

NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

Attorneys at Law

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

1420 Veterans Memorial Blvd.
Metairie, Louisiana 70005
Telephone: (504) 832-1984
Facsimile: (504) 831-0892

Philip R. Adams, Jr.

090491-TX

RECEIVED-FPSC
09 OCT 26 PM 2:11
COMMISSION CLERK

October 23, 2009

Via Overnight Mail

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Drive
Tallahassee, FL 32399-0850

RE: Mountain Communications, LLC
Application to Provide Competitive Local Exchange
Telecommunications Company Service

Dear Sir or Madam:

Enclosed please find an original and two (2) copies of the Application for Authority to Provide Competitive Local Exchange Telecommunications Company Service on behalf of Mountain Communications, LLC. Also enclosed is the requisite \$400.00 filing fee.

An additional copy of this revision has been enclosed to be file stamped and returned in the envelope provided as evidence of the filing.

Should you have any questions, please do not hesitate to call.

Sincerely,



Leon Nowalsky, *th*
lnowalsky@nbglaw.com

COM _____
ECR LLN/rph
GCL Enclosure
OPC _____
RCP *Price list forwarded -*
SSC _____
SGA _____
ADM _____
CLK

09 OCT 26 AM 9:58
DISTRIBUTION CENTER

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

Initials of person who forwarded check



DOCUMENT NUMBER-DATE

10845 OCT 26 09

FPSC-COMMISSION CLERK

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: Mountain Communications, LLC

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

same as above

4. Official mailing address:

Street/Post Office Box: Route 3, Box 69G
City: Bruceton Mills
State: WV
Zip: 26525

5. Florida address:

Street/Post Office Box: none
City:
State:
Zip:

6. Structure of organization:

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

7. **If individual**, provide:

Name:
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:

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

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:

11. **If a limited liability ^{company} partnership**, please provide proof of registration to operate in Florida. The Florida Secretary of State registration number is: M09000000269

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

Name:
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:

14. Provide **F.E.I. Number**(if applicable): 14-1844408

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

(a) The application:

Name: Leon Nowalsky
Title: Attorney for Applicant
Street name & number: 1420 Veterans Blvd.
Post office box:
City: Metairie
State: LA
Zip: 70005
Telephone No.: (504) 832-1984
Fax No.: (504) 831-0892
E-Mail Address: lnowalsky@nbglaw.com
Website Address:

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

Name: Larry Sisler
Title: Manager
Street name & number: Route 3, Box 69G
Post office box:
City: Bruceton Mills
State: WV
Zip: 26525
Telephone No.: (866)766-2662
Fax No.: (304) 379-2167
E-Mail Address: lsisler@4-procom.com
Website Address: www.4-procom.com

(c) Complaints/Inquiries from customers:

Name: Larry Sisler
Title: Manager
Street/Post Office Box: Route 3, Box 69G
City: Bruceton Mills
State: WV
Zip: 26525
Telephone No.: (866) 776-2662
Fax No.: (304) 379-2167
E-Mail Address: lsisler@4-procom.com
Website Address: www.4-procom.com

16. List the states in which the applicant:

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

Ohio, Pennsylvania, Maryland, Virginia, West Virginia

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

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

Ohio, Pennsylvania, Maryland, Virginia, West Virginia

(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

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: Larry Sisler
Title: Manager
Telephone No.: (866) 776-2662
E-Mail Address: www.4-procom.com

Signature: 

Date: 10-16-09

EXHIBIT A

Florida Foreign Qualification

MO 9-0000000269

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

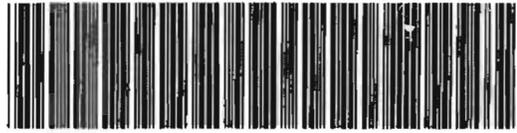
(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only



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09 JAN 20 PM 2:48
SECRETARY OF STATE
TALLAHASSEE FLORIDA

S. HAWKES

JAN 21 2009

EXAMINER

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Mountain Communications, LLC
(Name of Limited Liability Company)

The enclosed "Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida," Certificate of Existence, and check are submitted to register the above referenced foreign limited liability company to transact business in Florida..

Please return all correspondence concerning this matter to the following:

Caroline Pays
(Name of Person)

Nowalsky, Bronston and Gothard, APLLC
(Firm/Company)

3500 North Causeway Blvd., Suite 1442
(Address)

Metairie, LA 70001
(City/State and Zip Code)

For further information concerning this matter, please call:

Caroline Pays at (504) 832-1984
(Name of Person) (Area Code & Daytime Telephone Number)

MAILING ADDRESS:
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

STREET ADDRESS:
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

Enclosed is a check for the following amount:

- \$125.00 Filing Fee \$130.00 Filing Fee & Certificate of Status \$155.00 Filing Fee & Certified Copy \$160.00 Filing Fee, Certificate of Status & Certified Copy

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. Mountain Communications, LLC
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC")

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida and attach a copy of the written consent of the managers or managing members adopting the alternate name. The alternate name must include "Limited Liability Company," "L.L.C.," "LLC.")

2. Delaware (Jurisdiction under the law of which foreign limited liability company is organized)
3. 14-1844408 (FEI number, if applicable)

4. 8/27/02 (Date of Organization)
5. perpetual (Duration: Year limited liability company will cease to exist or "perpetual")

6. upon qualification (Date first transacted business in Florida, if prior to registration.) (See sections 608.501 & 608.502 F.S. to determine penalty liability)

7. Route 3, Box 69G, Bruceton Mills, WV 26525
(Street Address of Principal Office)

8. If limited liability company is a manager-managed company, check here []

9. The name and usual business addresses of the managing members or managers are as follows:
Larry Sisler, Route 3, Box 69G, Bruceton Mills, WV 26525

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida:
sale of telecommunications services

[Signature]
Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)
Larry Sisler
Typed or printed name of signee

FILED
09 JAN 20 PM 2:48
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

**CERTIFICATE OF DESIGNATION OF
REGISTERED AGENT/REGISTERED OFFICE**

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES, THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

Mountain Communications, LLC

If name unavailable, the alternate name to be used in the state of Florida is:

2. The name and the Florida street address of the registered agent and office are:

Corporation Service Company

(Name)

1201 Hays Street

Florida Street Address (P.O. Box **NOT** ACCEPTABLE)

Tallahassee

FL

32301

City/State/Zip

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, Florida Statutes.

Corporation Service Company

BY: Allison Qulgley
(Signature)

Allison Qulgley, Assistant VP

\$ 100.00	Filing Fee for Application
\$ 25.00	Designation of Registered Agent
\$ 30.00	Certified Copy (optional)
\$ 5.00	Certificate of Status (optional)

FILED
09 JUN 20 PM 2:48
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "MOUNTAIN COMMUNICATIONS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FIFTEENTH DAY OF JANUARY, A.D. 2009.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "MOUNTAIN COMMUNICATIONS, LLC" WAS FORMED ON THE TWENTY-SEVENTH DAY OF AUGUST, A.D. 2002.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

FILED
09 JAN 20 PM 2:48
SECRETARY OF STATE
TALENTIS SEFTLORIDA

3562787 8300

090042491

You may verify this certificate online
at corp.delaware.gov/authvor.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 7085000

DATE: 01-15-09

EXHIBIT B

Management Profiles

Larry Jackson Sisler
3814 White Rock Road
Friendsville, MD 21531
(304) 379-8276 Work
(301) 616-8276 Cell

Experience

October 2003 to Present:

Managing Member of Mountain Communications, LLC dba Procom. A Fiber to the Home Cable Company operating in western Maryland that provides Cable TV, Internet and Telephone Service to residential customers. Also a CLEC operating in MD, WV, and PA. Responsibilities include heading up the company, operations, sales, and arranging for all financing.

April 2004 to Present:

Dealer Principal, Patriot Chrysler, Dodge and Jeep. A franchised auto dealership handling Chrysler, Dodge and Jeep.

May 2003 to Present:

Owner, LJS Real Estate LLC. Involved in purchasing and selling tracts of property in Western Maryland and West Virginia. Also owns several parcels of commercial property that is rented.

October 1997 to Present:

President/CEO of Tele Max, Inc. An independent Payphone provider with 900 payphones installed in Maryland, Pennsylvania, West Virginia, and Virginia. Responsible for all operations of the company including sales and service, financing, acquisitions, and oversee daily operations.

Other businesses owned and sold:

October 1997 through December 2000

George's Creek Company dba Team One: A franchised Auto Dealership handling Chevrolet, Oldsmobile, Buick, GMC and Jeep

June 1995 through December 2001

Mountaintop Management, LLC. A land management company with over 12,000 acres in assets.

July 1986 - October 1997

President/CEO of Professional Communications Management Services dba ProCom. A Long Distance reseller based in Hazelton, WV with annual sales in excess of \$18,000,000.00. Responsible for all operations, Sales, acquisitions for the company, along with daily operations management.

May 1985-June 1986

Site Supervisor - Cable and Wireless, 12th & K St., Washington,DC. Responsibilities included supervising eight technicians that monitored a fiber network covering New York to Washington, DC and Washington, DC to Chicago, IL. Other responsibilities included trouble shooting, cable cut locator, and new site setup during network expansion. Responsible for interface relations

between British upper management and United States site employees.

March 1983 - May 1985

Switch Technician - StarNet Corporation, 1120 20th Street, Washington, DC. Responsible for turnup and disconnect along with trouble shooting of Voice and Data customers. Responsible for setup and expansion of Harris switches when necessary.

January 1982 -March 1983

Technician - ITT/USTS, Silver Spring, MD. Responsible for installation and maintenance of dedicated Voice and Data circuits. Responsible for the maintenance and upkeep of Ericsson microwave equipment.

January 1979-December 1981

32-D Fixed Station Tech Controller- Unites States Army. Responsible for installation and maintenance of Data circuits for miliary communications.

Kevin E. Slagle
4626 White Rock Road
Friendsville, MD
(301) 746-5301 (work)
(301) 501-0706 (cell)

October 2003 to Present:

VP Outside Plant - Mountain Communications, LLC dba Procom. Responsible for all outside plant on Mountain's Fiber to the Home Network supplying Cable TV, Internet and Telephone to residential customers in western Maryland.

November 1997 to Present:

Vice President/COO of Tele Max, Inc. An independent Payphone Provider with 900 payphones installed in Maryland, Pennsylvania, West Virginia and Virginia. Responsibilities include the day to day operations of the business. Provide management and supervision to seven service personnel and program functions of the payphone equipment. Other responsibilities include interfacing with all suppliers, reviewing operator services, local exchange carrier statements, and status of payphone equipment inventories.

October 1986 to November 1997

Vice President/COO of Professional Communications Management Services. Responsible for daily operations management for ProCom, a long distance reseller based in Hazelton, WV. Oversaw the daily supervision of 52 employees. Interfaced with all Long Distance carriers and vendors providing service to ProCom. Provided employee training, and developed software to interface with carriers.

June 1979 to October 1986

Various positions held as stonemason and Auto Mechanic
All positions were related to providing needed labor to employer.

Bobbie Wolfe's Biography

Bobbie Wolfe began her career in telecommunications in June of 1993 as a Provisioning Representative for Professional Communications d/b/a Procom. In September of 1993 she was promoted to Manager of the Provisioning Department.

When Procom was sold to Network One in October of 1996 she retained her position with the new company as Manager of Provisioning until May of 1997 at which time she was promoted to Director of Support Services.

In January of 2001 One Star Long Distance took over management of Network One and Bobbie maintained her position as Director of Support Services.

In October of 2001 Bobbie's position was transferred to Evansville Indiana. For personal reasons Bobbie chose not to relocate to Evansville with the new company. From February of 2002 through August of the same year Bobbie worked as a contracted consultant for NUI Telecom.

In September of 2002 she accepted a position with Mountain Communications d/b/a Procom and began her current tenure in October of 2002 as Vice President of Operations.

EXHIBIT C

Financials

Attestation

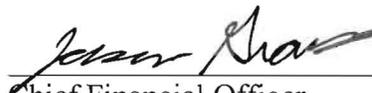
County: PRESTON

State: WEST VIRGINIA

The financial statements of Mountain Communications, LLC are true and correct to the best of our knowledge, information and belief.



Chief Executive Officer

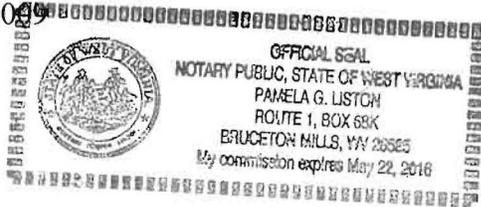


Chief Financial Officer

Sworn to and subscribed before me
this 20 day of OCTOBER, 2009



NOTARY PUBLIC



My commission expires MAY 22 2016.

12:46 PM

03/25/08

Accrual Basis

Mountain Communications, LLC
Profit & Loss
 January through December 2007

	<u>Jan - Dec 07</u>
Ordinary Income/Expense	
Income	
4100 · Cable Subscription Revenue	254,130.82
4230 · Internet Service Revenue	201,670.15
4000 · Phone Service Revenue	1,612,187.17
4200 · VOIP Service	190,564.77
4210 · Finance Charges	10,109.79
4300 · Carrier Access Billing System	186,046.17
4320 · Fees	903.28
4350 · Reimbursable Expenses	385,459.87
4355 · Overpayment Account	1,041.48
4360 · Resale to other Companies	105,183.57
Total Income	<u>2,947,296.87</u>
Expense	
6746 · Supplies	1,452.52
6802.5 · Wholesale Cost Digital Connect	99,079.38
6005 · Administration Fee	170,000.00
6010 · Amortization Expense	3,188.46
6020 · Bank Service Charges	103.03
6025 · Billing processing cost	91,038.50
6030 · Cable Installation Expense	20,558.99
6050 · Cleaning	3,515.52
6060 · Commissions	187,452.80
6070 · Contributions	4,921.70
6075 · Depreciation Expense	582,781.32
6080 · Dues and Subscriptions	928.38
9060 · Insurance	33,319.91
6100 · Interest Expense	140,285.04
6110 · Licenses and Permits	7,838.80
6115 · Maintenance Fees	894.79
6120 · Marketing and Advertising	16,890.22
6125 · R & D	0.00
6130 · Miscellaneous	7,909.97
6500 · Monthly Network Cost VOIP	55,887.88
6200 · Monthly Network Cost	1,491,159.67
6700 · Office Expense	25,325.33
6705 · Salaries and Wages	338,716.51
6710 · Payroll Taxes	30,940.95
6720 · Postage and Delivery	23,244.45
6725 · Printing and Reproduction	30,321.49
6730 · Professional Fees	8,550.00
6735 · Programming Expense	99.96
6740 · Rent	14,930.83
6745 · Repairs and Maintenance	18,744.93
6755 · Sub Contract Labor	22,352.11
6800 · Taxes	37,558.80
6900 · Telephone	17,204.10
6910 · Trash	187.50
6915 · Travel and Entertainment	835.89
6920 · Utilities	30,330.31
6930 · Vehicle Expense	89,602.92
Total Expense	<u>3,588,130.76</u>
Net Ordinary Income	-640,833.79
Other Income/Expense	
Other Income	
7000 · Other Income	0.00
Total Other Income	<u>0.00</u>

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03/25/08
Accrual Basis

Mountain Communications, LLC
Profit & Loss
January through December 2007

	<u>Jan - Dec 07</u>
Other Expense	
8000 - Other Expenses	<u>0.00</u>
Total Other Expense	<u>0.00</u>
Net Other Income	<u>0.00</u>
Net Income	<u><u>-640,833.79</u></u>

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03/25/08

Accrual Basis

Mountain Communications, LLC
Balance Sheet
As of December 31, 2007

	Dec 31, 07
ASSETS	
Current Assets	
Checking/Savings	
1030 - CABS - Wesbanco Bank	210.28
1010 - Checking - WesBanco Bank	21,935.16
1020 - Checking Wesbanco Tax Account	21,663.19
Total Checking/Savings	-61.69
Accounts Receivable	
1210 - Accounts Receivable	281,058.73
Total Accounts Receivable	281,058.73
Other Current Assets	
1320 - Employee Advance	3,424.84
Total Other Current Assets	3,424.84
Total Current Assets	284,421.88
Fixed Assets	
1515 - Land Improvements	19,850.00
1510 - Computer Hardware	21,780.29
1520 - Computer Software	25,610.70
1530 - Furniture & Fixtures	22,943.86
1540 - Network Test Equipment	15,691.51
1550 - Network Build Cost	4,480,239.28
1560 - Accumulated Depreciation	-2,858,821.21
Total Fixed Assets	1,927,294.43
Other Assets	
1705 - Accum Amort - Tariffs	-9,510.61
1710 - Organizational Costs	7,525.00
1810 - Accum Amort - Org Costs	-7,525.00
1720 - Start Up Costs	3,523.10
1820 - Accum Amort - Start Up Costs	-3,523.10
1730 - Trade Name	2,000.00
1830 - Accum Amort - Trade Name	-711.09
1740 - Tariffs & Licenses	29,015.44
Total Other Assets	20,793.74
TOTAL ASSETS	2,232,510.05
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
2130 - Visa - Kevin- Procom	-530.08
Total Credit Cards	-530.08
Other Current Liabilities	
2111 - Year end Accounts Payable	71,286.20
PA Universal Service Fund	-838.08
2205 - Line of Credit - Centra Bank	1,953,130.00
2500 - Telecommunication Taxes Payable	84,346.24
2225 - Payroll Liabilities	3,863.32
2410 - Deposits from Customers	5,588.82
Total Other Current Liabilities	2,117,358.50
Total Current Liabilities	2,116,828.42
Total Liabilities	2,116,828.42
Equity	
3000 - DCMU, LLC Equity	987,993.08
3030 - TMI Equity	1,388,452.09
3060 - Larry Sisler Equity	99,000.00

12:47 PM
03/25/08
Accrual Basis

Mountain Communications, LLC
Balance Sheet
As of December 31, 2007

	<u>Dec 31, 07</u>
3100 - Retained Earnings	-1,696,929.75
Net Income	<u>-840,833.79</u>
Total Equity	<u>115,681.63</u>
TOTAL LIABILITIES & EQUITY	<u>2,232,510.05</u>

4:48 PM

08/04/09

Accrual Basis

Mountain Communications, LLC
Profit & Loss
January through December 2008

Jan - Dec 08

Ordinary Income/Expense	
Income	
4180 · Ohio Phone Service	33,926
4100 · Cable Subscription Revenue	414,032
4230 · Internet Service Revenue	257,769
4000 · Phone Service Revenue	1,606,156
4200 · VOIP Service	174,832
4210 · Finance Charges	13,885
4300 · Carrier Access Billing System	150,927
4320 · Fees	37
4330 · Refund	53
4350 · Reimbursable Expenses	135,568
4355 · Overpayment Account	5,981
4360 · Resale to other Companies	83,892
Total Income	<u>2,877,058</u>
Expense	
66900 · Reconciliation Discrepancies	119
6602.5 · Wholesale Cost Digital Connect	93,416
6012 · NSF Checks	-50
6000 · Bad Debts Expense	3,425
6005 · Administration Fee	180,000
6010 · Amortization Expense	2,068
6020 · Bank Service Charges	13,163
6025 · Billing processing cost	82,167
6030 · Cable Installation Expense	769
6050 · Cleaning	2,576
6060 · Commissions	241,999
6070 · Contributions	3,125
6075 · Depreciation Expense	570,621
6080 · Dues and Subscriptions	1,014
9060 · Insurance	75,912
6100 · Interest Expense	103,000
6110 · Licenses and Permits	27,354
6115 · Maintenance Fees	984
6120 · Marketing and Advertising	12,120
6500 · Monthly Network Cost VOIP	64,874
6200 · Monthly Network Cost	1,508,831
6700 · Office Expense	43,309
6705 · Salaries and Wages	323,483
6710 · Payroll Taxes	28,057
6720 · Postage and Delivery	21,102
6725 · Printing and Reproduction	23,848
6730 · Professional Fees	18,953
6735 · Programming Expense	327
6740 · Rent	11,106
6745 · Repairs and Maintenance	8,714
6755 · Sub Contract Labor	20,454
6800 · Taxes	15,068
6900 · Telephone	13,349
6910 · Trash	-188
6915 · Travel and Entertainment	412
6920 · Utilities	26,803
6930 · Vehicle Expense	89,911
Total Expense	<u>3,632,196</u>
Net Ordinary Income	-755,138
Other Income/Expense	
Other Income	
7000 · Other Income	143,529
Total Other Income	<u>143,529</u>

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Accrual Basis

Mountain Communications, LLC
Profit & Loss
January through December 2008

	<u>Jan - Dec 08</u>
Other Expense	
7210 · Theft Loss	342,701
8100 · Loss on Disposal of Equipment	114
Total Other Expense	<u>342,816</u>
Net Other Income	<u>-199,287</u>
Net Income	<u><u>-954,424</u></u>

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Accrual Basis

Mountain Communications, LLC

Balance Sheet

As of December 31, 2008

	<u>Dec 31, 08</u>
ASSETS	
Current Assets	
Checking/Savings	
1030 · CABS - Wesbanco Bank	91
1010 · Checking - WesBanco Bank	7,951
1020 · Checking Wesbanco Tax Account	10,376
Total Checking/Savings	18,418
Accounts Receivable	
1210 · Accounts Receivable	379,759
Total Accounts Receivable	379,759
Other Current Assets	
1312 · Due from TMI	19,392
1311 · Due from Fairley	-1
Total Other Current Assets	19,391
Total Current Assets	417,568
Fixed Assets	
1515 · Land Improvements	19,850
1510 · Computer Hardware	20,502
1520 · Computer Software	25,611
1530 · Furniture & Fixtures	22,944
1540 · Network Test Equipment	15,692
1550 · Network Build Cost	4,427,653
1560 · Accumulated Depreciation	-3,187,196
Total Fixed Assets	1,345,055
Other Assets	
1705 · Accum Amort - Tariffs	-11,445
1710 · Organizational Costs	7,525
1810 · Accum Amort - Org Costs	-7,525
1720 · Start Up Costs	3,523
1820 · Accum Amort - Start Up Costs	-3,523
1730 · Trade Name	2,000
1830 · Accum Amort - Trade Name	-844
1740 · Tariffs & Licenses	29,015
Total Other Assets	18,727
TOTAL ASSETS	<u>1,781,349</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
2120 · Visa - Steve	162
2125 · Visa _ Jim	7
2130 · Visa - Kevin- Procom	202
Total Credit Cards	371
Other Current Liabilities	
2412 · Due to TMI	8,458
2111 · Year end Accounts Payable	198,393
2205 · Line of Credit - Centra Bank	2,092,500
2500 · Telecommunication Taxes Payable	41,072
2225 · Payroll Liabilities	10,143
2280 · Sales Tax Payable	40
2410 · Deposits from Customers	7,094
Total Other Current Liabilities	2,357,701
Total Current Liabilities	2,358,072
Total Liabilities	2,358,072

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Accrual Basis

Mountain Communications, LLC

Balance Sheet

As of December 31, 2008

	<u>Dec 31, 08</u>
Equity	
3000 · DCMU, LLC Equity	-135,643
3030 · TMI Equity	575,502
3060 · Larry Sisler Equity	-62,157
Net Income	-954,424
Total Equity	<u>-576,722</u>
TOTAL LIABILITIES & EQUITY	<u>1,781,349</u>

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 Accrual Basis

Mountain Communications, LLC

Profit & Loss

January through June 2009

	Jan - Jun 09
Ordinary Income/Expense	
Income	
4180 · Ohio Phone Service	33,385
4100 · Cable Subscription Revenue	169,442
4230 · Internet Service Revenue	130,219
4000 · Phone Service Revenue	859,340
4200 · VOIP Service	66,254
4210 · Finance Charges	-5,354
4300 · Carrier Access Billing System	105,605
4350 · Reimbursable Expenses	0
4355 · Overpayment Account	-350
4360 · Resale to other Companies	15,700
4365 · Regulatory Recovery Fee	42,507
4398 · Other Operating Income	22,022
4399 · A/R Adjustment Account	177,919
Total Income	1,616,688
Expense	
66900 · Reconciliation Discrepancies	102
6746 · Supplies	566
6602.5 · Wholesale Cost Digital Connect	15,700
6012 · NSF Checks	439
6005 · Administration Fee	90,000
6010 · Amortization Expense	1,034
6015 · Automobile Expense	4,219
6020 · Bank Service Charges	8,286
6025 · Billing processing cost	36,817
6050 · Cleaning	1,031
6060 · Commissions	96,654
6070 · Contributions	800
6075 · Depreciation Expense	229,370
6080 · Dues and Subscriptions	458
9060 · Insurance	29,847
6100 · Interest Expense	46,020
6110 · Licenses and Permits	9,776
6120 · Marketing and Advertising	6,728
6500 · Monthly Network Cost VOIP	23,131
6200 · Monthly Network Cost	1,004,574
6700 · Office Expense	8,921
6705 · Salaries and Wages	173,159
6710 · Payroll Taxes	26,436
6720 · Postage and Delivery	8,427
6725 · Printing and Reproduction	3,808
6730 · Professional Fees	3,881
6740 · Rent	24,023
6745 · Repairs and Maintenance	3,431
6750 · Software	847
6755 · Sub Contract Labor	8,000
6800 · Taxes	4,084
6900 · Telephone	8,521
6915 · Travel and Entertainment	550
6920 · Utilities	9,194
6930 · Vehicle Expense	12,677
Total Expense	1,901,508
Net Ordinary Income	-284,819
Other Income/Expense	
Other Income	
7005 · Insurance Recoveries	10,000
7000 · Other Income	13,179
Total Other Income	23,179

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Accrual Basis

Mountain Communications, LLC
Profit & Loss
January through June 2009

	<u>Jan - Jun 09</u>
Other Expense	
7210 · Theft Loss	48,261
8000 · Other Expenses	16,869
Total Other Expense	<u>65,130</u>
Net Other Income	<u>-41,951</u>
Net Income	<u><u>-326,771</u></u>

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 08/11/09
 Accrual Basis

Mountain Communications, LLC
Balance Sheet
 As of June 30, 2009

	Jun 30, 09
ASSETS	
Current Assets	
Checking/Savings	
1000 · Cash - Petty	150
1010 · Checking - WesBanco Bank	9,766
1020 · Checking Wesbanco Tax Account	4,753
Total Checking/Savings	14,670
Accounts Receivable	
1210 · Accounts Receivable	178,014
Total Accounts Receivable	178,014
Other Current Assets	
1325 · Due from DCD	146,816
1312 · Due from TMI	23,862
1215 · Due from CrissCross	-43
Total Other Current Assets	170,635
Total Current Assets	363,319
Fixed Assets	
1515 · Land Improvements	19,850
1510 · Computer Hardware	20,502
1520 · Computer Software	25,611
1530 · Furniture & Fixtures	22,944
1540 · Network Test Equipment	15,692
1550 · Network Build Cost	4,434,558
1560 · Accumulated Depreciation	-3,416,566
Total Fixed Assets	1,122,589
Other Assets	
1705 · Accum Amort - Tariffs	-12,412
1710 · Organizational Costs	7,525
1810 · Accum Amort - Org Costs	-7,525
1720 · Start Up Costs	3,523
1820 · Accum Amort - Start Up Costs	-3,523
1730 · Trade Name	2,000
1830 · Accum Amort - Trade Name	-911
1740 · Tariffs & Licenses	29,015
Total Other Assets	17,693
TOTAL ASSETS	1,503,601
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2211 · Accrued Interest Payable	7,518
2111 · Year end Accounts Payable	62,247
2205 · Line of Credit - Centra Bank	2,255,500
2500 · Telecommunication Taxes Payable	2,619
2225 · Payroll Liabilities	-233
2410 · Deposits from Customers	7,242
Total Other Current Liabilities	2,334,892
Total Current Liabilities	2,334,892
Long Term Liabilities	
2320 · TMI Members Loan	72,202
Total Long Term Liabilities	72,202
Total Liabilities	2,407,094
Equity	
3000 · DCMU, LLC Equity	-135,643
3030 · TMI Equity	575,502
3060 · Larry Sisler Equity	-62,157

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Accrual Basis

Mountain Communications, LLC
Balance Sheet
As of June 30, 2009

	<u>Jun 30, 09</u>
3100 · Retained Earnings	-954,424
Net Income	<u>-326,771</u>
Total Equity	<u>-903,493</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,503,601</u></u>

EXHIBIT D

Price List