

State of Florida



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COMMISSION
CLERK

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

DATE: November 17, 2009

TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

FROM: Melinda H. Watts, Engineering Specialist III, Division of Regulatory Analysis *MHW*

RE: Docket No. 090480-TX - Compliance investigation of Clective Telecom Florida, LLC for apparent failure to accurately disclose information on application.

Please add the attached data request from staff to Clective Telecom Florida, LLC, dated September 22, 2009, to the subject docket file.

- COM _____
- APA _____
- ECR _____
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK *MHW*

DOCUMENT NUMBER + DATE
 11395 NOV 17 8
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STATE OF FLORIDA



DIVISION OF REGULATORY COMPLIANCE
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

September 22, 2009

Via Facsimile 203-547-6326 &
Via US Post

Mr. Evan Katz
2090 Dunwoody Club Drive Suite 106-257
Atlanta, GA 30350

Re: Undocketed – Data Request No. Clective - 1

Dear Mr. Katz:

At the August 18, 2009 Agenda Conference, in Docket No. 090246-TP, the Commission ordered staff to perform further analysis and review of Clective Telecom Florida LLC's CLEC certification.

To this end, staff has prepared a data request and it is included in this correspondence. Please provide written responses to Data Request No. Clective - 1 by October 6, 2009. Should you have any questions, please me at 850-413-6600 or Ray Kennedy at 850-413-6584.

Sincerely,

A handwritten signature in cursive script that reads "Beth Salak".

Beth Salak, Director
Division of Regulatory Compliance

cc: Melinda Watts - CMP
Lee Eng Tan – GCL

Data Request No. Clective-1

1. On August 13, 2008, Clective Telecom Florida, LLC (Clective FL) filed an Application Form for Authority to Provide Competitive Local Exchange Telecommunications Company Service within the State of Florida (CLEC Application). The CLEC Application required resumes of employees/officers of the company that would indicate sufficient technical experience or indicate what company has been contracted to conduct technical maintenance. In response, Clective FL provided brief summaries of experience for the following personnel employed by Clective GA, Inc. (Clective GA):
 - Evan Katz – Director of Network and Switch Engineering
 - Joseph Nichols – Director of Carrier Interconnection
 - Hal Finkel – Director of Software Engineering and SS7 Network Integration
 - Alex Balashov – Director of Systems Engineering

For the people listed above, please provide responses to the following:

- a. Was the person on Clective GA, Inc.'s payroll during 2008?
 - b. If the answer to a. is yes, please provide a copy of the person's W2 for the year ending 2008.
 - c. Was the person on Clective FL's payroll during 2008?
 - d. If the answer to c. is yes, please provide a copy of the person's W2 for the year ending 2008.
 - e. For any person that was not on Clective GA's or Clective FL's payroll during 2008, please explain why the resume was used and explain how authorization was obtained from that person for including the resume in Clective FL's CLEC Application?
2. For those personnel identified in 1. who are no longer with Clective FL or Clective GA, please provide the dates when their employment began and when it ended.
 3. Please identify and provide a detailed resume for all persons that are currently on the payroll of Clective FL that would fulfill the technical requirements for retaining CLEC authority in Florida.
 4. If the answer to 3. is none, please explain how Clective FL will fulfill the technical capability required for retaining CLEC authority in Florida.
 5. Please provide a detailed resume for each of Clective FL's current management personnel and explain how they fulfill the management requirements for retaining CLEC authority in Florida.
 6. Referring to Clective FL's August 26, 2009 letter filed with the Florida Public Service Commission, do the net profit amounts shown in Clective FL's Business Model account for deductions such as employee salaries, taxes, interest, rents, depreciation, etc.? Please explain your response.

DOCUMENT NUMBER-DATE

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7. Referring to page 186 of the transcript attached to AT&T Florida's Third Notice of Filing Additional Documentation In Support of Its Objection and Petition to Cancel Clective Telecom Florida, LLC's CLEC Certificate No. 8736 filed on August 31, 2009, in Docket No. 090246-TP, Mr. Noack denies authorizing Clective FL to file documents with the Florida Public Service Commission under his alias "Joseph Nichols or otherwise" and that he was not aware that Clective FL had done so prior to the documents being presented to him under cross-examination by an AT&T Ohio attorney. Are Mr. Noack/Nichols statements accurate? Please explain your response.
8. Please refer to Clective FL's CLEC Application filed with the PSC on August 13, 2008. Specifically refer to the attestation acknowledging the consequences of making false statements on page 7.
 - a. Is the signature on that page that of Patricia Morris?
 - b. Are Patricia Morris and Patricia Katz the same person?
 - c. What is the relationship between Patricia Morris and Evan Katz?
9. Please refer to Clective FL's CLEC Application filed with the PSC on August 13, 2008. Specifically refer to attestation of management capability regarding Patricia Morris, President and Director of Customer Relations, on the last page (unnumbered in the filing) of the application.
 - a. Please list Ms. Morris' previous employers, and the positions she held including dates of employment and assignment to each position, that comprise her 20 years of experience.
 - b. Please list all business entities with whom Ms. Morris is currently affiliated.
10. Please list all business entities ever owned, operated, directed, or otherwise affiliated with Evan Katz, and all corporate investors of Clective Florida.
11. Please identify all corporate investors (or the 10 largest investors if more than 10) of Clective FL by name, position, address and telephone number.
12. Please provide a detailed illustration(s) of the service(s) Clective FL intends to provide in Florida. The illustration should, at a minimum, identify:
 - a. traffic flows or call paths
 - b. key players
 - c. what compensation would apply and which party would be responsible for paying such compensation.
13. Please provide all documents that support the recurring and nonrecurring costs shown in Clective FL's Business Model.
14. Please provide all documents that support the assumptions regarding the number of minutes used to calculate the revenues.

Mr. Evan Katz
Page 4
September 22, 2009

15. Referring to Clective FL's August 26, 2009 letter filed with the Florida Public Service Commission, please clarify the amount, in dollars, available to Clective FL from its investors as the amount specified is unclear due to possibly a scrivener's error. Also please explain the conflict in dates for the cover letter versus the affidavit, e.g., the affidavit was signed the day after the letter.
16. Clective FL claims that the service it plans to provide in Florida is VoIP. Please explain why Clective FL requires CLEC authority in Florida since VoIP is not a regulated service.

SENDING CONFIRMATION

DATE : SEP-23-2009 WED 13:45
NAME : PSC
TEL : 8504137077

PHONE : 612035476326
PAGES : 5/5
START TIME : SEP-23 13:43
ELAPSED TIME : 01'34"
MODE : ECM
RESULTS : OK

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STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

3540 Stadium Oaks Boulevard
CAPITAL CIRCLE OFFICE CENTER
TALLAHASSEE, FLORIDA 32319-0570

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 9/23/2009 TIME SUBMITTED: _____m.
TO: Mr. Evan Katz TITLE: _____
OFFICE/BUSINESS: Collective Telecom Florida LLC
TELEPHONE NO: () _____ FAX NO: 850.547-6326
FROM: Ray Kennedy
OFFICE/DIVISION: PSC
TELEPHONE NO: (850) 413-6584 FAX NO: (850) -413-6585
COMMENTS: _____

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 5