

ORIGINAL

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LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

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08 FEB 24 PM 4: 27

COMMISSION
CLERK

February 24, 2006

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Dear Ms. Bayó:

Enclosed for filing on behalf of ClearLinx Network Corporation are an original and two copies of ClearLinx Network Corporation's Application for Authority to Provide Competitive Local Exchange Telecommunications Company Service Within the State of Florida. Also enclosed is a check in the amount of \$400.00 representing the filing fee.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

LM

Sincerely,

Floyd R. Self

FRS/amb
Enclosures
cc: Mr. Ross Manire

RECEIVED & FILED

MB

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01649 FEB 24 06

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT

060163-78

APPLICATION FORM
for
AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANY SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 8).
- B. Print or type all responses to each item requested in the application. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$400.00** to:

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

- E. A filing fee of **\$400.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.815, F.A.C.).
- F. If you have questions about completing the form, contact:

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

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 rather than apply for a new certificate.

Approval of assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

2. Name of company: ClearLinx Network Corporation

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

ClearLinx Network Corporation

4. Official mailing address:

Street/Post Office Box: 1901 S. Meyers Road, Suite 190
City: Oakbrook Terrace
State: Illinois
Zip: 60181

5. Florida address:

Street/Post Office Box: 1201 Hays Street
City: Tallahassee
State: Florida
Zip: 32301

6. Structure of organization:

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

7. **If individual**, provide:

Name: N/A
Title: N/A
Street/Post Office Box: N/A
City: N/A
State: N/A
Zip: N/A
Telephone No.: N/A
Fax No.: N/A
E-Mail Address: N/A
Website Address: N/A

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: N/A

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: F05000004481

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is: N/A

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: N/A

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

Name: N/A
Title: N/A
Street/Post Office Box: N/A
City: N/A
State: N/A
Zip: N/A
Telephone No.: N/A
Fax No.: N/A
E-Mail Address: N/A
Website Address: N/A

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 is: N/A

14. Provide **F.E.I. Number**(if applicable): 22-3876065

15. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name: Floyd R. Self, Esq.
Title: Messer, Caparelo & Self, P.A.
Street name & number: 215 South Monroe Street, Suite 701
Post office box: 1876
City: Tallahassee
State: Florida
Zip: 32301
Telephone No.: (850) 425-5213
Fax No.: (850) 224-4359
E-Mail Address: fself@lawfla.com
Website Address: www.lawfla.com

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

Name: Terry Ray
Title: Vice President
Street name & number: 1901 S. Meyers Road, Suite 190
Post office box: N/A
City: Oakbrook Terrace
State: Illinois
Zip: 60181
Telephone No.: 630-932-2900
Fax No.: 630-932-2907
E-Mail Address: tray@clearlinuxnetwork.com
Website Address: www.clearlinuxnetwork.com

(c) Complaints/Inquiries from customers:

Name: Terry Ray
Title: Vice President
Street/Post Office Box: 1901 S. Meyers Road, Suite 190
City: Oakbrook Terrace
State: Illinois
Zip: 60181
Telephone No.: 630-932-2900
Fax No.: 630-932-2907
E-Mail Address: tray@clearlinuxnetwork.com
Website Address: www.clearlinuxnetwork.com

16. List the states in which the applicant:

(a) has operated as a Competitive Local Exchange Telecommunications Company.

N/A

(b) has applications pending to be certificated as a Competitive Local Exchange Telecommunications Company.

Connecticut and New Jersey

(c) is certificated to operate as a Competitive Local Exchange Telecommunications Company.

California, New York, Virginia, Maryland, Pennsylvania, Rhode Island and Massachusetts

(d) has been denied authority to operate as a Competitive Local Exchange Telecommunications Company and the circumstances involved.

N/A

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

N/A

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

Summary Description of Certain ClearLinx Network Corporation Litigation Pending in California on February 23, 2006. ClearLinx Network Corporation is a defendant in two lawsuits brought by one of its competitors, NextG Networks, Inc. (NextG), which ClearLinx understands is registered as a CLEC in Florida. ClearLinx asserts that both cases are without merit and has mounted a vigorous defense of each. In case no. 1-04-CV-031445 filed in California Superior Court, County of Santa Clara, Next G claims, among other things, that ClearLinx violated the California Uniform Trade Secrets Act and other laws in connection with information that was allegedly misappropriated by a ClearLinx employee who was formerly employed by NextG and by a venture capital investor in ClearLinx. In case no. SACV05 0582 filed in the United States Dist. Court, Central Dist. of California, Western Div., NextG alleges that ClearLinx has infringed U.S. Patent No. 5,682,256. Both of these cases are still in the initial discovery stages.

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

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

No

(b) granted or denied a competitive local exchange certificate in the State of Florida (this includes active and canceled competitive local exchange certificates). If yes, provide explanation and list the certificate holder and certificate number.

No

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

No

18. Submit the following:

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

(b) Technical capability: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. 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.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of competitive local exchange telecommunications company (CLEC) service in Florida.

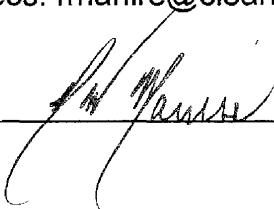
APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide competitive local exchange telecommunications 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.**"

Company Owner or Officer

Print Name: Ross Manire
Title: Chief Executive Officer
Telephone No.: 630-932-2900
E-Mail Address: rmanire@clearlinxnetwork.com

Signature: _____



Date: _____

2/22/06

ATTACHMENT 1

ITEMS 18 (a) and (b)

Resumes of officers and employees demonstrating managerial and technical capabilities

Ross W. Manire, Chief Executive Officer, was most recently the President of the Enclosure Systems Division of Flextronics International, Ltd., a global operating company with design, engineering, manufacturing, and logistics operations in 29 countries, five continents, and more than 95,000 employees. The Enclosure Systems Division was a billion dollar global operation responsible for the manufacture and integration of electronic packaging systems for the telecommunications and high technology industries, with over 8,000 employees in over 10 countries. His employment by Flextronics was the result of its acquisition of Chatham Technologies, Inc. where Mr. Manire was the Chief Executive Officer from March of 1999 to the acquisition in September 2000. Prior to Chatham Technologies, Inc., Mr. Manire was Senior Vice President-Carrier Systems Division at 3COM Corporation, a global high technology company. Carrier Systems (CSD) was focused on the research and development, manufacture, sales and technical support of internet access, Voice over IP, ATM and wireless data platforms for the telecommunications, Internet Service Provider and enterprise marketplaces. The division served the global marketplace with approximately a billion dollars in revenue. 3COM had acquired US Robotics, Inc. in June of 1997 where Mr. Manire had formed the Network Systems Division that was the foundation of CSD at 3 COM after the acquisition. NSD had been founded in 1995 to take advantage of the growing demand for internet access and from its founding to the acquisition in 1997 NSD grew to \$600 million. Mr. Manire also served as the Senior Vice President, Chief Financial Officer and head of Operations from 1991 to his assumption of the role of forming the Network Systems Division. From 1989 to 1991 he was a Partner at the leveraged buyout firm of Ridge Capital which focused on middle market acquisition opportunities. Mr. Manire was a partner at Ernst & Young from 1985 to 1989 and served in various capacities from 1976 to 1985. Mr. Manire holds a Bachelor of Arts in Economics from Davidson College in North Carolina and a MBA from the University of Chicago.

Tormod Larsen, Vice President-Chief Technology Officer, brings more than 10 years of Distributed Antenna System experience to ClearLinx. He was most recently the Vice President of Sales and Engineering for LGP Allgon Ltd. recently acquired by Powerwave Technologies Inc., a global provider of wireless infrastructure equipment and services with approximately 2,000 employees in more than 20 countries and more than \$550 million in annual revenue. Mr. Larsen was responsible for building the Coverage Systems Division which consisted of a dedicated team of sales, engineering and deployment resources specialized in providing turn-key Distributed Antenna Systems. Under Mr. Larsen's direction the team deployed large multi-operator systems. Mr. Larsen has implemented systems such as Chicago Transit Authority, Microsoft Campus, Seattle Tacoma International Airport, Wynn Las Vegas and Mandalay Resorts Group. Prior to his role as Vice President of Sales and Engineering, Mr. Larsen held the position of Director of Technology and Engineering for Allgon Telecom Ltd. As Director of Technology he had overall responsibility for the company's product management, technical support and engineering in North America. He originally joined Allgon Telecom Ltd. in 1999 as Regional Manager, Coverage Engineering for North America. Prior to joining Allgon Mr. Larsen served as Global Product Manager, Repeater and Confined Area Communication Systems for Siemens AG, a global OEM providing a wide specter of solutions ranging from medical equipment, power systems, transportation systems, automation systems and information & communication systems with more than 400,000 employees in 140 countries and with an annual

revenue of approximately \$80 billions. During his five years with the company Mr. Larsen also held various Engineering positions with specific focus on Distributed Antenna Systems, and wireless communication in confined environments. Mr. Larsen holds a Master of Science in Electrical Engineering from The Norwegian University of Science and Technology, Trondheim.

Vince Aragona, Director-Engineering and Network Implementation, brings over 22 years of progressive industry experience prior to ClearLinx, including RF technical operations, RF engineering management, site and network development, construction, field operations, regulatory affairs and logistics. Throughout his career, Mr. Aragona and his teams were directly responsible for the development and implementation of over 1800 RF transmission facilities including paging, narrowband PCS and wireless internet and over 20,000 air-interface and fiber-fed micro cells. Mr. Aragona has directed projects, programs, technical and business operations in 26 US States. Most recently, Mr. Aragona was Senior Director of Implementation for NextG Networks Inc., managing the outside plant fiber and micro cell network design, engineering planning, permitting and construction, vendor management, and deployment of a number of fiber-fed, distributed antenna systems throughout California, Chicago and New York from point of sale through turn up, test, optimization and commissioning. Prior to NextG Networks, Mr. Aragona was Area Director of Network Operations and Construction with Metricom Inc., with direct responsibility for the regulatory and franchise acquisition program for 130 municipalities and electric utilities, RF engineering, site development, deployment and network operation of over 20,000 micro cells and 350 WAP sites required to operate the 128 Kilo bit "Ricochet" network. Initially recruited to Metricom to accelerate the deployment efforts in the Southwest, Mr. Aragona and his teams were ultimately responsible for the 1st national launch of commercial service in San Diego, the 3rd market launch in Phoenix and the 4th and largest commercial service launch in the Los Angeles geographic service area. From 1994 to 2000, Mr. Aragona held a number of positions with Paging Network Inc., including Regional Director of Field Operations covering 13 markets in the Western Region, Regional Project Director for both the Northwest and Atlantic Regions, Regional PCS Manager for the Atlantic Region and began with PageNet as Systems Manager responsible for the Upstate NY start-up operation. Early in his career, Mr. Aragona was a Systems Technician for Arch Communications, Owner and General Manager of Diverse Business Systems and Service Technician for Executone Telecommunications. He began his career in 1982 as a Ground Radio Communications, Electronics Technician in the United States Air Force.

Eric Lekacz, Vice President of Business Development & Strategy, brings more than 20 years of Sales, Marketing and Management experience to ClearLinx. He was most recently the Vice President of Business Development Europe for the Enclosure Systems Division of Flextronics International, Ltd., a global operating company with design, engineering, manufacturing, and logistics operations in 29 countries, five continents and more than 95,000 employees. The Enclosure Systems Division was a billion dollar global operation responsible for the manufacture and integration of electronic packaging systems for the telecommunications and high technology industries, with over 8,000 employees in over 10 countries. His employment by Flextronics was the result of its acquisition of Chatham Technologies, Inc. where Mr. Lekacz was the Senior Vice President of Business Development Europe from January of 1999 to the acquisition in September 2000. In Europe he developed and implemented a cohesive Business Development strategy for Chatham's European operations which grew to over \$350M in annual revenue at the time of the acquisition by Flextronics. Prior to Chatham Technologies, he was Vice President of Business Development for the Automotive Chemicals Division of Pennzoil. His employment

with Pennzoil was the result of Pennzoil's acquisition of Total Action Automotive Products, a company he co-founded. Before founding Total Action Automotive Products, he served as an Account Executive for Hitachi Data Systems for two years selling large CPU's and Data Storage Systems in Houston, Texas. He began his career with IBM in sales and rapidly advanced to Advisory Marketing Representative in the 5 years he was with the company. Mr. Lekacz holds Bachelor of Science Degrees in both Mechanical Engineering and Electrical Engineering from the University of Arizona.

Terry Ray, Vice President-Chief Financial Officer, brings more than 25 years of financial and operating experience in the technology, graphics and food manufacturing industries. He has been involved in strategic development and mergers and acquisitions throughout his career. Mr. Ray joined ClearLinx Network Corporation from On-Cor Frozen Foods, Inc. where he was V.P. of Finance and Operations. Previous to that, Mr. Ray was President and CFO of Rittal Corporation, the U.S. subsidiary of the Rittal Group, a privately held German based electronics enclosure manufacturer. Mr. Ray was also CFO of the global Enclosures Division of Flextronics International, which acquired Lightning Manufacturing Solutions, a global computer chassis manufacturer and integrator where he was Chief Administrative Officer and CFO. Mr. Ray's past experience also includes senior executive, operational and financial positions in the printing and graphics industries. He has received an undergraduate degree in business and a Masters of Science in accounting from DePaul University in Chicago.

David Schneider, Director of Governmental & Community Affairs, has over 17 years of experience in land development, zoning, and governmental coordination within both the private and public sectors. Most recently, he served as Vice President of National Strategic Sites for Trintel Communications where he was involved in zoning and regulatory management, training and establishing new markets on a national level. Prior to joining Trintel, he provided specialty zoning and site acquisition services for Nextel's highly successful Detroit market and was the Planning and Development Coordinator for Sprint PCS in the Detroit MTA. Before entering the telecommunications industry he was a City Planner for the City of Ann Arbor, Michigan, Assistant Director for Community and Economic Development for Canton Charter Township, Michigan, Assistant City Planner for Coconut Creek, Florida and Site Development Manager for City Management Corporation in Detroit. He has been invited to provide insight to the planning and zoning process at many telecommunications and planning conferences and workshops. Mr. Schneider has a B.S. degree in Environmental Planning and a M.S. degree in Geography, both from Eastern Michigan University.

David M. Fasshauer, Engineering and Network Implementation Director (Midwest Region), brings over 23 years of OSP construction, engineering, planning, design, and project management experience to ClearLinx. Dave began his career in telecommunications as a fiber optic technician with Ameritech. As an engineer, Mr. Fasshauer planned and designed Ameritech's fully redundant interoffice fiber network throughout the Chicago-land area which included over 400 miles of cable connecting 35 central offices. Ameritech New Media, Ameritech's successful venture into the cable television industry, offered Mr. Fasshauer a position as their first fiber design engineer where he was initially responsible for the fiber design for the Chicago market. After a year and a half, he was promoted to a Planning Engineer, responsible for the planning of the fiber network for the entire Detroit metropolitan area. He was asked to join Ameritech Communications Inc. to manage the construction of their long distance fiber network as their Outside Plant Project Manager. Mr. Fasshauer's responsibilities included

all phases of OSP engineering and construction, ROW procurement, contract negotiations, and vendor selection and management for Ameritech's \$40 million, 2,000 mile long distance fiber optic network connecting 17 cities across 5 states. Mr. Fasshauer was also employed with Global Crossing as their Manager of Metro Network Development for the Chicago market responsible for all OSP and ISP engineering and construction prior to joining ClearLinx.

Daniel Hope, Engineering and Network Implementation Director (Eastern Region), brings over 11 years of wireless communications industry experience. After graduating from school with an electrical engineering degree, Mr. Hope started with Telecom Analysis Systems, Inc. as a systems technician responsible for product development and technical support. Mr. Hope then spent the next five years in various capacities with AT&T Wireless including diverse roles such as RF Systems Engineer responsible for the integration, operation and maintenance of BTS and MSC equipment and Engineering RF Manager with responsibility for the introduction of new technologies to various markets in the East and Northeast. Mr. Hope was also a member of the National Standards Team at AT&T. Most recently, Mr. Hope was Senior Systems Engineer at Remec, Inc. where he was responsible for the development of coverage enhancement applications for such companies as Cingular/AWS, Sprint, Verizon and T-Mobile. Mr. Hope also provided technical support to the sales organization and product line management and has extensive knowledge and experience with a variety of RF technologies and equipment solutions.

Ric Holland, Vice President of Business Development (Eastern Region), brings more than 20 years of Sales, Marketing and Management experience to ClearLinx. He was most recently the Vice President of Business Development / Service Provider Solutions Group for the Enclosure Systems Division of Flextronics International, Ltd., a global operating company with design, engineering, manufacturing, and logistics operations in 29 countries, five continents and more than 95,000 employees. The Enclosure Systems Division was a billion dollar global operation responsible for the manufacture and integration of electronic packaging systems for the telecommunications and high technology industries, with over 8,000 employees in over 10 countries. His employment by Flextronics was the result of its acquisition of Chatham Technologies, Inc. where he was the Vice President of Business Development from January of 1998 to the acquisition in September 2000. In his capacity Mr. Holland directed sales and business development strategies for Chatham's Washington based engineering, design, fabrication and integration firm serving U.S. wireless carriers. The Service Provider Group grew from \$11M in business in 1998 to over \$100M by year end 2000. Over the last several years Mr. Holland has focused primarily on leading the corporate field sales efforts of design, supply-chain, fabrication, integration, logistics and deployment of Cellular, PCS and GSM outdoor base station systems and wireless consumer devices to major wireless carriers such as: AT&T Wireless, Nextel, Cingular, Triton PCS, TeleCorp, Verizon and other smaller carriers. Mr. Holland has held regional and national level business development responsibility for NEC America and Uniden America Corporation, where he was responsible for business development, management and sales of first and second generation cellular and paging devices to national wireless carriers. His telecommunications career started in 1976 when he served as General Manager of Associated Communications Inc.; a family owned and operated wireless carrier and SMR dealer.

**DOCUMENTS IN RESPONSE TO 18(c) FILED SEPARATELY
WITH CLAIM OF CONFIDENTIALITY**