



*McDaniel, Tinsley & Associates, Inc.  
Telecommunications Management Consulting*

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December 30, 2002

021268-TX

Florida Public Service Commission  
Division of Commission Clerk and Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Joint Application of O1 Communications of Florida, Inc. and ALEC, Inc.  
for Approval of a Transfer of Ownership of Certificate Number TX 163.

Dear Sir or Madam:

Enclosed are the original and seven (7) copies of the Application. Please note that the financials, Exhibit 3 are filed as Confidential. Please file the Application in your usual fashion and return one (1) file-stamped copy to us in the enclosed envelope. We are still waiting for the Florida Secretary of State corporate registration number. We will file that as soon as we receive it from the Florida Secretary of State.

If you have any questions or comments, please call the undersigned.

Sincerely,

Richard McDaniel

Enc.

Cc: O1 Communications of Florida, Inc.  
ALEC, Inc.

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1170 Buckhead Drive  
Greensboro, Georgia 30642  
Tel: 706 467-0661 · Fax: 509 756-2132  
Cell: 706 318-7898 · Email: rmcDaniel@mta-consulting.com

3640 Valley Hill Road  
Kennesaw, Georgia 30152  
Tel. 770 425-4725 · Fax: 443 697-0087  
Cell: 770 826-9822 · Email: jtinsley@mta-consulting.com

DOCUMENT NUMBER-DATE  
14116 DEC 31 2002  
FPSC SECRETARY CLERK

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

**DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT  
CERTIFICATION**

**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 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) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission  
Division of the Commission Clerk and Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
(850) 413-6770**

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

**Florida Public Service Commission  
Division of Competitive Markets and Enforcement  
Certification  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
(850) 413-6600**

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## 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:

O1 Communications of Florida, Inc.

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

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

770 L Street, Suite 960  
Sacramento, CA 95814

5. Florida address (including street name & number, post office 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:

Title:

Address:

City/State/Zip:

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

Internet E-Mail Address:

Internet Website Address:

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

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

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

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

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

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

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

(a) The Florida Secretary of State registration number:

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

Name:

Title:

Address:

City/State/Zip:

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

Internet E-Mail Address:

Internet Website Address:

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

(a) The Florida registration number:

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

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.

Bradley L. Jenkins was the President of O1 Communications of Florida, LLC, a Florida limited liability company, company code TX391, Certificate No. 7302. O1 Communications of Florida, LLC was sold on August 2, 2000 to SpectrumLink Networks, Inc. Mr. Jenkins is no longer associated with the LLC in any way.

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

(a) The application:

Name: Richard McDaniel

Title: President, McDaniel, Tinsley & Associates, Inc.

Address: 1170 Buckhead Drive

City/State/Zip: Greensboro, GA 30642

Telephone No.: 706 467 0661 Fax No.: 509 756 2132

Internet E-Mail Address: rmcdaniel@mta-consulting.com

Internet Website Address: www.mta-consulting.com

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

Name: Alexandra Hanson

Title: Director, Regulatory Affairs

Address: 770 L Street, Suite 960

City/State/Zip: Sacramento, CA 95814

Telephone No.: 916-554-2115 Fax No.: 916-554-2180

Internet E-Mail Address: ahanson@o1.com

Internet Website Address:

(c) Complaints/Inquiries from customers:

Name: Max Seely

Title: Vice President, General Manager

Address: 770 L Street, Suite 960

City/State/Zip: Sacramento, CA 95814

Telephone No.: 916-554-2112 Fax No.: 916-554-2180

Internet E-Mail Address: mseely@o1.com

Internet Website Address:

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

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

None

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

Applications for authority will be filed by sister corporations in Georgia, North Carolina, Alabama, and Mississippi

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

None

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

Has not been denied authority

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

Has not had penalties imposed

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

Has not been involved in any such proceedings

**18. Submit the following:**

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

**SEE EXHIBIT 1 ATTACHED.**

- 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.**

**SEE EXHIBIT 2 ATTACHED**

- 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.

**SEE EXHIBIT 3 ATTACHED.**

THIS PAGE MUST BE COMPLETED AND SIGNED

**APPLICANT ACKNOWLEDGMENT STATEMENT**

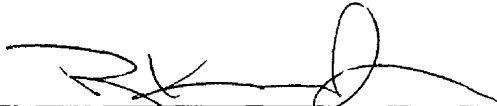
- 1. REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
- 2. APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Keenan Davis  
\_\_\_\_\_  
**Print Name**

General Counsel  
\_\_\_\_\_  
**Title**

916-554-2159  
\_\_\_\_\_  
**Telephone No.**

  
\_\_\_\_\_  
**Signature**

12/26/02  
\_\_\_\_\_  
**Date**

916-554-2180  
\_\_\_\_\_  
**Fax No.**

**Address:** 770 L Street, Suite 960  
Sacramento, CA 95814

**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.

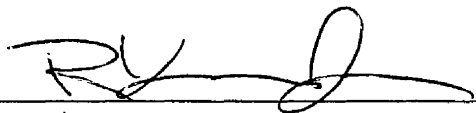
Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082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

**UTILITY OFFICIAL:**

Keenan Davis  
\_\_\_\_\_  
**Print Name**

General Counsel  
\_\_\_\_\_  
**Title**

916-554-2159  
\_\_\_\_\_  
**Telephone No.**

  
\_\_\_\_\_  
**Signature**

12/26/02  
\_\_\_\_\_  
**Date**

916-554-2180  
\_\_\_\_\_  
**Fax No.**

**Address: 770 L Street, Suite 960  
Sacramento, CA 95814**

**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) 1101 N. Keller Road  
Maitland, FL 32810
  - 2)
  - 3)
  - 4)
  
2. **SWITCHES:** Address where located, by type of switch, and indicate if owned or leased.
  - 1) 1101 N. Keller Road  
Maitland, FL 32810
  - 2)
  - 3)
  - 4)
  
3. **TRANSMISSION FACILITIES:** POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

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

# CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

I, Philip V. Patete, Chief Technical Officer of ALEC, Inc. and current holder of Florida Public Service Commission Certificate Number #TX163 have reviewed this application and join in the petitioner's request for a:

- ( ) sale  
( x ) transfer  
( ) assignment

of the above-mentioned certificate.

## UTILITY OFFICIAL:

Philip V. Patete  
**Print Name**

Chief Technical Officer  
**Title**

407 708 1708  
**Telephone No.**

  
**Signature**

12-20-02  
**Date**

407 708 1759  
**Fax No.**

**Address:**  
**1101 Greenwood Blvd. Second Floor**  
**Lake Mary, FL 32746**

O1 Communications of Florida, Inc.

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

Exhibit 1

**Managerial Capability**

**Bradley L. Jenkins** is the Company's President and founder. Mr. Jenkins has years of experience owning and operating telecommunications and finance related companies. Mr. Jenkins is the founder and president of O1 Communications, Inc., which has been providing telecommunications services to customers in California since 1999. Previous to founding O1 Communications, Mr. Jenkins was the founder, President and sole proprietor of JPS.Net, the largest privately-owned Internet service provider in California. Mr. Jenkins' telecommunications experience ranges from constructing and operating next-generation Inter/IntraLATA telecommunications networks to arranging capital financing sources to fund business activities.

**Max Seely** is the Company's Senior Vice President and General Manager. Mr. Seely brings to the Company over twenty years of sales and marketing management experience. Prior to joining the Company, Mr. Seely was Vice President of Sales and Marketing for Pac West Telecommunications, a California based CLEC. While at Pac West, Mr. Seely was instrumental in developing the sales and marketing of Internet-related telecommunications services to over 100 ISP customers throughout California.

**R. Keenan Davis** is the Company's General Counsel. He has 20 years of corporate legal experience and has been the lead negotiator for over US\$250,000,000 worth of large-scale complex technology licensing and sale agreements in the United States, Europe, the Middle East and Asia. His corporate experience includes the entire corporate life-cycle from start up and early round financings through going public to leveraged buy-out transactions. He has extensive experience with telecommunications issues, international contracts, intellectual property, copyright and trademark matters, corporate securities, and Internet issues. Mr. Davis has taught at U.C. Davis, U.C. Berkeley, National University, Northrop University and Sacramento City College. He attended Whittier College, the University of Copenhagen, and L'Abri Fellowship Foundation in Switzerland. He received a B.A. in Russian Language from Brigham Young University, and his J.D. from University of the Pacific, McGeorge School of Law.

**Ronald D. Bradley** is the Company's Director of Network Services. With 15 years of experience in IT project development, implementation and management, he has successfully planned, deployed and maintained numerous multi-discipline IT projects throughout the United States and Pacific Rim utilizing a variety of systems and equipment, including Cisco network and security technologies, Nortel switches, and Octel Unified Messaging services, in both Microsoft and Unix environments. He has extensive experience in vendor and supplier management, development of service agreements, and management of departmental resources and budget.

O1 Communications of Florida, Inc.

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

**Exhibit 2**

**Technical Capability**

See resumes of Company's officers and managers contained in Exhibit 1.

Applicant has the technical qualifications necessary to provide the proposed services. As described in Exhibit 1 hereto, the principals of the Applicant have extensive histories in managing and operating telecommunications businesses. O1 Communications, Inc., a California corporation ("O1-California"), Applicant's parent corporation, was certified in California in September, 1998 and has been offering service to customers in California since August, 1999. Applicant, through its parent company, has extensive experience and processes in place for provisioning services and for providing customer service and billing functions. O1-California has a statewide network in California with switching equipment in each of California's 10 LATAs. O1-California interconnects with the ILECs in each LATA at its switching center and purchases transport to most end offices within each LATA. The network is controlled at its Network Operations Center (NOC) in Sacramento, California