

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF REGULATORY COMPLIANCE
APPLICATION FORM
for
AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANY SERVICE
WITHIN THE STATE OF FLORIDA

090542-TX

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 one copy of this form along with a non-refundable application fee of **\$400.00** to:

Florida Public Service Commission
Office of Commission Clerk
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 Regulatory Compliance
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600

FORM PSC/RCP 8 (5/08)
Commission Rule Nos. 25-24.810,
and 25-24.815

Note: To complete this interactive form Required
by using your computer, use the tab key to
navigate between data entry fields.

RECEIVED - DATE
12042 DEC 17 8
FPSC-COMMISSION CLERK

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: Comity Communications, LLC

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

NA, doing business as Comity Communications, LLC.

4. Official mailing address:

Street/Post Office Box: 702 Grand Avenue
City: Spencer
State: IA
Zip: 51301

5. Florida address:

Street/Post Office Box: Comity has no Florida address at this time.
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, Foreign limited liability company. | | |

7. **If individual**, provide:

Name: NA, Applicant is not an individual.

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: NA

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: Applicant is a Nevada limited liability company, C20091209-0425. In Florida, Comity is authorized to conduct business under Secretary of State Document No. M09000004809. A copy of this filing is attached as Exhibit A.

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: NA, Applicant is not using a fictitious name.

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: Not applicable, Applicant is not a Florida partnership.

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

Name: Not applicable, Applicant is not a partnership.

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: Not applicable, Applicant is not a foreign partnership.

14. Provide **F.E.I. Number**(if applicable): 27-0649941

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

(a) The application:

Name: Katherine Barker Marshall
Title: Attorney, Arent Fox LLP
Street name & number: 1050 Connecticut Avenue, NW
DC 20036-5339
Post office box:
City: Washington,
State: DC
Zip: 20036-5339
Telephone No.: (202) 857-6104
Fax No.: (202) 857-6395
E-Mail Address: marshall.katherine@arentfox.com
Website Address: www.arentfox.com

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

Name: Stevin Dahl
Title: Chief Executive Officer
Street name & number: 702 Grand Avenue
Post office box: PMB 41
City: Spencer
State: IA
Zip: 51301
Telephone No.: (877) 302-2584
Fax No.: (866) 646-5232
E-Mail Address: stevin@comitycommunications.com
Website Address: www.comitycommunications.com

(c) Complaints/Inquiries from customers:

Name: Stevin Dahl
Title: Chief Executive Officer
Street/Post Office Box: 702 Grand Avenue/PMB 41
City: Spencer
State: IA
Zip: 51301
Telephone No.: (877) 302-2584
Fax No.: (866) 646-5232
E-Mail Address: stevin@comitycommunications.com
Website Address: www.comitycommunications.com

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16. List the states in which the applicant:

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

Applicant is a new company and is not yet operating as a Competitive Local Exchange Telecommunications Company in any state.

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

California, Illinois and Texas.

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

Applicant is a new company and is not yet certificated in any state.

(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: Candace Nelson
Title: President & Chief Financial Officer
Telephone No.: (877) 302-2584
E-Mail Address: candie@comitycommunications.com

Signature:  Date: 12-15-09

Exhibit A

Qualification to do Business in Florida



FLORIDA DEPARTMENT OF STATE
Division of Corporations

December 10, 2009

MATTHEW YOUNG
CSC
TALLAHASSEE, FL

Qualification documents for COMITY COMMUNICATIONS, LLC were filed on December 9, 2009, and assigned document number M09000004809. Please refer to this number whenever corresponding with this office.

Your limited liability company is now qualified and authorized to transact business in Florida as of the file date.

A limited liability company annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-4933 and requesting form SS-4.

Please be aware if the limited liability company address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Buck Kohr
Regulatory Specialist II
Registration/Qualification Section
Division of Corporations

Letter Number: 309A00037660

Account number: I20000000195

Amount charged: 125.00

P.O. BOX 6327 -Tallahassee, Florida 32314

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. Comity 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. Nevada (Jurisdiction under the law of which foreign limited liability company is organized)
3. 27-0649941 (FBI number, if applicable)

4. 7/28/2009 (Date of Organization)
5. Perpetual (Duration: Year limited liability company will cease to exist or "perpetual")

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

7. 702 Grand Avenue
Spencer, IA 51301
(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:
Candace Nelson, 1307 15th. Avenue, P.O. Box 1003, Spencer, IA 51301

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:
Provision of telecommunication services.

[Handwritten 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.)

Candace Nelson, Managing Member
Typed or printed name of signee

FILED STATE SECRETARY OF CORPORATIONS 09 DEC 19 AM 9:01

**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:

COMITY 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

Matthew Young
as its agent

BY: 

(Signature)

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

SECRETARY OF STATE




CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, ROSS MILLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **COMITY COMMUNICATIONS, LLC**, as a limited liability company duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since July 28, 2009, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on December 9, 2009.




ROSS MILLER
Secretary of State

Electronic Certificate
Certificate Number: C20091209-0425
You may verify this electronic certificate
online at <http://www.nvsos.gov/>

Exhibit B

Managerial and Technical Ability

Comity Communications, LLC

Candace Nelson, President and Chief Financial Officer

As President of Comity Communications, LLC, Ms. Nelson is responsible for ensuring its members are aware of and fulfill their governance responsibilities; comply with applicable laws and bylaws; conduct board business efficiently; and are accountable for their performance and perform other duties as the need arises and/or as defined in the bylaws. As CFO, she will also oversee financial operations of the Company.

Ms. Nelson most recently served as Chief Financial Officer a telecommunications, data and Internet services company. In that role, she is responsible for managing financial operations in its day-to-day financial and accounting objectives, including certifications, as well as state and federal regulatory proceedings. She has been involved with the telecom industry operationally and financially for more than 19 years.

Prior to that, Ms. Nelson was co-owner and operator of a successful agriculture operation overseeing 1500 acres of cropland. She had other successful businesses including Nelson Rentals, which owned 16 commercial and residential rental properties. In addition, she operated a successful drainage and fiber optic and telephone cable installation business.

Mrs. Nelson attended Buena Vista College in pursuit of a business administration and accounting degree.

Stevin Dahl, Chief Executive Officer

Stevin is the CEO of Comity Communications, LLC. In this role, Stevin will create a collaborative company culture that seeks out knowledge and embraces innovation through advances in telecommunications technology and software advancements. He will steer the Company accordingly by forming strategic partnerships, and provide leadership to the senior management team.

Stevin also serves as SVP, Business Development with a Competitive Local Exchange Company providing telecommunications, Internet, and data services. Stevin has taken on a leadership role in uncovering new business opportunities by building strong relationships with professionals in the telecommunications, regional carrier and software technology communities.

Stevin served as president of Dahl Communications, a boutique consulting firm specializing in successfully working with rural telephone companies, retail merchants, and community leaders to leverage technology and telecommunications networks to promote economic development in rural communities. Stevin provided rural telephone managers with subject matter expertise in the FCC rules and regulations, competitive market research, VoIP, e911, and the acquisition of new NPA/NXX blocks from NANPA to pursue business development applications using telephone switching infrastructure.

Stevin started his entrepreneurial career working with VoIP software development firms, including TalkISP, Inc., and WebPoint Communications, where he served on the Management Team. He also collaborated with the founders of TeleTownHall, a political fundraising and large scale conferencing company. Stevin also served as assistant director for the North Central Regional Center for Rural Development providing operational oversight and project management for outreach programs in a twelve state region in the Midwest.

Stevin holds a Masters Degree from Iowa State University and is an active member of the National Telecommunications Cooperative Association and the Arizona/New Mexico Telephone Association.

John Hass, Chief Technical Officer

As CTO of Comity Communications, LLC, John Hass is responsible for overseeing all technical aspects of the Company. John will work with senior management to provide in-depth technical expertise for both tactical and operational initiatives through the use of technological resources. He will provide management of all technology infrastructure, network layout, planning, strategy and deployment. He will also manage the overall IT day-to-day operations to improve infrastructure costs, performance and end user satisfaction among internal and external clients.

John has experience establishing facilities-based interconnection with multiple Independent Local Exchange Carriers, Competitive Local Exchange Carriers, and Regional Carriers. Mr. Hass also has extensive experience managing computer operations, programming, network operations, database administration, network operations, server systems, and storage systems as related to telecommunications systems. Mr. Hass has an extensive telephone background with Class 4 and Class 5 switching architecture including IXC, SS7, tandem functionality, and Voice over Internet Protocol (“VoIP”).

Mr. Hass has performed consulting work for many Internet service providers (ISP's), assisting with the implementation of a data collection system, as well as telecommunications consulting, both technical and administrative. He has extensive knowledge in network design and protocols such as large metropolitan networks, VLANs, routing, QoS, and MPLS.

Mr. Hass is also experienced in designing and building VoIP networks based on SIP/MGCP/IAX/H323. Mr. Hass has also written a custom telecommunications switch software program for the purpose of efficiently switching a PBX solution.

Mr. Hass began his education at Southeast Technical Institute in Sioux Falls, SD and then continued on to South Central Technical Institute in Mankato, MN where he studied Computer Networking.

Kevin K. Robinson, Chief Information Officer

As CIO of Comity Communications, LLC, Mr. Robinson is accountable for directing the information and data integrity of the enterprise and its user groups. This includes all interactive-voice products, call service centers, help desks and production scheduling functions. Kevin will also review all computerized and manual systems; information processing equipment and software for acquisition, storage and retrieval; and definition of the strategic direction of all information processing and communication systems and operations.

Kevin also serves as a member of the management team of Kalissa Communications, LLC, a company focused on working with outbound call centers throughout the country. Kevin also serves as chief executive officer of CTJ Enterprises, an audiotext, Internet and interactive-voice products and services company. As a leader in the audiotext industry, CTJ Enterprises has the knowledge, experience and commitment to provide customers with tailored audiotext services and solutions. Kevin is responsible for sales campaign management, strategic growth planning, customer acquisition and retention, and new product development and integration.

Prior to his involvement in the telecommunications field, Kevin was involved in several successful endeavors working with the nonprofit sector, banking, and motivational speaking. Kevin is the founder of Positively Spencer and is an active community volunteer.

Kevin holds a Bachelor of Arts degree in Elementary Education with an Endorsement in Social Studies and Coaching from Central College in Pella, Iowa.

Exhibit C

Company Financial Documents

Comity Communications, LLC is a newly formed limited liability company, and as such does not have three years of financial data and is including its current financial statements. Comity Communications, LLC is a privately-held limited liability company, and, accordingly requests that this information be filed under seal.