



claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

Suite 800
 1919 Pennsylvania Avenue NW
 Washington, DC 20006-3401

Randall B. Lowe
 202.973.4221 tel
 202.973.4499 fax

randylowe@dwt.com

For DN 0458412, which is in locked storage. You must be authorized to view this DN.-CLK

July 9, 2012

BY FEDERAL EXPRESS

Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Blvd.
 Tallahassee, Florida 32399-0850

120186-TX

Re: Nebula Telecommunications of Florida, LLC
Application for Competitive Local Exchange Service

Dear Sir/Madam:

On behalf of Nebula Telecommunications of Florida, LLC ("Nebula"), we are submitting its application for authority to provide competitive local exchange telecommunications service within the State of Florida. A check in the amount of \$400.00 is enclosed in payment of the required filing fee. It is Nebula's intention to post its price list on its website as soon as the application is granted.

Pursuant to Fla. Stat. § 364.183(1) and Fla. Admin. Code Ann. r.25-22.006, Nebula respectfully requests that its financial information submitted in response to Question 18(c) be treated as proprietary and confidential. The material for which confidential treatment is sought is intended to be and is treated by Nebula as private and has not been disclosed. In this regard, Nebula submits one complete copy of the application wherein the information for which confidentiality is requested has been highlighted, as well as two edited copies of the document wherein that confidential information has been redacted.

Any questions regarding this application may be directed to the undersigned counsel.

Sincerely,

DAVIS WRIGHT TREMAINE LLP

Randall B. Lowe

- TEL
- COM
- APA
- ECR
- GCL
- RAD
- SRC
- ADM
- OPC
- CLK

Check enclosed for amount forwarded to [redacted] for deposit. Please to forward deposit information to [redacted].
 Initials of person who forwarded check

Enclosures

Anchorage	New York	Seattle
Bellevue	Portland	Shanghai
Los Angeles	San Francisco	Washington, D.C.

SYSTEM NUMBER-DATE

04570 JUL 10 02

www.dwt.com

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**

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**

FORM PSC/RAD 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. DOCUMENT NUMBER-DATE

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: NEBULA TELECOMMUNICATIONS OF FLORIDA LLC

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

NEBULA TELECOMMUNICATIONS OF FLORIDA LLC

4. Official mailing address:

Street/Post Office Box: 136 MADEIRA ROAD
City: ISLAMORADA
State: FLORIDA
Zip: 33036

5. Florida address:

Street/Post Office Box: 136 MADEIRA ROAD
City: ISLAMORADA
State: FLORIDA
Zip: 33036

6. Structure of organization:

Individual
 Foreign Corporation
 General Partnership
 Other, LLC

Corporation
 Foreign Partnership
 Limited Partnership

7. **If individual**, provide:

Name: N/A
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: N/A

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is: APPLICANT IS AN LLC (SEE EXHIBIT A). NO. M12000001663.

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: N/A

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is: N/A

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

Name: N/A
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: N/A

14. Provide **F.E.I. Number**(if applicable): N/A

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

(a) The application:

Name: MARNI SHAPIRO

Title:

Street name & number: 1919 PENNSYLVANIA AVENUE, N.W., SUITE 800

Post office box:

City: WASHINGTON

State: DC

Zip: 20006

Telephone No.: 202-973-4382

Fax No.: 202-973-4499

E-Mail Address: Marni.Shapiro@nebulatel.com

Website Address:

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

Name: MARNI SHAPIRO

Title:

Street name & number: 1919 PENNSYLVANIA AVENUE, N.W., SUITE 800

Post office box:

City: WASHINGTON

State: DC

Zip: 20036

Telephone No.: 202-973-4382

Fax No.: 202-973-4499

E-Mail Address: Marni.Shapiro@nebulatel.com

Website Address:

(c) Complaints/Inquiries from customers:

Name: MARNI SHAPIRO

Title:

Street/Post Office Box: 1919 PENNSYLVANIA AVENUE, N.W., SUITE 800

City: WASHINGTON

State: DC

Zip: 20006

Telephone No.: 202-973-4382

Fax No.: 202-973-4499

E-Mail Address: Marni.Shapiro@nebulatel.com

Website Address:

16. List the states in which the applicant:

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

NONE

(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.

NONE

(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.

NONE

(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: TERRENCE PECK
Title: SENIOR VICE PRESIDENT, ENGINEERING
Telephone No.: 972-905-9001
E-Mail Address:

Signature: Terrence Peck

Date: 6/20/12

EXHIBIT A

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

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No Events

No Name History

Detail by Entity Name

Foreign Limited Liability Company

NEBULA TELECOMMUNICATIONS OF FLORIDA LLC

Filing Information

Document Number M12000001663
FEI/EIN Number NONE
Date Filed 03/23/2012
State DE
Status ACTIVE

Principal Address

136 MADERIA ROAD
ISLAMORADA FL 33036

Mailing Address

136 MADERIA ROAD
ISLAMORADA FL 33036

Registered Agent Name & Address

PECK, TERENCE
136 MADERIA ROAD
ISLAMORADA FL 33036

Manager/Member Detail

Name & Address

Title MGR
NEBULA TELECOMMUNICATIONS LLC
136 MADERIA ROAD
ISLAMORADA FL 33036

Annual Reports

No Annual Reports Filed

Document Images

03/23/2012 -- Foreign Limited

Note: This is not official record. See documents if question or conflict.

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State of Florida, Department of State

M12000001663

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

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DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

FILED
2012 MAR 23 AM 9:57
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

J. BRYAN

MAR 26 2012

EXAMINER



CORPORATION SERVICE COMPANY

ACCOUNT NO. : I20000000195
REFERENCE : 141976 A304492
AUTHORIZATION : *[Signature]*
COST LIMIT : \$ 125.00

ORDER DATE : March 23, 2012
ORDER TIME : 1:27 PM
ORDER NO. : 141976-005
CUSTOMER NO: 4304492

FOREIGN FILINGS

NAME: NEBULA TELECOMMUNICATIONS OF FLORIDA LLC

FILED
2012 MAR 23 AM 9:57
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

XXXX QUALIFICATION (TYPE: LL)

PLEASE RETURN THE FOLLOWING AS PROOF OF FILING:

- CERTIFIED COPY
- PLAIN STAMPED COPY
- CERTIFICATE OF GOOD STANDING

CONTACT PERSON: Becky Peirce -- EXT# 2919

EXAMINER: _____

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: NEBULA TELECOMMUNICATIONS OF FLORIDA 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:

TERRENCE PECK

Name of Person

SMARTEDGENET LLC

Firm/Company

136 MADEIRA ROAD

Address

ISLAMORADA, FL 33036

City/State and Zip Code

terry.peck@smartedgenet.com

E-mail address: (to be used for future annual report notification)

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

For further information concerning this matter, please call:

Terrence Peck

Name of Person

at (888) 810-6203

Area Code & Daytime Telephone Number

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

STREET ADDRESS:
Division of Corporations
Registration Section
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
TRANSACTION 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. NEBULA TELECOMMUNICATIONS OF FLORIDA 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.

(FEI number, if applicable)

4. 3/6/2012

(Date of Organization)

5.

PERPETUAL

(Duration: Year limited liability company will cease to exist or "perpetual")

6.

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

7. 136 MADERIA ROAD, ISLAMORADA, FL 33036

(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:

NEBULA TELECOMMUNICATIONS LLC (MANAGING MEMBER), 136 MADERIA ROAD, ISLAMORADA, FL 33036

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:

Any lawful act or activity

Terrence Peck

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. I am aware that any false information submitted in a document in the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.)

Terrence Peck, Manager of the managing member

Typed or printed name of signer

2012 MAR 23 AM 9:57
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

**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:

Nebula Telecommunications of Florida LLC

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

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

Terrence Peck

(Name)

136 Maderia Rd.

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

Islamorada

FL 33036

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.

Terrence Peck

(Signature)

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

2012 MAR 23 AM 9:51
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "NEBULA TELECOMMUNICATIONS OF FLORIDA 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 TWENTY-THIRD DAY OF MARCH, A.D. 2012.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "NEBULA TELECOMMUNICATIONS OF FLORIDA LLC" WAS FORMED ON THE SIXTH DAY OF MARCH, A.D. 2012.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.

FILED
2012 MAR 23 AM 9:57
SECRETARY OF STATE
TALLAHASSEE, FLORIDA



5119489 8300

120348540

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


Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 9454036

DATE: 03-23-12

EXHIBIT B

Peter Stanley Knezevich
11720 SW 69th Court
Miami, Florida 33156

Companies:

Celadon Reef LLC: Developed CRoS and Integrated Edge Device Operating System
Founder and Dir. Business Development (www.celadonreef.com) 2007 – Current

BitRail LLC: Integrated Edge Device Company
Founder and Managing Member (www.bitrail.net) 2007 - Current

Lok Technology, Inc.: Integrated Networking Appliance
Founder, CEO, Dir. Business Development 2000-2007

OminComm Systems, Inc.: (OTCBB:OMCM). Web Based Clinical Trials
Founder and CEO (www.omnicomm.com) 1997-2000

Imaging Diagnostic Systems, Inc.:(OTCBB:IMDS). Laser Based Breast Imaging
General Counsel (www.imds.com) 1994-1997

Education:

Cambridge University: LL.M. 1986

Thomas M. Cooley Law School: JD 1985

University of Pennsylvania: BA 1978

Associations:

Member of Florida Bar (active)
Member of Illinois Bar (inactive)
Member of Bar Southern District of Florida

**TERRENCE M. PECK
2011**



SUMMARY

Terry is a high tech entrepreneur and industry visionary, who is also a respected qualified expert in advanced communications, Wireless, Internet and Broadband. Terry is a chief executive with over 43 years of telecommunications industry experience developing resale/common carrier companies and advanced broadband communication carriers. He is a pioneer who has founded and/or managed many successful ventures. His areas of expertise include all aspects of engineering, operations, regulation, construction, business planning and management of telecommunications companies.

PROFESSIONAL EXPERIENCE

Principal, Lexicom, LLC, (1982-Current)

Lexicom, LLC, provides executive consulting services to the advanced telecommunications carrier industry. Since its inception in 1982, Lexicom has provided specialized consulting services to hundreds telecommunications companies. This specialized consulting practice encompasses the areas of billing, engineering, construction, operations, network design, data processing, and business planning.

CEO/Principal, SmartEdgeNet, LLC (2010-Present)

SmartEdgeNet LLC is an Enhanced Services Provider which provides integrated managed communications and applications services to the business market. The Company network design is focused on an intelligent communications node device located at the customer's premise which is integrated with a centralized Smart IP Core Network.

CEO/Principal, WICK, LLC (2007-2008)

Wick Systems, LLC was a beta trial communication and information services provider. The Company delivered its services through a private network of wireless hand held touch sensitive devices. Wick focused on health venues by providing the wireless devices to patients and family members in cardiac health care venues. The Wick proprietary systems, devices and network architecture represent a comprehensive solution for the targeted creation, distribution and management of content and communications to and from a wireless device on a Multiple Venue Access Network ("MVAN").

CEO/Principal, Digital Sail, LLC (2002-2008)

Digital Sail, LLC, was a 4G wireless communications service provider. In early 2002, Digital Sail began developing intellectual property for a purpose-built process solution that would provide wireless broadband data, voice and video services to residential and small businesses users in secondary and tertiary markets. The company performed commercial trials of pre and post standard WiMax in 2005-2007.

CEO, Managing Member, Cass County Telephone, (2005-2007)

Cass County telephone was a Rural Local Exchange Carrier in Kansas and Missouri which Terry sold to Fairpoint Communications (NYSE:FRP) in 2006 for approximately \$37 million.

Founder and Chairman, Visual Radio, LLC (1994-2000)

Visual Radio, LLC, was a New York City-based development firm that focused on incubating ventures in the emerging Broadband and telecommunications space. In 1999 and 2000 the company successfully sold seven early stage ventures in the areas of advanced communications, content distribution and marketing. Visual Radio's strategic and equity partners included Nortel Networks, CIBC/Caravelle Stone Point Capital and Vision Capital Partners.

Founder/CEO, Prism Communication Services, Inc. (1997-1999)

Prism Communication Services, Inc. was an advanced communication carrier providing local, long distance and XDSL broadband services. Comdisco, Inc. purchased Prism in February 1999 for \$27 million.

President/CEO, Futurtek Communications, Inc. (1987-1988)

Futurtek Communications, Inc. was a Canadian public company providing carrier and long distance services to business and residential customers in California and Nevada.

Co-founder/President, Lexicom, LLC (1984-1987)

In conjunction with this position, Mr. Peck held the following positions from 1984 through 1987:

Senior Vice President-Regulatory Affairs, ATC, Inc., 1987

Advanced Telecommunications Corp. (ATC) is a long distance company serving a customer base of 270,000 accounts in a 12-state area.

President, TMC/Signal, 1986

TMC/Signal, prior to its acquisition by ATC in late 1986, was a long distance company with operations in Louisiana, Oklahoma, Tennessee, and Alabama.

President, Digi-Net, Inc. 1985-1986

Digi-Net is a privately-owned fiber optic carrier offering services in Wisconsin and Illinois which was sold to Chicago Fiber Optics in 1987.

Executive Vice President and CEO, N.T.T. 1984-1985

N.T.T., now known as DataNet, is a privately-owned long distance company operating in Wisconsin and Northern Illinois.

Prior to his involvement with Lexicom, Mr. Peck held the following positions:

COO, Telesphere Network, Inc. (1982-1984)

Director of Network Systems Development and Operations, US Tel (1980-1982)

Senior Manager of Network Planning and Administration, Sprint (1974-1980)

Switching Systems Engineer, MCI (1973-1974)

Craftsman, AT&T Long Lines (1966-1972)

INDUSTRY INVOLVEMENT

- Founder and Director of the National Trade Association for Inter Exchange Carriers CompTel for three years.
- Former Director of the State Trade Associations of California and Wisconsin (WACRS & CALTEL)
- Conducted numerous tutorial sessions at industry seminars and has published papers associated with those sessions.

EXAMPLES OF QUALIFIED EXPERT TESTIMONY

Regulatory

- Wisconsin—EAS, WATS Credit, Intrastate competition, Rights of Way, Department of Natural Resources.
- Illinois—COCOT Payphone.
- Oklahoma—Cause No. 28309 In Re: Inquiry of the Oklahoma Corporation Commission Concerning the Development of Intrastate Access Charges.
- Louisiana—LPSC Docket No. U-17440 In Re: South Central Bell Telephone Company vs. Direct Net, Ltd.
- California—WATS Prorate, WATS crediting, access costing.
- Kentucky—Administrative Case No. 323 In Re: An Inquiry into Intra-LATA Toll Competition and Appropriate Compensation Scheme for Completion of Intra-LATA Calls by Interexchange Carriers, and WATS Jurisdiction.
- Arkansas—Arkansas PSC Docket N., 88091-U, Inter/Intra-LATA Access Charges.
- Assist With, or Caused Cases In: New York, Alabama, Arkansas, Tennessee, Kentucky, Kansas, Missouri, Mississippi, New Jersey, Florida, and Georgia.

Litigation

- New Jersey—Electronics Switching Industries vs. Faradyne Electronics Corporation, Mansol Ceramics Corp., and Total Tel USA, Cause No. 86-7828, 86-7850, in the United States Court of Appeals. Hardware case involving defective switch.
- New York—Satellite Business Systems vs. South Ferry Building Company and City of New York, United States District Court Southern District of New York, 87 Civ. 9255. Case involving damaged switch and valuation.

- Wisconsin—Hardware case and case involving fiber optic construction.
- Nebraska—MidAmerican Long Distance vs. Honeywell, Inc. and Advanced Business Communications, Inc. in the United States District Court for the District of Nebraska, Civil No. 85-0-958. Hardware case involving defective switch and customer base valuation.
- Louisiana—Telsouth Corporation vs. Telemarketing Corporation of Louisiana, Inc., United States District Court Eastern District of Louisiana, Civil Docket No. 88-2925. Operator Service case and profitability of same.
- Kansas—Mical Communications vs. Sprint Telemedia, Inc. In the United States District Court of Kansas, Civil Docket. Case involving methods of proper operation of a telephone company.
- Federal—MCI Telecommunications Corporation Protest of the FTS 2000 Contract, before the GSA Contract Appeals Board, GSBCA #10450-P, 1990. Case involving cardinal change doctrine and pricing of services.

Scott R. Davis

5204 N. Meadow Ridge Circle
McKinney, TX 75070
(H) 972-540-9600
(M) 972-839-0471
Scott@Walkercreative.com

SUMMARY

Self-motivating and results oriented senior executive that is ignited by a fast paced and high income potential climate. I am proficient in the foundation and growth of new business plans thru sales strategy, strategic account development, P&L management, marketing and general management. Skilled in the areas of direct and indirect distribution management, financial analysis, and growth strategy development for stagnated business (turn around).

PROFESSIONAL EXPERIENCE

Xeta Technologies, Tulsa, Oklahoma

2006–2011

Executive Director, Officer

- Direct Report to the CEO, Member of Executive Leadership Team
- Founder and General Manager of Managed Solutions Division
- Full P/L Responsibility for 30M USD Revenue, 5M Contribution Margin
- Compounded Top Line Growth of 35%, GM 60%
- Catalyst and Member of team that executed Sale of Company for 11.5 TTM EBITDA

Nortel Networks, Richardson, Texas

2003–2006

Branch Sales Manager, NA Sales

- Texoma Branch Leader, 40 MUSD Quota, 12 Sales People
- Responsible for Direct Sales for Fortune 500(AA, Sabre, BNSF)
- Channel Quota for Partners (ATT, EDS, Shared Tech, IBM)
- Exceeded Quarterly Sales Targets (105%, 109%)
- Responsible for C Level Relationships in DFW and Oklahoma

Vice President, Independent Channel Partners

- US\$500M Annual quota
- 98% (03), 108% (04) Quota Performance
- Direct Report to the President, Enterprise Accounts
- Responsible for the Financial Performance (cash, revenue, expense)
- Management of Distribution (wholesale) Supply Chain Partners
- Managed Successful Turn-Around of Nortel's largest Channel
 - Revenue Growth (8%) following 4 straight year over year declines
 - Cash, Credit and Expense Improvement FY 03, 04, 05

TIBCO Software Inc

2002-2003

Regional Sales Manager, Dallas, TX

- Responsible for Sales and Service in the Southwest Region
- Staff of 30 Sales, Engineering and Support Personnel
- Focused on developing relationships with Fortune 100 in Six States
- Support and Growth of embedded base for EAI and Portal Software

Nortel Networks, Richardson, TX

1997-2002

Vice President, Sales WorldCom Account Team

- Responsible for Nortel Networks' largest Carrier Customer <US\$1B
- Successfully negotiated Billion Dollar Contract for Carrier and Enterprise Portfolio
- Beat 2H01 financial Plan – 117% of Revenue Target
- US\$130M Contract win for Nationwide Optical Ethernet Launch
- Led Successful Joint Marketing and Product Launch of WorldCom's Ethernet Service Introduction for Large Enterprise WANs.

Vice President, Brand Strategy- Optical Ethernet

- Developed and Implemented Marketing Plan for Board Approval of BU funding – US\$250M
- AR and PR strategies for Launch
- Product Life Cycle and Cost Analysis
- M&A Due Diligence of Subsystem and Channel Partners

Vice President & General Manager, BWA

- Managed US\$170M budget, 400 resources, P&L
- Industry leading BWA portfolio – 45% global market share
- Managed successful implementation of Time to Market Model (R&D, PLM and Supply Chain)
- Recognized for Highest Success Percent Achievement – EBT

Vice President, Marketing BWA

- Developed and implemented Marketing Plan
- Served on WCA (Industry Association) Board of Directors
- 5 National / International Industry Speaking engagements
- Developed Strategic Plan for Year 2000, 2001
- Published Author of 3 Industry Articles

Director, Sales Enterprise Networks

- Circle of Excellence Winner – 1998 and 1999, 151% of Annual Quota – 1998
- Negotiated over US\$75M in International Contracts with the Largest financial vertical
- Managed Sales Team that owned relationships with the Fortune 50
- Sold an implemented Nortel Networks largest Packet Network win over major IP competitor

DSC Communications, Plano, Texas

1995-1997

Account Director, Global Accounts and Central Region

- Developed territory from US\$200K to US\$5.2M in the first year
- Managed Fortune 100 and Regional Telcos
- Recipient of 3 consecutive New Product Introduction awards
- Sold the first signal transfer point system to an IOC (US\$3M)
- 102% of plan by the end of 2Q97
- Executed the first strategic multi-product volume purchase agreement with an Independent Telephone Operating Company (US\$30M)

Pricellular Inc., Duluth MN

1993-1995

Indirect Distribution Manager

- Developed indirect marketing plan and Major Accounts Sales Plan
- Increased sales by 181% in the first 12 months to Fortune 100 and National Retail Channels
- Designed Co-operative Promotional programs
- Executed national promotional contract with a major financial institution
- Complete marketing, advertising and compensation budget responsibility

Davis Communications Systems

1990-1993

Owner

- Start up venture grew to over US\$5M in sales in 3 years
- Capital budgeting, financial reporting and profit/loss responsibility
- Design and sale of microwave and fiber optic LAN/WAN networks
- Product training and evaluation
- Major account development and management
- Achieved strategic vendor status with significant utility in Canada

EDUCATION

Bachelor of Science – University of Wisconsin

Major: Business Administration – Marketing and Entrepreneurial Studies

Masters of Business Administration – North Central College

Major: Masters of Business Administration – Finance

University of Southern California – Marshall School of Business

Executive Program in Telecommunications Management

PROFILE

Married, 2 children, excellent health

Affiliations: CFO, Dallas Football Officials Association- Board of Directors, Special Olympics, YMCA Board of Directors. Member of the University of Wisconsin – Letterman's Club

Hobbies include hunting, cooking and golf

REFERENCES

Background and employment available upon request