

ORIGINAL

031113-TX



210 N. Park Ave.
Winter Park, FL
32789

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

December 17, 2003

Overnight

Blanca Bayo, Director
Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

RECEIVED 11:30
03 DEC 13 AM 11:10
COMMISSION
CLERK

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

RE: Application of Network PTS, Inc. for authority to provide Alternative Local Exchange Service within the State of Florida

Dear Ms. Bayo:

Enclosed for filing are the original and six (6) copies of the above-referenced application of Network PTS, Inc.

Also enclosed is a \$250 check to cover the filing fee.

★ Attachment III of this application contains the financial statements of BullsEye Telecom, Inc., which are being filed, under separate cover, concurrently with this application.

Please acknowledge receipt of this filing by returning, filed stamped, the extra copy of this letter in the self-addressed stamped envelope.

I may be reached at (407) 740-8575 or via email at mbyrnes@tminc.com with any questions, comments or correspondence regarding this application. Thank you for your assistance.

Sincerely,

Monique Byrnes
Consultant to Network PTS, Inc.

cc: John King, Network PTS
file: Network PTS - FL Local
tms: fl10300

★ CCA note: Per discussion with Ms. Byrnes, financial statements are attached but are confidential. A claim of confidentiality will be filed.
Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.
Initials of person who forwarded check:
uf
12/18/03

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL I
- OPC _____
- MMS _____
- SEC I
- OTH I

LCOM records

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FPSC-BUREAU OF RECORDS

03 DEC 18 AM 10:43

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13162 DEC 18 03

FPSC-COMMISSION CLERK

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 13204-03. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

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

Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.

Use a separate sheet for each answer which will not fit the allotted space.

Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission
Division of Records and Reporting
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6770**

§ If you have any questions about completing the form, contact:

**Florida Public Service Commission
Division of Regulatory Oversight
Certification Section
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6600**

APPLICATION

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

- Original certificate** (new company)
- Approval of transfer of existing certificate:** Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority.
- Approval of assignment of existing certificate:** Example, a certificated company purchases an existing company and desires to retain the original certificate authority of that company.
- Approval of transfer of control:** Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Network PTS, Inc.

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

Not applicable

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

Name: Network PTS, Inc.
Street: 14472 Wicks Boulevard
P.O. Box:
City: San Leandro
State: California
Zip Code: 94577

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

The Company will not have a physical location within the State of Florida.

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

6. Structure of organization:

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

7. If individual, provide:

Name: Not applicable
Title:
Address:
City, State, Zip:
Telephone No.: **Fax No.:**
Internet E-Mail Address:
Internet Website Address:

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

Not applicable

The Florida Secretary of State corporate registration number:

9. If foreign corporation, provide proof of authority to operate in Florida: See Exhibit I

The Florida Secretary of State corporate registration number: F03000004780

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

Not applicable

The Florida Secretary of State fictitious name registration number:

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

Not applicable

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: Not applicable
Title:
Address:
City, State, Zip:
Telephone No.: Fax No.:
Internet E-Mail Address:
Internet Website Address:

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

The Florida registration number: Not applicable

14. **Provide F.E.I. Number (if applicable):** 68-0188810

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.**

No officer, director or stockholder of the Company has been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime. No officer, director or stockholder of the Company is involved in proceedings which may result in such action.

(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.**

No officer, director, partner or stockholder of the Company has been an officer, director or stockholder in any other Florida certificated telephone company.

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

(a) The application:

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

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

Name: Thomas Keane
Street: 14472 Wicks Boulevard
P.O. Box:
City: San Leandro
State: California
Zip Code: 94577
Telephone No.: 510-347-3631
Fax No.: 510-347-3687
Internet E-Mail Address: tomk@jaroht-pts.com
Internet Website Address:

(c) Complaints/Inquiries from customers:

Name: Michael Rossi
Title: Director, Business Development
Address: 14472 Wicks Boulevard
City, State, Zip: San Leandro, California 94577
Telephone No.: 510-347-3673
Fax No.: 510-3473636
Internet E-Mail Address: miker@jaroht-pts.com
Internet Website Address:

17. List the states in which the applicant:

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

The Company has not yet begun local service operations in any state.

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

The company does not have pending applications at this time.

- (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.

None.

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

None.

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

None.

18. **Submit the following:**

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

Please see Exhibit II.

- 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.**

Network PTS will operate as both a reseller and UNE-P provider of local services over facilities provided by the underlying LEC carrier(s). The underlying carriers perform all local switching, routing and call completion functions. Resumes of key employees may be found in Exhibit II.

- 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.

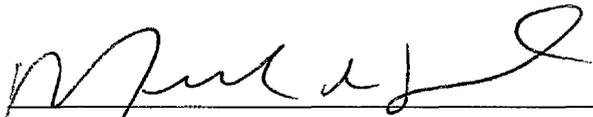
As indicated on Exhibit III to this application, Network PTS is submitting its start-up Balance Sheet. The company has not yet begun operations and does not have an Income Statement at this time.

THIS PAGE MUST BE COMPLETED AND SIGNED

APPLICANT ACKNOWLEDGMENT STATEMENT

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with this application.

UTILITY OFFICIAL:



Michael Zumbo, President
Network PTS, Inc.
14472 Wicks Boulevard
San Leandro, California 94577
Phone: 510-347-3661
Fax: 510-618-1247
Toll-Free: 888-420-6700

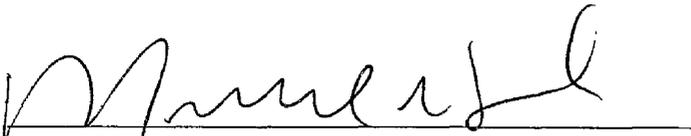
12-11-07
Date

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange service in the State of Florida. I have read the foregoing and declare that to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, AWhoever 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:



Michael Zumbo, President
Network PFS, Inc.
14472 Wicks Boulevard
San Leandro, California 94577
Phone: 510-347-3661
Fax: 510-618-1247
Toll-Free: 888-420-6700

12-11-03
Date

INTRASTATE NETWORK (if available)

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

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

None

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

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

None

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

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

None

<u>Type of POP-to POP</u>	<u>Owned or Leased</u>
1)	
2)	
3)	
4)	

CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

NOT APPLICABLE

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

G Sale

G Transfer

G Assignment

of the above mentioned certificate.

UTILITY OFFICIAL:

Name, Title

Company

Street

City, State, Zip

Phone:

Fax:

Toll Free:

Date

Network PTS, Inc.

Exhibit I

Secretary of State

and

Articles of Incorporation



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State

September 25, 2003

JENNIFER E. TORBOHN
LANAHAN & REILLEY LLP
110 LARKSPUR LANDING CIRCLE, SUITE 340
LARKSPUR, CA 94939

Qualification documents for NETWORK PTS, INC. were filed on September 22, 2003 and assigned document number F03000004780. Please refer to this number whenever corresponding with this office.

Your corporation is now qualified and authorized to transact business in Florida as of the file date.

A corporation annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (850) 245-6051, the Foreign Qualification/Tax Lien Section.

Michelle Hodges
Document Specialist
Division of Corporations

Letter Number: 203A00052868



SECRETARY OF STATE



I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 5 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 13 2003

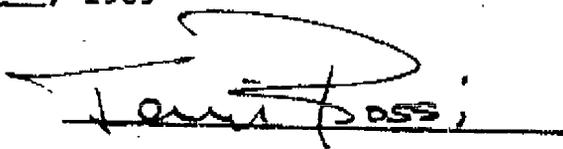


Kevin Shelley

Secretary of State

not be relieved of liability.

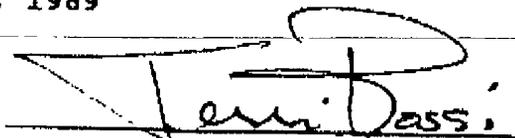
Dated: 3-23-89, 1989



Terri Rossi

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, which execution is my act and deed.

Dated: 3-23-89, 1989



Terri Rossi

A0592079

1636434

CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR TRLD, INC.
[CORPORATE NUMBER 1636434]

FILED DR
In the office of the Secretary of State
of the State of California

FEB 13 2003

Kevin Shelley
KEVIN SHELLEY, Secretary of State

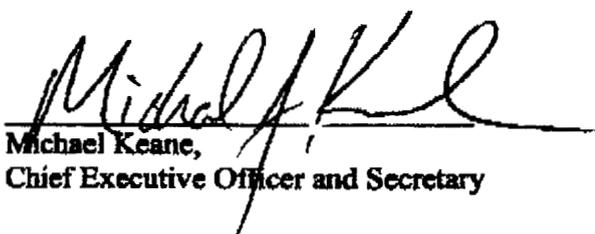
The undersigned certifies that:

1. I am the chief executive officer and the secretary, Michael Keane, respectively of TRLD, Inc., a California Corporation.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network Public Telecom Services.
3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: January 30, 2003


Michael Keane,
Chief Executive Officer and Secretary

1636434
CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR
NETWORK PUBLIC TELECOM SERVICES
[CORPORATE NUMBER 1636434]

FILED *DK*
in the office of the Secretary of State
of the State of California

FEB 21 2003

Kevin Shelley
KEVIN SHELLEY, SECRETARY OF STATE

The undersigned certifies that:

1. I am the chief executive officer and the secretary, Michael Keane, respectively of NETWORK PUBLIC TELECOM SERVICES, a California Corporation.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network Public Telecom Services, Inc.
3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: February 19, 2003

Michael Keane
Michael Keane,
Chief Executive Officer and Secretary

A0599697

VCTO

1636434

FILED
In the office of the Secretary of State
of the State of California
AUG 06 2003

**CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR
NETWORK PUBLIC TELECOM SERVICES, INC.
[CORPORATE NUMBER 1636434]**

Kevin Shelley
KEVIN SHELLEY, Secretary of State

The undersigned certifies that:

1. I, Thomas Keane, am the chief executive officer and the secretary of NETWORK PUBLIC TELECOM SERVICES, a California Corporation.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network PTS, Inc.
3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

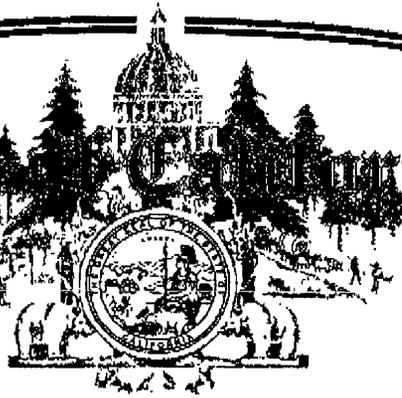
I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: July 28, 2003

Thomas Keane
Thomas Keane,
Chief Executive Officer and Secretary



State of California



**SECRETARY OF STATE
CERTIFICATE OF STATUS
DOMESTIC CORPORATION**

I, KEVIN SHELLEY, Secretary of State of the State of California, hereby certify:

That on the **27th day of March, 1989**, **NETWORK PTS, INC.** became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office; and

That said corporation's corporate powers, rights and privileges are not suspended on the records of this office; and

That according to the records of this office, the said corporation is authorized to exercise all its corporate powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of August 13, 2003.



Kevin Shelley
KEVIN SHELLEY
Secretary of State

ch

Network PTS, Inc.

Exhibit II

Management Profiles

PROFILES OF KEY MANAGEMENT PERSONNEL

Thomas R. Keane **Chairman and Chief Executive Officer**

Mr. Keane has been involved in the pay telephone business since 1985, as the founder of PAY*Tel Phone Systems, which for many years was one of California's leading independent payphone service providers, until its merger with another payphone service company in 1999. Mr. Keane has been instrumental in the deregulation and strategic planning of the private pay telephone marketplace. Pursuing a long-term leadership role within the industry, Mr. Keane has served since 1988 as President of the California Payphone Association, the nation's leading state trade association serving the payphone service industry. In addition, he formerly served as Chairman for the industry's national trade organization, the American Public Communications Council, and continues to serve as a member of its board of directors. In these capacities, Mr. Keane has played a key role in developing and directing regulatory strategies for the payphone service industry and in representing the industry before the U.S. Congress and before state and federal regulatory bodies. Mr. Keane's efforts have helped to provide increased compensation opportunities benefiting all payphone providers and their clients.

In 1998, Mr. Keane was a co-founder of Network PTS, Inc., for which he serves as Chairman of the Board and CEO. Network PTS has operated primarily as an aggregator of non-sent-paid calling for delivery from payphone providers to long-distance carriers and operator service providers ("OSPs"). In recent years, Network PTS has expanded its operations to cover the maintenance and operation of payphone assets for some of the nation's largest telecommunications utilities. Both at PAY*Tel and more recently at Network PTS, Mr. Keane has been at the forefront of developing innovative service options that have assisted payphone service providers in weathering a succession of economic and regulatory challenges, generating improved services and revenues for the companies' clients.

Mr. Keane received a Bachelor's degree in Economics from the University of California, at Berkeley.

Michael R. Zumbo **President**

Mr. Zumbo served as President and CFO of PAY*Tel Phone Systems from 1987 until the late 1990s. In 1998, he and Mr. Keane formed Network PTS, Inc. Since that time, Mr. Zumbo has overseen all aspects of the daily operations of Network PTS, focusing on the areas of financial planning and management. Mr. Zumbo also has played a key role in the development of Network PTS' sales, marketing, and customer service programs.

Mr. Zumbo received a Bachelor's degree in Accounting from St. Mary's College of California and, before taking on a management role at PAY*Tel, had five years' experience as a Certified Public Accountant specializing in corporate auditing and management services.

**PROFILES OF KEY MANAGEMENT PERSONNEL
(CONT'D.)**

Torre Liano
Executive Vice President

Mr. Liano began working in the payphone service industry in 1988 as President and CEO of Pacific Public Payphones and has first-hand experience in all aspects of pay telephone operations and services. As Executive Vice President of Network PTS since its founding in 1998, Mr. Liano has overseen all day-to-day operations relating to sales, operations, carrier negotiations, and new product development. In the area of product development, Mr. Liano has made available to Network PTS' clients and their customers network options that offer opportunities to enhance both service and revenues. Mr. Liano has been responsible for the detailed planning of the local exchange and network operator services that are proposed to be offered by Network PTS, Inc.

Mr. Liano is a graduate of Fresno State University.

Michael Rossi
Vice President of Operations / Business Development

Mr. Rossi began working for Network PTS, Inc. in 1998. Mr. Rossi manages the operations and information systems departments which responsibilities include data management, software development, hardware maintenance and monitoring, revenue recognition, and billing services.

Mr. Rossi is a graduate of Hayward State University.