

9/11/2009 3:19 PM

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Ruth Nettles

090246-TP

From: Evan Katz [ekatz@clective.com]
Sent: Friday, September 11, 2009 3:08 PM
To: Filings@psc.state.fl.us
Subject: Re: Docket: 090246-TP

Attachments: Clective Letter re_ Supplemental Information Response to att Objection 9-10-2009.pdf



Clective Letter
re_ Supplement.

Dear Ms. Cole,

Re: Clective Telecom Florida, LLC
Docket 090246-TP

Please find the attached document responding to at&t objection to Clective's filing request.

Sincerely,
Evan Katz
ekatz@clective.com
404.272.0445

Clective Telecom Florida , LLC

2090 Dunwoody Club Drive

Suite 160-257

Atlanta, GA 30350

September 10, 2009

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 23299-0850

Re: Clective Telecom Florida, LLC Filing Dated August 26, 2009

Dear Ms. Cole:

Clective Telecom Florida, LLC hereby files this further response to AT&T Florida's Objection to Clective's request for Confidential Treatment of the filing by Clective on August 28, 2009.

Clective used a similar form for requesting confidentiality that AT&T has used before the Commission on multiple occasions. See Docket No. 090082-TP for example. However, Clective realizes that it failed to include the Attachment A to the request because it is so abundantly clear that the information supplied by Clective is proprietary and confidential that not even AT&T would object.

However, now that AT&T has objected, Clective hereby provides the information that is necessary as the Explanation of Proprietary Information.

This material contains the proprietary business information related to the competitive interests of Clective. More specifically, the material contains (1) the business model of Clective which is not known in the industry, (2) the affidavit of Clective's investor who is currently being kept confidential, and (3) Clective's description of its business plan contained in the cover letter.

This data is valuable to competitors and potential competitors in formulating strategic plans and overall business strategies. This same information on competitors is not available to Clective. Disclosure of this data would impair the competitive business and cause harm to Clective. Consequently, this information should be classified as proprietary, confidential business information pursuant to Florida Statutes and is exempt from the Open Records Act.

DOCUMENT NUMBER-DATE

09438 SEP 11 8

FPSC-COMMISSION CLERK

The Location of this information is the letter as indicated in the revised redacted letter and the attachments from its investor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Morris".

Patricia Morris

Clective Telecom Florida , LLC
2090 Dunwoody Club Drive
Suite 160-257
Atlanta, GA 30350

August 26, 2009

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32309-0850

Re: Florida PSC Inquiry re: Clective Telecom Florida, LLC

Dear Ms. Cole:

Clective Telecom Florida, LLC is filing this letter in response to the request by Commission staff to provide information relating to Clective's financials, business plan and Jeff Noack and to respond, in part, to the comments of TDS at the August Agenda Meeting. Since this filing contains Clective proprietary information, Clective requests that this filing remain confidential.

Clective's business plan are attached. In addition, Clective attaches the affidavit of its investor indicating that once Clective is allowed to opt-in to the CBeyond Agreement, it will fund Clective's activities in Florida. As seen, the Clective business model provides an extremely positive cash flow to Clective. This cash flow is predicated on Clective [begin proprietary]

[end proprietary]. [begin proprietary]

[end proprietary].

Beyond the positive cash flow, Clective plans to [begin proprietary]

[end proprietary]

Because Clective is [begin proprietary]

[begin proprietary]

[end proprietary]. Further, TDS mentioned that the Georgia PSC had made a ruling relative to VoIP. In reviewing the decision mentioned by TDS, see Georgia Docket No. 21905, it is clear that the decision is not applicable to Clective in Georgia or Florida. The Georgia Commission simply found that to the extent a call originates as non-IP and terminates as non-IP, but utilizes IP for intermediate transport, intrastate access charges apply to such calls. Clective agrees with this decision. Thus, Clective requires that all of its customers verify that all calls sent to Clective are IP-originated calls.

Finally, Clective has been asked to address the issue of Jeff Noack and the use of an alias in Clective's application. Clective cannot stress enough that it had no intent to materially misrepresent its abilities to the Florida Commission. As stated by Clective, its intent was to avoid the issues relating to GlobalNaps which it knew would be raised by AT&T when AT&T recognized Mr. Noack's name while at the same time providing the Commission with the full extent of Clective's capabilities. AT&T made similar allegations in Illinois against Mr. Noack and other GlobalNaps employees without any evidence. While the allegations in Illinois were untrue, it caused that company to cease its attempt become a CLEC in Illinois because of the anticipated cost of battling the AT&T onslaught. Clective offers this background not as an excuse but as an explanation for its actions. To the extent that Clective made an error of judgment in Florida, it sincerely apologizes to the Commission and its staff. As a means to rectify the situation, Clective has disengaged itself from Mr. Noack.

Sincerely,



Patricia Morris