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STATE OF FLORIDA



DIVISION OF REGULATORY ANALYSIS
BETH W. SALAK
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Public Service Commission

November 17, 2011

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COMMISSION
CLERK

Ms. Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle
118 North Gadsden Street
Tallahassee, FL 32301

Re: Docket No. 100373-TX, Request for transfer of and name change on CLEC Certificate No. 8467 held by New Talk, Inc. to Telecom Ventures, LLC d/b/a Dialtone Ventures, LLC.

Dear Ms. Kaufman:

Staff is seeking additional information regarding Telecom Ventures, LLC petition for a competitive local exchange company certificate in Florida. Please provide a written response to each of the questions in the enclosed data request on or before December 16, 2011. Telecom Ventures, LLC may avail itself of the statutory confidential provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, if it believes it is necessary to comply with this data request. If you have any questions, please contact Bob Casey at (850) 413-6974 or Toni Earnhart at (850) 413-6532. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Salak".

Beth Salak
Director

BWS/rc
Enclosure

cc: Division of Regulatory Analysis (Trapp, Earnhart, Casey)
Office of General Counsel (Robinson, Teitzman)
Docket No. 100373-TX

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- 1) On the original ET Telephone, Inc. (ET) CLEC application in Docket No. 000189-TX, it states that Byron Young is the President and the ongoing official contact for the company. It also appears that he signed the original CLEC application as President and listed himself as the ongoing official contact for ET. Staff was subsequently advised that Byron Young was not the President of ET and that Brandon Young was the President of ET. Brandon Young did not sign the original ET CLEC application, yet was listed as President of ET with the Florida Secretary of State.

Why did Byron Young sign the original CLEC application as President and list himself as the ongoing official contact for the company if Brandon Young was the actual President of ET at the time?

- 2) Ms. Kaufman's letter dated October 26, 2011, states that Brandon Young sold ET to Nelda Burger on July 19, 2001. The Secretary of State has no record of Nelda Burger being affiliated with ET in any ownership capacity. Please provide proof of sale of ET from Brandon Young to Nelda Burger.
- 3) Why did Brandon Young not officially notify the PSC or the Florida Secretary of State of the July 19, 2001 change in ownership of ET?
- 4) In response to question No. 18(c) of the application regarding Financial Capability, Telecom Ventures states:

Applicant is a start-up company that has no previous business activity and, therefore, no financial statements. The transferring company, New Talk, Inc., has sufficient resources to fund operations through loans to Telecom Ventures, LLC until such time as cash flow generated by Telecom Ventures funds all activities.

Please provide the latest available audited financial statements of New Talk, Inc. to show that New Talk, Inc., has sufficient resources to fund operations through loans to Telecom Ventures, LLC. If the applicant does not have audited financial statements, it should 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 the balance sheet, income statement, and statement of retained earnings.

- 5) Exhibit B of AT&T's January 24, 2011 Objection to New Talk's certificate transfer showed that New Talk owed AT&T \$2,169,533.27 in undisputed amounts as of June 22, 2010. Telecom Ventures LLC and New Talk's February 9, 2011 response states that AT&T owes New Talk \$2,781,050.89. What is the current amount of money in dispute between New Talk and AT&T?
- 6) A November 15, 2011 AT&T letter to the Arbitrators at the Texas PUC indicates that AT&T Texas and New Talk have been unable to resolve the issues through negotiation and mediation. The letter also states that Counsel for New Talk was made aware of

AT&T's request that Docket No. 38389 be unabated in order to allow it to proceed to final resolution and that Docket No. 38486 be dismissed. AT&T advised that Counsel for New Talk had no objections. What is the next step in this dispute?

- 7) Telecom Ventures, LLC response to question 16(b) of its application states that in addition to Florida, it has applications pending to be certificated as a Competitive Local Exchange Telecommunications Company in Alabama, Oklahoma, Georgia, Kentucky, and New York. Have any of these applications been approved, denied, or withdrawn? Have any additional applications been filed in any other states?
- 8) How many Florida residential and commercial customers does New Talk, Inc. presently serve?
- 9) Did New Talk have any complaints filed against it with a state regulatory agency or the FCC in the last 12 months? If so, please identify and explain each, and how they were resolved.
- 10) Please provide a list of each owner, corporate officer and managing member of Telecom Ventures, LLC and New Talk, Inc., and explain what each person's responsibilities will be for the new applicant.
- 11) Are any owners, corporate officers, or managing members of Telecom Ventures, LLC or New Talk, Inc. also owners, corporate officers, or managing members of any other companies that provide voice communications service? If so, list the companies.
- 12) Have any Telecom Ventures, LLC or New Talk, Inc. owners, officers, or managing members been charged or convicted of a criminal offense? If so, please provide details as to who, when, and where the charges or convictions occurred.
- 13) Have any Telecom Ventures, LLC or New Talk, Inc. owners, officers, or managing members been involved in any civil litigation in which a Telecom Ventures, LLC or New Talk, Inc. owner, officer, or managing member has been deposed or has been a plaintiff, a defendant, or a witness in their capacity as an officer, manager, or managing member of a voice communications provider? If so, please provide details as to who, when, and where the civil litigation occurred.
- 14) Please provide the physical location where Telecom Ventures, LLC will be keeping its books and records.
- 15) An August 28, 2009 affidavit (Texas PUC Control No. 36164, Item No. 89) provided by Byron Young to the Texas PUC states:

None of the owners and managers of Swiftel will serve as managers of True Wireless and none will be involved in the day-to-day management of True Wireless.

Was Chris Watson ever a manager of True Wireless or involved in the day-to-day operations of True Wireless? If no, what was his role and/or responsibilities? What caused the termination of the work relationship?

- 16) From the September 28, 2011 meeting with staff, staff understood that the Young brothers no longer had any association with the Watson family. Florida Secretary of State records show Steve Watson and Byron Young as current officers of R Street Project, Inc. in Pensacola. What type of operation is the R Street Project, Inc.? What are Byron Young's duties with R Street Project, Inc.? Is there any affiliation between R Street Project, Inc. and New Talk, Inc or Telecom Ventures, LLC?
- 17) If the Certificate is transferred to Telecom Ventures, LLC, what happens to New Talk, Inc.?
- 18) Do any responses to questions on Telecom Ventures, LLC application need to be updated? If so, please update the responses as necessary.