

State of Florida



ORIGINAL

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC
07 MAR 2007 4:37
COMMISSION
CLERK

DATE: March 12, 2007
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Toni J. McCoy, Regulatory Analyst II, Division of Competitive Markets & Enforcement *TJM*
RE: Docket No. 070110-TX; Bandwidth.com CLEC, LLC

Please see attached Master Commission Directory information and add the attached completed CLEC application pages to the docket file.

Call 413-6532, if you have any questions.

DOCUMENT NUMBER-DATE

02223 MAR 12 5

FPSC-COMMISSION CLERK

Toni McCoy

From: Sykes-Minor, Sonja L. [Sonja.Sykes-Minor@bingham.com]
Sent: Friday, March 09, 2007 5:20 PM
To: Toni McCoy
Subject: RESEND Completed Bandwidth Florida (FL) CLEC Application Form
Attachments: NEW Bandwidth Florida (FL) CLEC Application Form.doc; NEW Bandwidth Florida (FL) CLEC Application Form.nrl

From: Sykes-Minor, Sonja L.
Sent: Thursday, March 08, 2007 3:45 PM
To: 'tmccoy@psc.state.fl.us'
Subject: Completed Bandwidth Florida (FL) CLEC Application Form

<<NEW Bandwidth Florida (FL) CLEC Application Form.doc>>

Ms. McCoy:

Per our telecon earlier, attached on behalf of Mr. Malone is the completed application you requested. If any other information is required, please give me or Mr. Malone (202) 373-6705 a call.

Thanking you in advance,

Sonja L. Sykes-Minor
Bingham McCutchen LLP
Corporate - Telecommunications, Media and Technology
2020 K Street, N.W.
9th Floor
Washington, DC 20006
(202) 373-6620
sonja.sykes-minor@bingham.com

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

Harry N. Malone III
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006-1806
DIRECT DIAL (202) 373-6705
FACSIMILE (202) 373-6001
harry.malone@bingham.com

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<<NEW Bandwidth Florida (FL) CLEC Application Form.nrl>>

Bingham McCutchen LLP Circular 230 Notice: To ensure compliance with IRS requirements, we inform you that any U.S. federal tax advice contained in this communication is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding any federal tax penalties. Any legal advice expressed in this message is being delivered to you solely for your use in connection with the matters addressed herein and may not be relied upon by any other person or entity or used for any other purpose without our prior written consent.

FLORIDA COMPLETION CHECKLIST

DBA

Certificate of Formation

Foreign corp registration

Financial statements

Filing fee (\$400)

Signature

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
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: Bandwidth.com CLEC, LLC.

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

Bandwidth.com CLEC, LLC.

4. Official mailing address:

Street/Post Office Box: 4001 Weston Parkway, Suite 100

City: Cary

State: NC

Zip: 27513

5. Florida address:

Street/Post Office Box: 1201 Hays Street

City: Tallahassee

State: Florida

Zip: 32301

6. Structure of organization:

- Individual
- Foreign Corporation
- General Partnership
- Other, LLC

- Corporation
- Foreign Partnership
- Limited Partnership

7. **If individual**, provide:

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

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: Please see Exhibit 2.

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

Provide **F.E.I. Number**(if applicable): 20-8326570

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

(a) The application:

Name: William Wilhelm, Harry Malone & Jasbir Bawa
Title: Counsel for Bandwidth.com CLEC, LLC.
Street name & number: 2020 K Street, N.W., 10th Floor
Post office box:
City: Washington, D.C.
State:
Zip: 20006-1806
Telephone No.: (202) 373-6000
Fax No.: (202) 373-6001
E-Mail Address: harry.malone@bingham.com
Website Address: www.bingham.com

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

Name: Joe Campbell

Title: VP Operations
Street name & number: 4001 Weston Parkway, Suite 100
Post office box:
City: Cary
State: NC
Zip: 27513
Telephone No.: (919) 945-1230
Fax No.: (919) 297-1101
E-Mail Address: joe@bandwidth.com
Website Address: www.bandwidth.com

(c) Complaints/Inquiries from customers:

Name: Joe Campbell

Title: VP Operations
Street/Post Office Box: 4001 Weston Parkway, Suite 100
City: Cary
State: NC
Zip: 27513
Telephone No.: (919) 945-1230
Fax No.: (919) 297-1101
E-Mail Address:
Website Address: www.bandwidth.com

15. List the states in which the applicant:

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

None

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

None

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

None.

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

None.

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

None.

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

None.

16. 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.

None.

(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.

None.

(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.

None.

17. Submit the following:

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

Please See Exhibit 3.

(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.**

Please See Exhibit 3.

(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.

Please See Exhibit 4. Exhibit 4 to the Application contains confidential financial information of Bandwith.com CLEC, LLC's parent, Bandwidth.com, Inc. and, as such, is being submitted under seal. Bandwidth.com CLEC, LLC respectfully requests that this information not be made a part of the public record or otherwise be disclosed to the public.