



July 26, 2005  
Via Overnight Delivery

210 N. Park Ave.  
Winter Park, FL  
32789

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

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

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

650504-JX

RE: Application for **Spirited Technologies, Inc., d/b/a Spirited Broadband** for Authority to provide Alternative Local Exchange Service within the State of Florida -

Dear Ms. Bayo:

Enclosed for filing please find the original and six (6) copies of the Alternative Local Exchange Services Application submitted on behalf of Spirited Technologies, Inc., d/b/a Spirited Broadband. Also enclosed is our Company check in the amount of \$250.00 to cover the filing fee.

The enclosed financial material is confidential and should be treated accordingly pursuant to Chapter 364.183(1), F.S. Pursuant to the requirements of Rule 25-22.006(5)(a), enclosed is one copy of the subject material with the confidential portions highlighted. Also enclosed are two redacted copies of the same material.

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

Any questions you may have regarding this filing may be directed to me at (407) 740-3009 or via email to [ceneeld@tminc.com](mailto:ceneeld@tminc.com). Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Neeld", is written over a horizontal line.

Craig Neeld  
Consultant to Spirited Technologies, Inc.

CN/ks

cc: Mark Monteleone, Spirited  
file: Spirited - FL ALEC  
tms: FLA0500

DOCUMENT NUMBER-DATE

07162 JUL 27 '05

FPSC-COMMISSION CLERK

**FLORIDA PUBLIC SERVICE COMMISSION**

**DIVISION OF REGULATORY OVERSIGHT  
CERTIFICATION SECTION**

**APPLICATION FORM**

for

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

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**Instructions**

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

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

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

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

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

- If you have 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:**

Spirited Technologies, Inc., d/b/a Spirited Broadband

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

Spirited Broadband

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

Spirited Technologies, Inc., d/b/a Spirited Broadband  
2150 Collier Ave., Suite S  
Fort Myers, FL 33901

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

See No. 4 above.

**6. Structure of organization:**

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

**7. If individual, provide:**

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

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

Florida Secretary of State Corporate Registration #: P04000162098

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

The Florida Secretary of State corporate registration number: Not applicable

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

Spirited Broadband

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):** 61-1481365

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:** Craig Neeld  
**Title:** Consultant to Spirited Technologies, Inc., d/b/a Spirited Broadband  
**Address:** P.O. Drawer 200  
**City, State, Zip:** Winter Park, FL 32790-0200  
**Telephone No.:** (407) 740-3008  
**Fax No.:** (407) 740-0613  
**Internet E-Mail Address:** cneeld@tminc.com  
**Internet Website Address:** www.tminc.com

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

**Name:** Mr. Mark Monteleone  
**Title:** President  
**Address:** 2150 Collier Ave., Suite S  
**City, State, Zip:** Fort Myers, FL 33901  
**Telephone No.:** (941) 870-4929  
**Fax No.:** (941) 870-5655  
**Internet E-Mail Address:** info@spiritedtech.com  
**Internet Website Address:** www.spiritedtech.com

**(c) Complaints/Inquiries from customers:**

**Name:** Mr. Mark Monteleone  
**Title:** President  
**Address:** 2150 Collier Ave., Suite S  
**City, State, Zip:** Fort Myers, Florida 33901  
**Telephone No.:** (941) 870-4929  
**Fax No.:** (941) 870-5655  
**Internet E-Mail Address:** info@spiritedtech.com  
**Internet Website Address:** www.spiritedtech.com

**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.**

none

**(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.**

Please see 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.*

Spirited Technologies does not have audited financial statements at this time. Please see Exhibit III for the unaudited balance sheet, income statement and statement of retained earnings of Spirited Technologies, Inc., d/b/a Spirited Broadband

Further, the following (which includes supporting documentation) should be provided:

1. **written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. **written explanation** that the applicant has sufficient financial capability to maintain the requested service.
3. **written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.

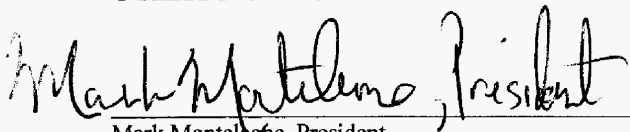
Please see Exhibit III.



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:

 Mark Montelone, President

Mark Montelone, President  
Spirited Technologies, Inc., d/b/a Spirited Broadband  
2150 Collier Ave., Suite S  
Fort Myers, Florida 33901  
Telephone: (941) 870-4929  
Facsimile: (941) 870-5655

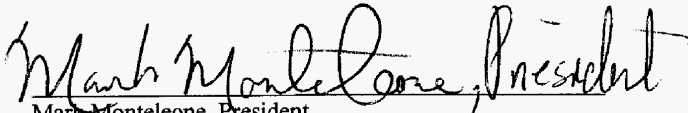
7/12/05  
Date

**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:**



Mark Monteleone, President  
Spirited Technologies, Inc., d/b/a Spirited Broadband  
2150 Collier Ave., Suite S  
Fort Myers, Florida 33901  
Telephone: (941) 870-4929  
Facsimile: (941) 870-5655

7/12/05  
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

Type of POP-to POP

Owned or Leased

- |    |                |
|----|----------------|
| 1) | Not Applicable |
| 2) |                |
| 3) |                |
| 4) |                |

## CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

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

- Sale
- Transfer
- Assignment

of the above mentioned certificate.

### UTILITY OFFICIAL:

---

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

---

Date

NOT APPLICABLE

**Spirited, Technologies, Inc.**

Exhibit I

Florida Secretary of State Certificate

and

Articles of Organization

# *Certificate of Status*

I certify from the records of this office that SPIRITED TECHNOLOGIES, INC. is a corporation organized under the laws of the State of Florida, filed electronically on December 02, 2004.

The document number of this corporation is P04000162098.

I further certify that said corporation has paid all fees due this office through December 31, 2004, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

Authentication Code: 041202105440-500043123235#1

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Second day of December, 2004



*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State

# *Certified Copy*

I certify the attached is a true and correct copy of the Articles of Incorporation of SPIRITED TECHNOLOGIES, INC., a Florida corporation, filed electronically on December 02, 2004, as shown by the records of this office.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this corporation is P04000162098.

Authentication Code: 041202105440-500043123235#1

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Second day of December, 2004



*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State

**Electronic Articles of Incorporation  
For**

P04000162098  
FILED  
December 02, 2004  
Sec. Of State  
jshivers

SPIRITED TECHNOLOGIES, 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:

SPIRITED TECHNOLOGIES, INC.

**Article II**

The principal place of business address:

4751 WEST DRIVE  
FORT MYERS, FL. US 33907

The mailing address of the corporation is:

4751 WEST DRIVE  
FORT MYERS, FL. US 33907

**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:

10000

**Article V**

The name and Florida street address of the registered agent is:

MARK F MONTELEONE  
4751 WEST DRIVE  
FORT MYERS, FL. 33907



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

**P04000162098**  
**FILED**  
**December 02, 2004**  
**Sec. Of State**  
jshivers

Registered Agent Signature: MARK F. MONTELEONE

### **Article VI**

The name and address of the incorporator is:

LAURA MONTELEONE  
4751 WEST DRIVE  
FORT MYERS, FL 33907

Incorporator Signature: LAURA MONTELEONE

### **Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P  
LAURA MONTELEONE  
4751 WEST DRIVE  
FORT MYERS, FL. 33907 US

Title: VP  
MARK F MONTELEONE  
4751 WEST DRIVE  
FORT MYERS, FL. 33907 US

# 2005 FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P04000162098

FILED  
Apr 19, 2005  
Secretary of State

Entity Name: SPIRITED TECHNOLOGIES, INC.

**Current Principal Place of Business:**

4751 WEST DRIVE  
FORT MYERS, FL 33907 US

**New Principal Place of Business:**

**Current Mailing Address:**

4751 WEST DRIVE  
FORT MYERS, FL 33907 US

**New Mailing Address:**

FEI Number: 61-1481365      FEI Number Applied For ( )      FEI Number Not Applicable ( )      Certificate of Status Desired ( )

**Name and Address of Current Registered Agent:**

MONTELEONE, MARK F  
4751 WEST DRIVE  
FORT MYERS, FL 33907 US

**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_ Date

Election Campaign Financing Trust Fund Contribution ( ).

**OFFICERS AND DIRECTORS:**

Title: P ( ) Delete  
Name: MONTELEONE, LAURA  
Address: 4751 WEST DRIVE  
City-St-Zip: FORT MYERS, FL 33907 US

Title: VP ( ) Delete  
Name: MONTELEONE, MARK F  
Address: 4751 WEST DRIVE  
City-St-Zip: FORT MYERS, FL 33907 US

**ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:**

Title: VP (X) Change ( ) Addition  
Name: MONTELEONE, LAURA  
Address: 4751 WEST DRIVE  
City-St-Zip: FORT MYERS, FL 33907 US

Title: P (X) Change ( ) Addition  
Name: MONTELEONE, MARK F  
Address: 4751 WEST DRIVE  
City-St-Zip: FORT MYERS, FL 33907 US

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: LAURA MONTELEONE

VP

04/19/2005

\_\_\_\_\_ Electronic Signature of Signing Officer or Director

\_\_\_\_\_ Date



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State

July 7, 2005

LAURA MONTELEONE  
SPIRITED TECHNOLOGIES, INC.  
2150 COLLIER AVE., STE. S  
FT. MYERS, FL 33901

Re: Document Number P04000162098

The Statement of Change of Registered Office for SPIRITED TECHNOLOGIES, INC., a Florida corporation, was filed on June 30, 2005.

Should you have any questions regarding this matter, please telephone (850) 245-6050, the Amendment Filing Section.

Alan Crum  
Document Specialist  
Division of Corporations

Letter Number: 305A00045124

**SPIRITED BROADBAND**  
 2150 COLLIER AVE., STE. S  
 FORT MYERS, FL 33901

**Document Number**  
G05094900442

**Status**  
ACTIVE

**Date Filed**  
04/04/2005

**Expiration Date**  
12/31/2010

**Current Owners**  
000000001

**County**  
LEE

**Total Pages**  
000000002

**Events Filed**  
000000001

**FEI Number**  
61-1481365

### View Filing History

[Previous on List](#)

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### Owner Information

Name & Address	FEI Number	Charter Number
SPIRITED TECHNOLOGIES, INC 2150 COLLIER AVE., STE. S FORT MYERS, FL 33901	61-1481365	P04000162098

### Document Images

Listed below are the images available for this filing.

G05094900442 -- 04/04/2005 -- Fictitious Name Filing  
 G05194900033 -- No image available

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

[Fictitious Name Inquiry](#)

[Fictitious Name Help](#)

**Spirited, Technologies, Inc.**

Exhibit II

Management Profiles

## **Spirited, Technologies, Inc., d/b/a Spirited Broadband Management Profiles**

### **Mark Monteleone - President**

Mark Monteleone, founder, has years of networking and telephone experience in the greater New York City area. Mark has worked as contractor for Fortune 100 companies, and has also worked for mid-sized electronic security firm where he was the Systems Manager. Through these roles Mark furthered his education in networking and telephony. In addition to years of experience and trade certifications, Mark also earned a degree in Business Administration from Nassau Community College in New York. Mark is a Microsoft Certified Systems Engineer and a Cisco Certified Network Associate, and has completed many other network vendors' certificates. This background led to the founding of Spirited Technologies. Mark and his wife Laura Monteleone prepared all of the initial filings for the incorporation of Spirited Technologies and began serving the Fort Myers community with telephone and security systems in December 2004. Mark is currently the Head Engineer for Spirited Technologies and also leads the company's strategic endeavors.

### **Laura Monteleone – Vice President & Treasurer**

Laura Monteleone is the majority shareholder and currently serves as the Vice President of Spirited Technologies. Laura performs most of the financial bookkeeping at Spirited, and serves as the Treasurer. Laura utilizes her college degree in Liberal Arts and Science from Queensborough Community College and a diploma in Office Administration from The Chubb Institute (a technical business school in New York) along with her years of small business experience, to advise on the businesses direction. Laura takes pride in operating in a 'female owned business' and has begun working with many organizations and government agencies to exercise minority allotted contracts.

Her background and business experience in the large and diverse market of New York City enhances her ability to work with business owners of diverse backgrounds and other minority business owners.

### **Joe Certa – Vice President, Sales & Marketing**

Joe Certa is a shareholder of Spirited Technologies and serves as an adviser to the board. Joe uses his 30 plus years in the printing business to head up our sales and marketing projects. Joe has owned his own business and uses his keen financial experience to measure the local markets for Spirited. Joe's combined experience in sales and management enables him to lead with vision in sales and marketing, and direct his subordinates with accuracy.

**Spirited Technologies, Inc., d/b/a Spirited Broadband**

Exhibit III

Financial Statements

The confidential Financial Statements of the Applicant are being filed under separate cover.

These documents demonstrate Applicant's financial ability to provide the proposed services. Applicant is a privately-held corporation and as such its Financial Statements are not public information, but rather constitute confidential and proprietary information. These Financial Statements are therefore submitted under seal. Applicant respectfully requests that this confidential information not be provided to any party other than members of staff who need to review the material for evaluation of applicant's fitness to provide service.

**AFFIDAVIT**

I, Mark Monteleone, President of Spirited Technologies, Inc., d/b/a Spirited Broadband, certify that the attached financial statements of Spirited Technologies, Inc., d/b/a Spirited Broadband, are true and correct.



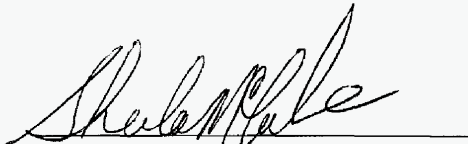
Mark Monteleone, President  
Spirited Technologies, Inc., d/b/a Spirited Broadband  
2150 Collier Ave., Suite S  
Fort Myers, Florida 33901  
Telephone: (941) 870-4929  
Facsimile: (941) 870-5655

July 15-2005  
Date

*Produced Florida Drivers License as ID*

Subscribed and sworn to before me

this 15 day of July, 2005.



Notary Public

**NOTARY PUBLIC - STATE OF FLORIDA  
SHEILA MCCABE  
COMMISSION # DD 178838  
EXPIRES APRIL 27, 2007  
BONDED BY CNA 1-800-331-6053**



**Spirited Technologies, Inc**

**Exhibit III**

**Financial Information**

The attached Exhibit will demonstrate that the applicant has:

1. Sufficient financial capability to provide the requested service within the State of Florida;
2. Sufficient financial capability to maintain the requested service;
3. Sufficient financial capability to meet its lease or ownership obligations.