

NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

Attorneys at Law

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Leon L. Nowalsky  
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Edward P. Gothard

RECEIVED-FPSC

Philip R. Adams, Jr.

10 MAY 10 PM 12: 26

COMMISSION  
CLERK

May 7, 2010

Docket Number  
100273-TX

Via Overnight Mail

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

DISTRIBUTION CENTER  
10 MAY 10 AM 10: 16

RE: Global Capacity Direct, LLC  
Competitive Local Exchange Application

Dear Sir or Madam:

Enclosed please find an original and one (1) copy of the Competitive Local Exchange Application on behalf of Global Capacity Direct, 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,

Becky Heggelund

/bh  
Enclosure

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

Initials of person who forwarded check:

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- RAD \_\_\_\_\_
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK Grant

1 price list forwarded to RAD

DOCUMENT NUMBER-DATE  
03910 MAY 10 09  
FPSC-COMMISSION CLERK

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

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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 Analysis  
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: Global Capacity Direct, LLC

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

4. Official mailing address:

Street/Post Office Box: 200 S. Wacker Drive, Suite 1650

City: Chicago

State: IL

Zip: 60606

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: **M 050000 0 2643**

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 partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

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): 20-2491970

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

(a) The application:

Name: Benjamin W. Bronston  
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: bbronston@nbglaw.com  
Website Address: www.nbglaw.com

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

Name: Patrick Schutt  
Title: Manager and CEO  
Street name & number: 200 S. Wacker Drive, Suite 1650  
Post office box:  
City: Chicago  
State: IL  
Zip: 60606  
Telephone No.: (312) 660-5000  
Fax No.: (312) 881-4131  
E-Mail Address:  
Website Address: www.globalcapacity.com

(c) Complaints/Inquiries from customers:

Name: Frank Florentine  
Title: Customer Service Manager  
Street/Post Office Box: 200 S. Wacker Drive, Suite 1650  
City: Chicago  
State: IL  
Zip: 60606  
Telephone No.: 888-482-4669 opt. 2  
Fax No.: (312) 881-4131  
E-Mail Address:  
Website Address: www.globalcapacity.com

16. List the states in which the applicant:

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

Alabama, Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, S. Carolina, S. Dakota, Tennessee, Virginia, Washington, Vermont, Wisconsin

(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.

Alabama, Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, S. Carolina, S. Dakota, Tennessee, Virginia, Washington, Vermont, Wisconsin

(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: Patrick Schutt  
Title: Manager & CEO  
Telephone No.: (312) 660-5000  
E-Mail Address:

Signature:  \_\_\_\_\_

Date: 4/1/2010



# EXHIBIT A

## Florida Foreign Qualification



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

April 27, 2010

BECKY HEGGELUND  
NOWALSKY, BRONSTON & GOTHARD  
1420 VETERANS BLVD.  
METAIRIE, LA 70005

Re: Document Number M05000002643

The Amendment to the Application of a Foreign Limited Liability Company for VANCO DIRECT USA, LLC which changed its name to GLOBAL CAPACITY DIRECT, LLC, a Delaware limited liability company authorized to transact business in Florida, was filed on April 23, 2010.

The certification you requested is enclosed.

Should you have any questions regarding this matter, please telephone (850) 245-6051, the Registration Section.

Leslie Sellers  
Regulatory Specialist II  
Division of Corporations

Letter Number: 310A00010347

[www.sunbiz.org](http://www.sunbiz.org)

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 32314

# State of Florida



## Department of State


I certify the attached is a true and correct copy of the Amendment to the Application of a Foreign Limited Liability Company, filed on April 23, 2010, for VANCO DIRECT USA, LLC which changed its name to GLOBAL CAPACITY DIRECT, LLC, a Delaware limited liability company authorized to transact business in Florida, as shown by the records of this office.

The document number of this limited liability company is M05000002643.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Twenty-seventh day of April, 2010



CR2EO22 (01-07)

  
Kurt S. Browning  
Secretary of State

## EXHIBIT B

### Management Profiles

## Leadership: Experienced businessmen, telecom veterans

**Patrick C. Shutt**  
Chief Executive Officer

Patrick C. Shutt is the CEO and Director of Global Capacity. Prior to Global Capacity, Shutt was the co-founder, Director and CEO of 20/20 Technologies, Inc. and Director and CEO of Magenta net-Logic, Ltd., a global information services and consulting company focusing on the telecommunications industry and co-headquartered in the United States and the United Kingdom. Shutt has nearly two decades of experience in the information services and telecommunications industry, including serving as a Co-Founder, Director, Chairman, Chief Executive Officer and President at Universal Access from 1997 to November 2002. He began his career from 1989 to 1992 with Sprint Communications and the global telecommunications company Cable and Wireless PLC from 1992 to 1994. Shutt then moved to Teleport Communications Group (TCG) from 1994 to 1996. In late 1996, Mr. Shutt led a TCG spin out start up organization named Arista Communications until September of 1997.

In October of 1997, Shutt co-founded Universal Access. Under his leadership the company grew organically from \$0 revenues to \$144M run rate in four years. In addition, Shutt led the company through its Initial Public Offering with Goldman Sachs as the lead underwriter in March of 2000 with an initial market capitalization of over \$3.0 Billion. Mr. Shutt completed five tranches of private equity capital and one round of public capital during his tenure with Universal Access totaling over \$240M. Under Shutt's leadership Universal Access received the 2002 Deloitte and Touche Fast 500 Award as the fifth fastest growing company in the US with a growth rate of over 158,000% between 1997 and 2001. Shutt departed Universal Access in November 2002. In December 2002, Shutt co-founded 20/20 Technologies, Inc., the firm that acquired Magenta-netLogic. Shutt's board experience includes serving as a Section 16 Officer and Director of two US public companies, as well as Director of two private companies. Since 2003 he has divided his time between the United States and European markets.

Shutt holds a B.A from Wagner College and a M.B.A from Wagner College. Shutt played soccer at a high level both in the UK and the USA in the US Junior Olympic Development program. Mr. Shutt is a US Landed Immigrant and a British citizen, and currently lives in Chicago with his family.

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**George A. King**  
President

George A. King is the President of Global Capacity, and is also the Vice Chairman of the Board of Directors. Mr. King has more than twenty – five years of experience in law, capital markets finance and telecommunications, including being a co-founder, Vice Chairman, and President of 20/20 Technologies, Inc., as well as a Director and President of Magenta net-Logic, Ltd., a global information services and consulting company focusing on the telecommunications industry co-headquartered in the United States and

the United Kingdom. Prior to 20/20 Technologies, Mr. King served as President of several operating functions and as Chief Development Officer of Universal Access, Inc. prior to and subsequent to the company's Goldman Sachs led initial public offering. He also served on the initial Board of Directors at Universal Access. He began his career with the Wall Street law firm of Mudge Rose Guthrie Alexander & Ferdon, and subsequently became a Vice President in the New York office of the global investment banking firm of Credit Suisse First Boston. He was a co-founder of an investment banking spin-off from CSFB, Cambridge Partners, LLC, and operated his own corporate finance advisory firm before joining Universal Access on a full time basis. Mr. King has more than eighteen years of experience as a Director and Chairman of both public and private companies in the United States, Canada and the United Kingdom. He is a trustee of Wagner College in New York City and a trustee and chair of the Audit Committee of Richmond The American International University in London. Mr. King holds an A.B. (cum laude) in Political Science from Colgate University and a J.D. from Fordham University School of Law, where he was editor-in-chief of the Fordham Urban Law Journal. He is the author of two books on securities law and tax law relating to capital markets transactions in the United States.

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**Jack Lodge**  
Chief Operating Officer

Jack Lodge is the Chief Operating Officer at Global Capacity, responsible for all aspects of marketing, operations, information technology, software development, and solutions delivery for the Company. He has over 19 years experience in information technology and telecommunications. Lodge joined Global Capacity in 2006 upon its acquisition of CentrePath, Inc., a privately held remote network management company where he served as General Manager, with responsibility for all aspects of CentrePath's managed services business. Prior to joining CentrePath, Mr. Lodge held several leadership positions in the IT organization at Nortel Networks, where his responsibilities included network architecture and strategy. Lodge joined Nortel via the 1998 acquisition of Bay Networks, where he held a number of IT management positions. Prior to Bay Networks, Mr. Lodge owned and operated a regional network services and maintenance business, distributing and supporting technology from multiple manufacturers. He began his career with AT&T in 1989 in a sales role. Lodge holds a BA from the College of the Holy Cross, and an MBA from Northeastern University

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**Jonathan Wynne Evans**  
General Counsel and Managing Director  
European Operations

Jonathan Wynne Evans, who heads European operations for Global Capacity, has served as a director of private companies in both the United Kingdom and the United States. His 20-year career includes experience in property development, science research, investment strategy and business management.

Before joining the company, Wynne Evans served as managing director and board member of 20/20 Technologies, a telecommunications holding company specializing in the acquisition of information technology firms, including Magenta net-Logic, a global information services and consulting company focusing on the telecommunications industry. Prior to its acquisition, Wynne Evans served as managing director of Magenta net-Logic with responsibility for compiling the tariff data and technical assets comprising the company's comprehensive industry knowledgebase. He holds a law degree from Cambridge University.