optivity Telephony Manager (OTM Software) version 1.1. This will allow us to actively bill for call detail for each tenant at Rialto Place. The call software package is a call-monitoring feature that examines all call usage patterns leading to toll-fraud detection. The package includes call duration calls made at unusual times or calls to usual destinations. Call tracking can also be configured to provide real time performance monitoring of incoming or outgoing calls on an individual extension. The call tracking module is provided as part of the telecom billing system. Finally, the call detail record (CDR) collection along with call usage details will be provided to each tenant at the end of each month.

17. Who will receive the bills for your service?

- ( ) Residential Customer ( ) Business Customers
- ( ) PATs providers ( ) PATs station end-users
- ( ) Hotels & Motels ( ) Hotel & motel guests
- ( ) Universities
- ( X ) Others: (specify) Tenants in building

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

Interexchange Telecom Services Application for American Utility Systems, Inc.

a. The application:

**Name:** Len Garvin  
-----

**Title:** President  
-----

**Address:** P.O. Box 970145  
-----

**City/State/Zip:** Boca Raton, FL 33497-0145  
-----

**Telephone No.:** 561-852-1872 Ext. 307 or Satellite office 561-482-9447

**Fax No.** 561-477-3100  
-----

**Internet E-Mail Address:** lgarvin@aubanet  
-----

**Internet Website Address:** (under construction)

b. Official point of contact for the ongoing operations of the company:

**Name:** Len Garvin  
-----

**Title:** President  
-----

**Address:** P.O. Box 970145  
-----

**City/State/Zip:** Boca Raton, FL 33497-0145  
-----

**Telephone No.:** 561-852-1872 x 307 or 561-482-9447

**Fax No.:** 561-477-3100

**Internet E-Mail Address:** lgarvin@aubanet or aubanet@aubanet  
-----

**Internet Website Address:** (under construction)  
-----

b. Complaints/Inquiries from customers:

**Name:** Rialto Place – Carolyn Morrison  
-----

**Title:** Property Manager  
-----

**Address:** 100 Rialto Place, Suite 700  
-----

**City/State/Zip:** Melbourne, Florida 32901  
-----

**Telephone No.:** 321-729-8888 Ext. 1

**Fax No.** 321-725-6315  
-----

**Internet E-Mail Address:** cmorrison@rialtomelbourne.com  
-----

**Internet Website Address:** (none)  
-----

19. List the States in which the applicant:

(a) has operated as an interexchange telecommunications company.

none

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

none  
-----

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

none  
-----

(d) has been denied authority to operate as an interexchange telecommunications 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  
-----

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



Interexchange Telecom Services Application for American Utility Systems, Inc.

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  
-----

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  
-----

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
- \_\_\_\_\_ Method of access is FGB
- \_\_\_\_\_ Method of access is FGD
- \_\_\_\_\_ Method of access is 800

d. \_\_\_\_\_ **MS for pay telephone service providers**

e. \_\_\_\_\_ **Block-of-time calling plan (Reach Out Florida, Ring America, etc.)**

f. \_\_\_\_\_ **X** \_\_\_\_\_ **800 service (toll free)**

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

- \_\_\_\_\_ Method of access is via dedicated facilities
- \_\_\_\_\_ 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. **X** \_\_\_\_\_ **Operator services**

\_\_\_\_\_ Available to pre-subscribed customers \_\_  
\_\_\_\_\_ Available to non-presubscribed customers (for example, to patrons  
of hotels, students in universities, patients in hospitals).  
\_\_\_\_\_ Available to inmates

1. Services included are:

\_\_\_\_\_ Station assistance  
\_\_\_\_\_ Person-to-person assistance  
**X** \_\_\_\_\_ Directory Assistance  
\_\_\_\_\_ Operator verify and interrupt  
**X** \_\_\_\_\_ 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).

– See attached.

23. Submit the following:

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

Michael C. Gotlib /Carolyn Morrison on-site property managers at Rialto Place  
Each person available for day-to-day operations of the Nortel Meridian 1 communications systems option 11C switch. Reporting any maintenance needs to CMI (See Below)  
Len Garvin, President, will work with the compliance of submitting all regulatory fees to State Agencies. In addition, will be responsible to track any trouble ticket orders with Vendor.

**(See additional attached information.)**

- 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.

Communications and More, Inc.  
3701 NW 126<sup>th</sup> Avenue; Suite B; Coral Springs, FL 33065  
Phone: 954-755-9797 Fax: 94-341-4343  
Detailed resume attached for the following employees of CMI:

Cecilia L. Buckley, President  
John B. Buckley, Director of Services  
James Boatwright, Senior Systems Engineer  
Bob James, Senior Data Sales Engineer  
Pedro Silvia, Director of Telecom Engineering

The above company will supply full warranty for the Nortel switch. This warranty includes 24 hour/7 day coverage with remote dial-in or on-site coverage. Two-hour response time for emergencies. Twenty-four (24) -response times for non-emergencies.

**(See additional attached information.)**

- C. **Financial capability.**

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

There are no historical financial statements since corporation has just been created (9/13/02). Projected cash-flow worksheets are provided.

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.*

Interexchange Telecom Services Application for American Utility Systems, Inc.

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.

(See attached)

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

(See attached)

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

(See attached)

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**APPLICANT ACKNOWLEDGEMENT 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 intr and interstate business.
3. **SALES TAX:** I understand that a seven percent (7%) sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250 must be submitted with the application.

Utility Official:

Len Garvin



Signature

Print Name

President

11/26/02

Title

Date

Telephone No. 561-852-1872 Ext. 307; Fax No 561-477-3100  
**OR** 561-482-9447

Address: PO BOX 970145

Boca Raton, FL 33497-0145

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

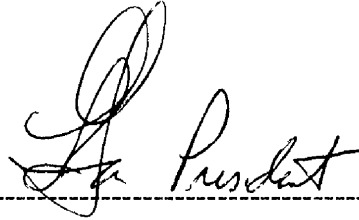
A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be provided in one of the following ways (applicant, please (check one):

(  ) 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.

Utility Official:

Len Garvin



-----  
Print Name

-----  
Signature

President

11/26/02

-----  
Date

-----Title

Telephone No. 561-852-1872 Ext. 307; Fax No 561-477-3100  
OR 561-482-9447

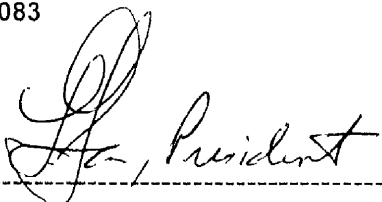
Address: PO Box 970145  
-----  
Boca Raton, FL 33497-0145  
-----  
-----  
-----

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**AFFADAVIT**

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide interexchange telecommunications 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:		
	Len Garvin	President
-----	-----	-----
Print Name		Signature
	President	11/26/02
-----	-----	-----
	Date	Title

Telephone No. 561-852-1872 Ext. 307; Fax No 561-477-3100  
OR 561-482-9447

Address: PO Box 970145  
Boca Raton, FL 33497-0145  
-----  
-----  
-----

**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?

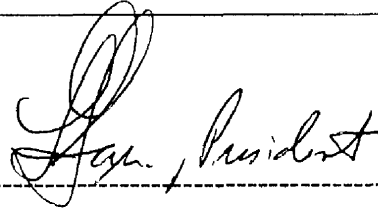
N/A—Has not previously provided intrastate telecommunications

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

N/A—as stated above

Utility Official:

Len Garvin



Print Name

Signature

President

11/26/02

Date

Title

Telephone No. 561-852-1872 Ext. 307; Fax No 561-477-3100  
OR 561-482-9447

Address: PO Box 970145  
Boca Raton, FL 33497-0145

### Transfer or Assignment Statement



I, (Name) N/A -- This application is for a new certification with no association with any organization previously approved.

(Title) \_\_\_\_\_ of \_\_\_\_\_ (Name of Company)

# \_\_\_\_\_, have reviewed this application and join in the petitioner's request for a:

- ( ) transfer
- ( ) assignment

of the above-mentioned certificate.

Utility Official:

**N/A – see above**

----- Print Name	----- Signature
----- Date	----- Title
----- Telephone No.	----- Fax No.

Address: -----  
-----

**QUESTION # 22**

AMERICAN UTILITY SYSTEMS, INC.

Florida Tariff No. 1  
Original Sheet 1

TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by AMERICAN UTILITY SYSTEMS, INC., with principal offices at PO Box 970145, Boca Raton, FL 33497-0145. This tariff applies for services furnished 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 Company's principal place of business.

NOTE: This tariff can be used as a guide or copied verbatim by changing the name, rates, and other information associated with AMERICAN UTILITY SYSTEMS, INC.

ISSUED: January 1, 2003 EFFECTIVE:  
By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original

ISSUED: January 1, 2003 EFFECTIVE:  
By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

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Section 2 - Rules and Regulations .....7

Section 3 - Description of Service. ....12

Section 4 - Rates. ....16

Note: If you have more than 30 sheets you need to attach an index to the tariff after this page

ISSUED: January 1, 2003 EFFECTIVE:  
By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

SYMBOLS SHEET

NOTE: These are the only approved symbols to be used in your tariff and this list of symbols must be copied verbatim.

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: January 1, 2003 EFFECTIVE:

By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

TARIFF FORMAT SHEETS

**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 FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc, the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

**C 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 FPSC, 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 pages 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 this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). 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 FPSC.

ISSUED: January 1, 2003 EFFECTIVE:

By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, FL 33497-0145

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

**Access Line** - An arrangement which connects the customer's location to the Company's network switching center.

**Authorization Code** - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

**Company or Carrier** - AMERICAN UTILITY SYSTEMS, INC.

**Customer** - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

**Day** - From 8:00 AM up to but not including 5:00 PM local time Sunday through Friday.

**Evening** - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

**Holidays** - The Company's recognized holidays are New Year's Day, July 4th, Thanksgiving Day, Christmas Day.

**Night/Weekend** - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

ISSUED: January 1, 2003 EFFECTIVE:

By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

**SECTION 2 - RULES AND REGULATIONS**

**2.1 Undertaking of the Company**

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's installs operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

**2.2 Limitations**

- 2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.
- 2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control: or when the customer is using service in violation of the law or the provisions of this tariff.
- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

ISSUED: January 1, 2003 EFFECTIVE:

By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145



**SECTION 2 - RULES AND REGULATIONS- continued**

**2.3 Liabilities of the Company**

- 2.3.1 The Company's liability arising out of mistakes, interruptions, occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur, unless ordered by the Commission.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
  - (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

**2.4 Interruption of Service**

- 2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in Subsection 2.3.1. It shall be the customer's obligation to notify the Company immediately of for which a credit allowance is desired. Before giving such notice, the customer shall the trouble is not being caused by any action or omission by the customer within his control, or equipment, if any, furnished by the customer and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.
- 2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.
- 2.4.3 The customer shall be credited for an interruption of more than twenty-four hours as follows:  
Credit Formula:

$$\text{Credit} = A/720 \times C$$

"A" - outage time in hours

"B" - each month is considered to have 720 hours

"C" - total monthly charge for affected facility

ISSUED: January 1, 2003 EFFECTIVE:

By:

Len A. Garvin, President  
PO Box 970145  
Boca Raton, Florida 33497-0145

**SECTION 2 - RULES AND REGULATIONS continued**

**2.5 Disconnection of Service by Carrier**

The company (carrier), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.
- 2.5.5 Service may be disconnected without notice for tampering with company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

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PO Box 970145  
Boca Raton, Florida 33497-0145

**SECTION 2 - RULES AND REGULATIONS -continued**

**2.6 Deposits**

The Company does not require a deposit from the customer.

**2.7 Advance Payments**

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

**2.8 Taxes**

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed on customer bills as separate line items and are not included in the quoted rates.

**2.9 Billing of Calls**

All charges due by the subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

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PO Box 970145  
Boca Raton, Florida 33497-0145

**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1 Timing of Calls**

**3.1.1 When Billing Charges Begin and End For Phone Calls**

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver,(i.e. when 2 way communication, often referred to as "conversation time" is possible.). 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. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

The minimum call duration for billing purposes is 6 seconds for a connected call and calls continue for 6-second increments.

**3.1.3 Per Call Billing Charges**

Billing will be rounded up to the nearest penny for each call.

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

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Boca Raton, Florida 33497-0145

**SECTION 3 - DESCRIPTION OF SERVICE continued**

**3.2 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 CoordinatesTape and Bell's NECA Tariff No. 4.

**FORMULA:**

The square  
root of:

$$\frac{\sqrt{(V1 - V2)^2 + (H1 - H2)^2}}{10}$$

**3.3 Minimum Call Completion Rate**

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all Feature Group D services ("1+" dialing).

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PO Box 970145  
Boca Raton, Florida 33497-0145

**SECTION 3 - DESCRIPTION OF SERVICE - continued**

3.4 **Service Offerings**

3.4.1 **Rialto Tenant's Only Long Distance Service**

3.4.2 **Long Distance Service**

Long Distance Service is offered to business customers at Rialto Place. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from pre-subscribed, dedicated or shared use access lines. Calls are billed in 6-second (.6) increments, with six-second minimum call duration.

3.4.3 **Calling Card Service**

Not offered at the present time.

3.4.4 **Operator Services**

The Company's operator services are provided to business customers who "presubscribe" to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Carrier operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein): (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of day of the call.

3.4.4.A **Operator Dialed Surcharge**

This surcharge applies to calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the Rialto Tenant network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap.

The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

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PO Box 970145  
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**SECTION 4 – RATES**

4.1 **Long Distance Service**

Rate per minute - \$0.085  
Plan is billed in six-second increments.

4.2 **800/888 (Inbound) Long Distance Service**

Rate per minute - \$0.085  
Plan is billed in six-second increments with a six-second minimum.

4.3 **Calling Card Service**

Not available at this time.

4.4 **Operator Services (For pre-subscribed customers)**

4.4.1 **Usage Rates:** The appropriate rate found under 4.1 or 4.3 shall apply.

4.4.2 **Operator Charges:**

Directory Assistance \$1.10 per call

4.5 **Determining Applicable Rate in Effect**

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

4.6 **Payment of Calls**

4.6.1 **Late Payment Charges**

A late payment Charge of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

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Len A. Garvin, President  
PO Box 970145  
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**SECTION 4 - RATES - continued****4.7 Payment of Calls****4.7.1 Late Payment Charges**

A late payment Charge of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

**4.7.2 Return Check Charges**

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

**4.8 Restoration of Service**

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

**4.9 Special Promotions**

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates, and be made part of this tariff.

**4.10 Special Rates For The Handicapped****4.9.1. Directory Assistance**

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for directory assistance calls in a billing cycle.

**4.9.2. 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.

**4.9.3. Telecommunications Relay Service**

For intrastate toll calls received from the relay service, the Company will when billing relay calls discount relay service calls by 50 percent off of the otherwise applicable rate for a voice non-relay 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 non-relay 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.

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**AMERICAN UTILITY SYSTEMS, INC.**  
Florida Tariff No. 1

Tariff rates

Various breakdown of charges billed by local providers from existing Tenants	Present monthly cost to our Tenants	AUS Discount Percentage		Rialto Tenant Tariff Rate
Business Line	\$ 52.00	10%	\$ 5.20	\$ 46.80
Business Line	\$ 34.40	10%	\$ 3.44	\$ 30.96
Business Line	\$ 33.95	10%	\$ 3.40	\$ 30.56
Business Line	\$ 26.61	10%	\$ 2.66	\$ 23.95
Business Line	\$ 23.95	10%	\$ 2.40	\$ 21.56
Complete Choice packages	\$ 52.00	10%	\$ 5.20	\$ 46.80
Complete Choice packages	\$ 98.00	10%	\$ 9.80	\$ 88.20
Complete Choice packages	\$ 148.00	10%	\$ 14.80	\$ 133.20
Complete Choice packages	\$ 185.00	10%	\$ 18.50	\$ 166.50
Emergency 911	\$ .50	10%	\$ .05	\$ .45
FCC Charge for Network Access	\$ 7.84	10%	\$ .78	\$ 7.06
FCC Local Number Portability Charge	\$ .35	10%	\$ .04	\$ .32
Federal Universal Service Charge	\$ .49	10%	\$ .05	\$ .44
Hunting	\$ 10.00	10%	\$ 1.00	\$ 9.00
Telecommunications Access System Act Surcharge	\$ 0.08	10%	\$ .01	\$ .07
Internet Access	\$ 50.00	10%	\$ 5.00	\$ 45.00

Intralata and Intra State. \$085

Interstate \$.075

For Both Inbound and Outbound billed in 6-second increments

**All new tenants are priced at a package rate, which includes:**

One Handset  
Two phone lines  
One Fax line  
One Internet connection.....\$265.00 per month

Initial connection/set up fee \$150.00  
Additional handsets Price \$ 50.00  
Additional phone lines price \$35.00 (4<sup>th</sup> line)  
\$30.00 (5<sup>th</sup> line)  
\$25.00 (6<sup>th</sup> line or more)

**Corporate ID Program:**

Receptionist and mail service Price: \$150.00 month  
+ \$50.00 month phone service

Telephone answering only: Price: \$125.00 month  
+ \$50.00 month phone service

## **American Utility Systems, Inc. - Application for Interexchange Telcom Service**

### **Question 23**

**A. Managerial capability:** Required information. Give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. The following are the key associates of American Utility Systems.

**Mr. Len Garvin, President of American Utility Systems, Inc.**

#### **Education**

Bachelors of Business Administration, Degree- Accounting Major, Finance Minor  
Florida Atlantic University, Boca Raton, Florida - 1978  
Utility Bill Auditing Certification 1991, American Institute Consumer Credit, Miami Florida

#### **Work Experiences**

1. Utility bill auditing, twelve (12) years, President of American Utility Bill Auditors, Inc.
2. Public CPA industry -Tax compliance & Fortune 500 and private accounting, thirteen (13) years
3. Chief Financial Officer, executive search firm, four (4) years

#### **Professional Associates at Rialto Place**

**Mr. Michael Gotlib- Property Manager Rialto Place**

#### **Education and Work Experiences**

Finance major and graduated from Florida State in 1999.  
Since college and currently employed by Rudnick Development (owner of Rialto Place)  
Mr. Gotlib's broad range of experiences in Real Estate management includes the coordination between vendors and tenants needs are established at specific properties.

#### **Property Managers at Rialto Place, Melbourne Florida**

Ms. Carolyn Morrison has been the onsite property manager for the last two and half years. Ms. Morrison's responsibilities include daily rapport with the tenants and all leasing and billing activities. Any billing questions, including this project will be directed to both property managers, with AUS overseeing the billing accuracy.

**Mr. Robert Bruno - American Utility System – staff Auditor to provide analytical support**  
**Education: Florida Atlantic University, BBA Accounting 1978**  
**(24 years in Accounting, auditing and customer services)**

**Ms. Gail LoCascio- American Utility System - Administrative Assistant**

(3 years administrator at American Utility Bill Auditors, Inc.)  
Gail's will be the communication coordinator liaison between the Rialto daily requests or trouble ticket log coordinator. This position will track outstanding trouble tickets for the tenants, local provider (USLEC) and Communications and More, Inc. (Equipment Vendor). Her future role will be to broadcast the status of any pending problems in the queue via email and website.

## **American Utility Systems, Inc. - Application for Interexchange Telcom Service**

**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.

The following information is provided from the vendor, which offers their technical experiences.

**Communications and More, inc. (CMI)** is our equipment vendor and will fully maintain the Nortel Meridian 1 Option 11C Release 25 voice / data system switch. They also will have a physical presence at 100 Rialto Place, 7<sup>th</sup> floor as one of the executive suite tenants. In addition, CMI has their corporate location at 3701 NW 126<sup>th</sup> Ave Suite-B, Coral Springs, FL 33065. Their office number is (954) 755-9797. Fax number is (954) 341-4343. Their staff contains the following key personnel;

### **Cecilia L. Buckley: President of CMI**

Retired from BellSouth with 30 years of Communication experience. Worked as an overseas long distance operator and they promoted her to the Customer Service Department as a Service Representative. She would provide the customers with solutions and alternatives with the different BellSouth products and equipment sales.

In 1977 she went to the Small Business Department her duties were to sale BellSouth equipment and provide Billing corrections, Billing collections, Sales of FX, WATS, and 800 lines. Cecilia was constantly # 1 in both sales of lines and equipment was honored quarterly for highest sales in the department.

In 1984 her job went to AT&T because of divestiture, she made Telemarketing calls to customers selling them WATS, Calling Cards, and 800 service, and Dial 1 Service. She achieved 100% commitment for AT&T on dial 1 on all the Spanish Speaking Small Business Nation Wide. AT&T honored her by making a mannequin of her in the Epcot Exhibit of AT&T where she can be seen and is in the history of Communications.

In 1987 she was offered a great opportunity to work for BellSouth again as an Account Executive Manager. This job required cold canvas calls as well as face-to-face visits, to determine what was the most cost effect solution for the customer. She achieved the number one spot in sales for all Five BellSouth States, and was given the exclusive territory of the Florida Keys. This was a very great honor and personal satisfaction for she effectively planned the marketing strategy and put all of her communications knowledge to work. Cecilia was so effective in the Keys that her results efforts were 3.5 million in revenue.

This is why she decided to start Communications and More Inc. in providing the total solutions to our business partners. She wanted to set the high standard and integrity that the two fortune 100 companies gave her all of her business carrier.

### **John P. Buckley: Director of Services:**

The Vice President of Communications and More, worked for BellSouth 37 years and retired. John expertise is primarily with designing of circuits and testing digital data, analog data, Frame Relay, Basic Rate Isdn, Primary Rate Isdn, (Tested not only the circuits themselves but accessed central office switches, # 5ESS, DMS100, Seimens. His knowledge on re-engineering and redesigning the circuits, when necessary to meet the customer's requests are exceptional. He was responsible for the original Southeast Bank Network, the Willow Networks, and The Florida Lottery Circuits. John's excellent knowledge earn him the honor and responsibility to cut over and design the West Palm Beach 911 network to the DMS100 switch.

## **American Utility Systems, Inc. - Application for Interexchange Telcom Service**

### **B. Technical capability—continued**

#### **Carlos Perez-Varela: Senior System Engineer**

Educated at Boston University where he graduated in 1986 with a Bachelor in Science Majoring in Computer Science.

Employed 18 years for Nortel Networks Carlos has had numerous positions with Nortel. These are just a few of the jobs he has held Traffic Engineer, Installing Maintenance Mechanization, Sales Engineer, Manager in Spain and in Latin America.

While in Spain, he started the operations of Nortel Networks, which included training, supporting distribution channels. He was responsible to establish the Meridian portfolio of products into the Telecommunications authorities of Spain.

Carlos expanded his responsibility by introducing the Nortel enterprise to Puerto Rico, US Virgin Island and the Dominican Republic. Working on the Meridian Passport, Opt era Optical Networks, Per phonics Voice Recognition Portfolio and Captivity Virtual Private Network (VPN).

He has helped fortune 100 companies such General Federal, Price Waterhouse, Deloitte and Touché, State of New York, and New York City, Sony.

#### **Lee Boyer: Vice President**

Born and raised in Delaware, attended University of Delaware where he graduated with a Bachelor in Science majoring in Operational Management.

Worked as an independent consultant for 18 years doing sales teams training, cost analysis, motivational speaker, and he is also a certified paralegal, management system design. Lee worked with Atlantic Lucent Technologies in the sales department becoming the top sales person and was given a promotion to Branch Manager.

Moved to Florida to work with Ameritrend as Vice President of Sales. In this position he increased sales from 6 Million to 12 Million Dollars and grew the offices from 3 to 8 locations in Florida and Carolina.

Lee was responsible for winning the Diplomat Hotel that brought in 1.8 Million and he was also the person to bring and win the deal for the New York Yankees.

Communications and More was very privileged to have Lee, join and lead the major players in the Telecommunication as partners such as Nortel, Avaya, Lucent, Samsung and others.

#### **Joe Hall: Vice President of Sales**

Joe was born and raised in Delaware, and graduated from Delaware Technology College. He served in Vietnam and returned to Delaware to in bark on what would be a 20-year experience in the communications business world.

## **American Utility Systems, Inc. - Application for Interexchange Telcom Service**

### **B. Technical capability—continued**

Joe worked for Lucent Technologies as their Territory Manager. He would set goals for his sell force and would consistently meet over and over again his set revenue by Lucent Technologies.

Versed in all aspects of data, voice, cabling, and carrier services. Joe was recruited and offered a very job with Danka a subsidiary of parent Company Ameritrend to manage the South Florida Region.

His responsibilities include penetrating the market and bringing in new as well as maintaining the customer base. He was expected to hold training classes on Avaya equipment as well as leading his sales force.

He joined the Communications and More Inc group in July of 2002 .

#### **Bob James: Senior Data Sales Engineer**

Bob went to School here in Florida he graduated from the University of Florida with a degree in Industrial and Systems Engineering. He has over 19 years experience in the Communications industry, involved in all aspects of data, voice, video, and security for system integration. Bob is a BICSI Registered Communications Distribution Designer.

He is certified in Cisco, Siemon, Superior Modular, and he has trained and instructed and promoted the most effective and leading edge technologies involving fiber to the desk. Bob, can provide wireless LAN / WAN, IBM cabling, Category 6 and 7 cabling as well. Bob is an asset to our Company and he gets the job done in an extremely professional and high quality. This is very clear when you see the list of his clients. All of which are fortune 100 companies American Express, NASA, BellSouth, AT&T, Telemex, CTC, PRTC, Sonsomatic, and the State.

#### **Pedro Silva- Director of Telecom Engineering**

Born in Portugal and raised in South Florida. Attended ITT Technical Institute in Davie, Florida where he graduated with an Associate in Science majoring in Electronics Engineering Technology with honors.

Worked as a Senior Systems Engineer for Ameritrend Corporation in Pompano Beach, Florida. Worked with the design and implementation of multiple node networks with centralized voicemail using T1s, PRI, BRI, and Frame Relay on Avaya and NEC's PBXs

Pedro joined Communications and More as Senior Systems Engineer in February 2002. During this time he was instrumental in growing the business from Carrier Sales to an all solutions player in the telecommunication field gathering partnerships with Nortel, Avaya, Lucent, Bell South, Samsung Qwest, and others.

Pedro is also proficient in Spanish and Portuguese.

## **American Utility Systems, Inc. - Application for Interexchange Telcom Service**

### **B .Technical capability—continued**

#### **James Boatright- Director of Information Technology**

James is born and raised in South Florida. Attended Palm Beach Community College in Lake Worth, Florida where he graduated with an Associate Degree in Communications.

Worked as a Network Engineer for Quatum Resources in North Palm Beach, Florida. Worked with the installation, maintenance, and repair of the data network and its peripherals. He then worked for Compucom in Fort Lauderdale, Florida as a System Engineer in where he was part of the Beta Testing of AireTime, the company's service scheduling software and was recognized as top performing Compaq server/workstation repair engineer.

James was the Information Technology Manager for Ameritrend in Pompano Beach, Florida. Where he executed the Macola to MAS 9000 conversion and ACT 2000 rollout. He was recognized as the first Manager within the company to successfully manage both voice and data engineers.

James joined Communications and More as Senior Systems Engineer in February 2002. During this time he was instrumental in the introduction and implementation of voice and data installation procedures.

James is a Microsoft Certified System Engineer (MCSE), Microsoft Certified Professional (MCP+I) A+ Certified Service Technician as well as Samsung iDCS500 and the Samsung SVMi8.

## American Utility Systems, Inc. - Application for Interexchange Telecom Service

### C. Financial capability.

Required: This application should contain the applicant's audited financial statements for the most recent three years. If the applicant does not have audited 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.***

American Utility Systems, Inc. was incorporated in September 2002. (see exhibit 3) Past financials are **not** available since the corporation has been recently established. Our goal is to grow and provide telecommunication and Internet services to Rialto Place tenants and other future Rudnick Development Inc. properties. We have projected telecom services with annual cash flows from our present tenant base, see exhibit 1. Our cash flow projections are based on at the present time, the executive suites which occupy the entire 7<sup>th</sup> floor and a few tenants on the 2<sup>nd</sup> floor. The Rialto Place building has approximately 40 other tenants in the building and additional opportunity to offer them phone service will be made once the executive suites system is in place.

#### **Credit references, and descriptions of business relationships with financial institutions.**

American Utility Systems, Inc. maintains its financial records with Salomon Smith Barney, inc. office, located at 1000 E. Hallandale Beach Blvd, Hallandale Fl 33009. Branch Number 800-624-0263.

AUS's financial Consultant is, Mr. Michael Bulhack. His office number is 954-457-1500. He has managed American Utility Bill Auditors, inc. premier account for over 10 years and established the new account for American Utility Systems, Inc.

Rialto Place, Ltd. a *customer credit application for business* is attached that was presented to USLEC and was approved and is labeled, exhibit # 4. Please note that rental leases generate over \$2,100,000 a year at this location. We have included a picture of this real estate location.

## American Utility Systems, Inc. - Application for Interexchange Telcom Service

### 1. A written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.

American Utility Systems, (AUS) who will be managing this project at 100 Rialto Place in Melbourne and possibly other Rudnick Development properties are committed to providing excellent and trouble free telecommunication services, inclusive of Internet, voice conferencing to all its tenants throughout the building.

A projected annual income statement is attached, **see exhibit #1**. Since the tenants will be obtaining the services along with their monthly leasing obligation, monthly cash flow projections are very accurate because floor occupancy is currently between 90-100% occupied; due to the strong need for a class A executive suites in the area, we expect this trend to continue.

To make our telecommunication services more attractive, we will be billing our services at a **10% rate lower** than the various other presently billed local services obtaining business grade service, see our **exhibit #2** and proposed tariff rate sheet. Over the last three (3) month period, we have set up conference meetings with the tenants and explained to them our goals and intentions of upgrading the telecommunication services, along with reducing their monthly costs and making securing and eliminating access to the phone room. Presently the tenants needed to obtain their own local and long distance services on their own. Our worksheets demonstrate the 10% savings and the base to each tenant. We felt this was the most equitable way to offer pricing since each tenant had different programs and existing rates.

By the initial offering of services on only the executive suite 7<sup>th</sup> floor and part of the 2<sup>nd</sup> floor only that projected income after payments for the three (3) T-1's from USLEC, to be approximately **\$96,500.00** annually. Once the 7<sup>th</sup> and 2<sup>nd</sup> floor services are completely installed, which include approximately **39** different tenants, then the rest of the building will be offered the internet and telecommunication services.

Both American Utility Systems (AUS) and Rudnick Development will be obtaining a 50% share of the equipment at time of final install. Each party has contributed equally in the deposit stage of the equipment purchase. AUS will be administering the monthly billing and have individually introduced the **10%** savings reduction arrangement to the tenants. Each tenant is pleased to obtain lower monthly costs, in local services, long distance inclusive of intra lata and interstate cost per minute pricing. The tenants also will be saving on the extra expenses that are commonly incurred by access fees that are presently charged between the local and long distance companies. USLEC **does not charge** for these costs so our tenants will benefit from these lower costs. There will be **no lease or equipment payment** made to the vendor after installation, since the system will be **fully paid**. Therefore there will be no difficulty in meeting our minimum costs (USLEC 3-T's) to provide the services to our tenants.

In addition to the phone service, we are planning to offer to the tenant's remote terminal services, whereby the tenant can have the option to utilities his home desktop computer and log into a community server in the building without having to commute to the executive suite. Our tenants are excited for these innovated Internet services, along with the lower cost for telecommunication services.

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

Presently our tenant lease commitment level is over 95% occupied. American Utility Systems only financial obligation will be 50% of the USLEC 3 T-1's, or approximately \$1,147.20 per month, (Rialto Place will pay the other 50%) which will cause **no financial hardship** in this very positive cash flow project.



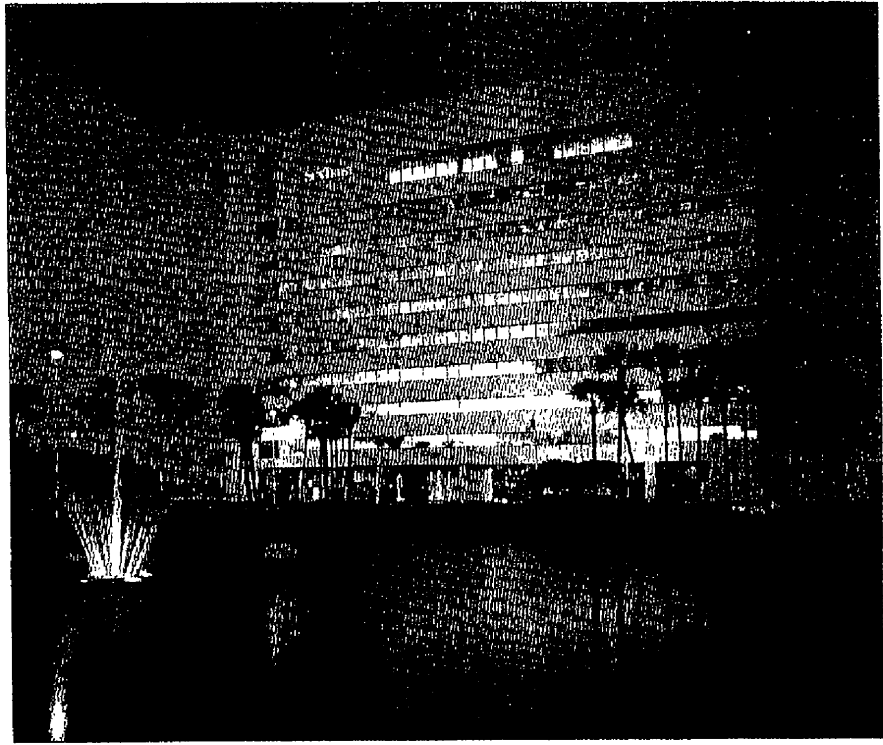
## American Utility Systems, Inc. - Application for Interexchange Telcom Service

### C. Financial capability. —Continued

Once new lease space becomes available, we will offer set prices to new outside tenants. Again these prices are set in our tariff. In addition we provide corporate ID programs, which allow answering services, and meeting room availability. The conference room calling with the new switch will allow bridge internally and externally. Our switch allows for video conferencing capabilities, which at this time is being surveyed if the tenants our outside market interest would allow for these services. At the time of application the response has been very favorable and will be considered in the second stage of the install.

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

Based on the financial projections and stability from the tenant leases, we believe that the stream of income from this project will not create financial difficulty in providing monthly services. At this time our tenant base and the continued demand for executive suite space in the Melbourne area is at a very high level. Our services at this time, will be exclusively for the tenants at Rialto Place. We project again see **exhibit #1** based on our interviews and review of their local billing and 10% savings that we are offering, that Rialto Place will receive revenue of **\$10,333.85** per month. Our monthly cost for providing this service will be paid to USLEC in the amount of **\$2,294.40**. Our estimated profit before submitting taxes to the state of Florida is **\$8,039.45** per month. Taxes will be submitted on a timely basis. Equipment will be owned outright and no leases are associated with the equipment.



# RIALTO

P L A C E

Tenant'S Identified as #'s	Rialto Price for services at a 10% discount Phones, lines, internet and taxes	Current provider costs	Internet	Annual Savings projected	# of handsets	# of Phone Lines	Corp ID
Tenant 1	\$ 36.00	\$ 40.01		\$ 48.01	0	1	Corp ID
Tenant 2	\$ 51.62	\$ 57.35		\$ 68.82	0	1	717
Tenant 3	\$ 35.52	\$ 39.46		\$ 47.36	0	1	Corp ID
Tenant 4	\$ 35.52	\$ 39.46		\$ 47.36	0	1	732
Tenant 5	\$ 38.23	\$ 42.48		\$ 50.98	0	1	Corp Id
Tenant 6	\$ 35.52	\$ 39.46		\$ 47.36	0	1	Corp ID
Tenant 7	\$ 35.52	\$ 39.46		\$ 47.36	0	1	Corp ID
Tenant 8	\$ 133.67	\$ 148.53		\$ 178.23	1	1	732
Tenant 9	\$ 136.98	\$ 154.42		\$ 185.31	1	1	732
Tenant 10	\$ 85.61	\$ 95.13	\$ -	\$ 114.15	0	2	703
Tenant 11	\$ 177.98	\$ 197.75	\$ 50.00	\$ 237.30	0	2	726
Tenant 12	\$ 133.86	\$ 148.74	\$ 50.00	\$ 178.48	0	2	728
Tenant 13	\$ 227.64	\$ 252.93	\$ 55.00	\$ 303.52	1	2	718
Tenant 14	\$ 255.22	\$ 283.58		\$ 340.30	1	2	712
Tenant 15	\$ 206.42	\$ 229.36		\$ 275.23	1	2	741
Tenant 16	\$ 209.87	\$ 233.19		\$ 279.83	1	2	756
Tenant 17	\$ 259.32	\$ 288.13		\$ 345.76	1	2	706
Tenant 18	\$ -	\$ -		\$ -	0	0	747- NOT RENEWING
Tenant 19	\$ 217.76	\$ 241.95		\$ 290.34	1	2	757
Tenant 20	\$ -	\$ -	\$ -	\$ -	0	0	754- NOT RENEWING
Tenant 21	\$ 167.56	\$ 186.18	\$ 75.00	\$ 223.41	0	3	752- requesting internet
Tenant 22	\$ 272.50	\$ 302.78		\$ 363.33	1	3	720
Tenant 23	\$ 273.76	\$ 273.76		\$ 328.51	1	3	751
Tenant 24	\$ 235.57	\$ 261.74		\$ 314.09	1	3	736
Tenant 25	\$ 246.69	\$ 274.10		\$ 328.92	1	3	753
Tenant 26	\$ 253.47	\$ 281.64		\$ 337.97	1	3	713
Tenant 27	\$ -	\$ -		\$ -	0	0	719- TENANT NOT RENEWING
Tenant 28	\$ 217.76	\$ 231.93		\$ 278.31	1	3	730
Tenant 29	\$ 317.56	\$ 352.84		\$ 423.41	2	3	711
Tenant 30	\$ 289.31	\$ 321.46		\$ 385.75	2	3	748 / 749
Tenant 31	\$ 332.28	\$ 369.20		\$ 443.85	3	3	737 / 738 / 739 / 742
Tenant 32	\$ 354.67	\$ 394.08		\$ 472.89	2	4	743/745
Tenant 33	\$ 213.94	\$ 237.72		\$ 285.28	2	4	750
Tenant 34	\$ 339.41	\$ 377.12		\$ 452.54	2	4	733
Tenant 35	\$ 397.78	\$ 441.98		\$ 530.38	3	4	215
Tenant 36	\$ 598.73	\$ 665.28		\$ 798.31	7	4	709 / 710 / 721 / 727 / 746 / 758
Tenant 37	\$ 358.20	\$ 398.00		\$ 477.60	2	5	722/723
Tenant 38	\$ 540.84	\$ 601.05		\$ 721.26	2	6	760 / 761
Tenant 39	\$ 630.10	\$ 700.11		\$ 840.13	6	6	212
Tenant 40	\$ 451.07	\$ 501.19		\$ 601.43	2	7	707
Tenant 41	\$ 488.18	\$ 542.42		\$ 650.90	2	8	724 / 725
Tenant 42	\$ 1,127.71	\$ 1,253.01		\$ 1,503.62	9	14	702 / 704 / 705 / 715 / 755
					60	123	

Projected Monthly revenue **\$10,333.85** \$11,441.61 \$13,729.94

US LEC MONTHLY COST **\$2,294.40**

Projected Net Profit **\$8,039.45**

PROJECTED ANNUAL **\$96,473.43**

EXHIBIT #1

**Monthly Saving Report**  
**for:**  
**example of tenant statements**

**Sep-02**

<b>current breakdown of charges</b>			
Federal Universal Service Charge	\$ 0.49	2.0	\$ 0.98
Fcc Local Number Portability Charge	\$ 0.35	2.0	\$ 0.70
Business Line	\$ 33.95	2.0	\$ 67.90
Emergency 911	\$ 0.50	2.0	\$ 1.00
Fcc Charge for Network Access	\$ 7.84	2.0	\$ 15.68
Telecommunications Access System Act Surcharge	\$ 0.08	2.0	\$ 0.16
business message	\$ 1.00	28.7	\$ 28.70
			\$ 115.12

<b>long distance provider</b>	<b>Current cost per minute</b>	<b>Rialto Rate</b>	<b>10 % discount</b>
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intralata  
interstate  
international

956-9040  
956-0950

**Telephone Service**

Monthly service- BellSouth			
Florida Public Commission	1.50%		
Federal Excise Taxes	3.00%		
Gross Receipts Taxes	2.50%		
Florida Telecommunication Sales Tax	7.00%		
	<b>14.00%</b>		
Internet			

**Long Distance Access Fees**

Telephone	1.0	\$ 45.00	\$ 45.00
Tax		6.00%	\$ 2.70

**Presently Billed Taxes**

Federal	\$ 114.14	3.00%	\$ 3.42
State Communication	\$ 113.42	6.80%	\$ 7.71
Local ( base- local)	\$ 114.42	5.72%	\$ 6.54
Gross Receipts (base-local and a	\$ 113.42	2.37%	\$ 2.69
		<b>17.89%</b>	

**Total Monthly Expenditures**

**Guarantee Savings** 10.00% \$ 23.32

<b>Savings Current Month</b>	<b>\$ 23.32</b>
Percent Current Month	10.00%
<b>Total Projected Annual Savings</b>	<b>\$ 279.83</b>
Total Percent Savings	10.00%

<b>Local Tariff Rate</b>	<b>Rialto Rate</b>
\$ 115.12	\$ 184.10
	\$ 25.77
\$ 50.00	
\$ 45.00	
\$ 2.70	
\$ 233.19	\$ 209.87

1.14

**Electronic Articles of Incorporation  
For**

P02000099632  
FILED  
September 13, 2002  
Sec. Of State

AMERICAN UTILITY SYSTEMS, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:  
AMERICAN UTILITY SYSTEMS, INC.

**Article II**

The principal place of business address:  
7040 W. PALMETTO PK. RD.  
#2412  
BOCA RATON, FL. 33433

The mailing address of the corporation is:  
PO BOX 970145  
BOCA RATON, FL. 334971045

**Article III**

The purpose for which this corporation is organized is:  
ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The number of shares the corporation is authorized to issue is:  
100

**Article V**

The name and Florida street address of the registered agent is:  
ADAM G HEFFNER ESQ  
1900 NW CORPORATE BLVD.  
SUITE 300- WEST BLDG  
BOCA RATON, FL. 33431

I certify that I am familiar with and accept the responsibilities of registered agent.

**P02000099632**  
**FILED**  
**September 13, 2002**  
**Sec. Of State**

Registered Agent Signature: ADAM HEFFNER

**Article VI**

The name and address of the incorporator is:

LEN GARVIN  
PO BOX 970145  
BOCA RATON, FL 33497-1045

Incorporator Signature: LEN GARVIN

US LEC OF FLORIDA INC.

CUSTOMER CREDIT APPLICATION FOR BUSINESSES

Date of Application 9/26/02

Important: All applicable information (front and back) must be completed in its entirety. Please print clearly and legibly to help ensure accurate and timely processing. When used herein, the term "Company" means the legal entity that owns the business that has requested service from US LEC of Florida Inc.

Business Company Information

Legal Company Name Rialto LTD (the "Company")

Type of Entity:  Partnership  Sole Proprietor  Corporation  Limited Liability Company  Other

Dun & Bradstreet Number: \_\_\_\_\_

Other trade name(s): \_\_\_\_\_ DBA: \_\_\_\_\_ Years in Business: \_\_\_\_\_ yrs \_\_\_\_\_ mos.

Fed. Tax ID: 54-1998870 Number of Employees: 6 <sup>Rental Income</sup> Annual Sales: \$ 2,100,000

Physical Street Address (no PO Box numbers please) 100 Rialto Place Suite 700

City: Melbourne State: FL Zip: 32901 How long? \_\_\_\_\_ yrs \_\_\_\_\_ mos

Contact Person: Michael Gattis Phone: (321) 724-8888 Fax: (321) 727-3275

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ How long? \_\_\_\_\_ yrs \_\_\_\_\_ mos

Do you own or lease the building in which you are located? (please check one)  Own  Lease

Principal of the Company (If Sole owner or Partnership, please complete the section below. Use additional pages if necessary.)

I hereby authorize US LEC of Florida Inc to use the information provided below to obtain a consumer credit report, and I understand that my creditworthiness may be considered when making a decision whether to provide services to the Company on credit

Principal name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title or Position: \_\_\_\_\_ Phone ( ) \_\_\_\_\_

Social Security Number \_\_\_\_\_ Year of Birth: \_\_\_\_\_

Residential Street Address \_\_\_\_\_

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

Affiliates of Parent Company Information (If you would like us to consider the credit of an affiliated Company,

(Exhibit #4)

**please complete the section below. Use additional pages if necessary.)**

Affiliated or Parent Company: \_\_\_\_\_

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

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

**Trade References**

Company Name: Thyssen Krupp Elevator

Address: P.O. Box 520217 Miami, FL 33152

Contact: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: (800) 683-8883

**Bank References (Please provide the name of the bank which maintains your business checking account.)**

Bank Name: AmSouth Bank Phone: (321) 25-4397

Address: 950 S. Mollo Blvd.

City: Melbourne State: FL Zip: 32101

Business Checking Account Number(s): REDACTED

US LEC OF FLORIDA INC. RESERVES THE RIGHT TO REQUEST A COPY OF THE COMPANY'S MOST RECENT FINANCIAL STATEMENT AND/OR REMITTANCE PORTION OF THE INVOICE FROM THE PREVIOUS OR CURRENT TELECOMMUNICATIONS CARRIER.

I understand that the information contained to this application is for the purpose of obtaining credit in connection with the provision by US LEC of Florida Inc. of telecommunication services. I hereby certify that I am an officer of the Company named on the front page of this application, that I am duly authorized to provide the information contained herein on behalf of the Company, and that the information contained herein is true and correct to the best of my knowledge. I hereby authorize US LEC of Florida Inc. to obtain credit information from any credit bureau or other investigative agency pertaining to the credit and financial responsibility of the Company. I further understand as a result of this credit review, that the Company may be required to submit a deposit or a guaranty(ies) of related parties in order to use the services of US LEC of Florida Inc.

Elito LTD.  
Company Name

Michael Corbis, President Property Management  
Type or Print Name and Title of Owner or Officer

x [Signature] 2/20/02  
Authorized Signature Date

(Exhibit #4)