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Arent Fox

August 7, 2012

VIA FEDEX

Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gerald Gunter Building  
Tallahassee, FL 32399

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

For DN 05412-12, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

**Katherine E. Barker Marshall**  
Attorney  
202.857.6104 DIRECT  
202.857.6395 FAX  
marshall.katherine@arentfox.com

CK# 1001  
\$ 400.00  
8-9-12  
RT

120218-TX

Re: Application of Local Access LLC to Provide Local Exchange Service

Dear Ms. Cole:

Enclosed please find, for filing, one original and one copy of the Application of Local Access LLC ("Local Access") to provide competitive local exchange service within the State of Florida. A check in the amount of \$400.00 is also included to cover the requisite filing fee.

Local Access intends to also provide interexchange services on a deregulated basis.

**Exhibit C** of this Application contains confidential and proprietary financial information. Local Access is a privately-held company, and is not required to report its financial information publicly. Such disclosure could harm Local Access by giving its competitors insight to its funding, as well as its future strategic planning. Accordingly, Local Access respectfully requests **Exhibit C** be filed under seal.

Please date stamp the duplicate of this filing and return in the self-addressed, postage prepaid envelope. Thank you for your assistance in this matter and please do not hesitate to contact me if you have any questions or concerns.

Respectfully submitted,

Katherine E. Barker Marshall

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL   I    
CLK   I  

Enclosure

RPP/543209.1

SMART IN YOUR WORLD™

1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
T 202.857.6000 F 202.857.6395

1675 Broadway  
New York, NY 10019-5820  
T 212.484.3900 F 212.484.3990

DOCUMENT NUMBER-DATE  
555 West Fifth Street, 48th Floor  
Los Angeles, CA 90013-0855  
T 213.629.7400 F 213.629.7401  
054121 AUG-8 2

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**

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.**

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 that 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: Local Access LLC

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

N/A

4. Official mailing address:

Street/Post Office Box: 11442 Lake Butler Boulevard  
City: Windermere  
State: FL  
Zip: 34786

5. Florida address:

Street/Post Office Box: Same as above  
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: L10000107257

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

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): 45-5492924

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

(a) The application:

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

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

Name: Jim Finneran  
Title: COO/CO  
Street name & number: 11442 Lake Butler Boulevard  
Post office box:  
City: Windermere  
State: FL  
Zip: 34786  
Telephone No.: (866) 841-7898 ext 6403  
Fax No.: 240-358-6510  
E-Mail Address: [jfinneran@localaccessholdings.com](mailto:jfinneran@localaccessholdings.com)  
Website Address: [www.Localaccessllc.com](http://www.Localaccessllc.com)

(c) Complaints/Inquiries from customers:

Name: Jim Finneran  
Title: COO/CO  
Street/Post Office Box: 11442 Lake Butler Boulevard  
City: Windermere  
State: FL  
Zip: 34786  
Telephone No.: (866) 841-7898 ext 6403  
Fax No.: 240-358-6510  
E-Mail Address: [jfinneran@localaccessholdings.com](mailto:jfinneran@localaccessholdings.com)  
Website Address: [www.Localaccessllc.com](http://www.Localaccessllc.com)

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.

Applicant has filed, or will file, applications to be certified as a Competitive Local Exchange Carrier in the following states: California, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Texas, and Virginia in addition to Florida.

(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.

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. Please see Exhibit B.

(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. Please see Exhibit B.

(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. Please see Exhibit C, filed under seal.

**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: Robert Russell  
Title: President  
Telephone No.: (866) 841-7898  
E-Mail Address: brussell@dmv.com

Signature: 

Date: 7/24/2012





# **Exhibit A**

## **Certificate of Formation**

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L10000107257  
FILED 8:00 AM  
October 14, 2010  
Sec. Of State  
thampton

**Article I**

The name of the Limited Liability Company is:

LOCAL ACCESS LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL. 34786

The mailing address of the Limited Liability Company is:

11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL. 34786

**Article III**

The purpose for which this Limited Liability Company is organized is:

ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The name and Florida street address of the registered agent is:

ROBERT M RUSSELL  
11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL. 34786

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.

Registered Agent Signature: ROBERT RUSSELL

**Article V**

The name and address of managing members/managers are:

Title: MGRM  
ROBERT M RUSSELL  
11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL. 34786

L10000107257  
FILED 8:00 AM  
October 14, 2010  
Sec. Of State  
thampton

**Article VI**

The effective date for this Limited Liability Company shall be:

10/13/2010

Signature of member or an authorized representative of a member

Signature: ROBERT RUSSELL

# Exhibit B

## Management Biographies

### **Robert Russell, President**

Robert Russell is the President of Local Access LLC. As President, he is responsible for the overall strategic, technical, operational and financial success of Local Access LLC. His primary responsibilities involve strategic planning, enhancement of internal and customer facing technology systems and networks, and assurance that the operational and financial resources at Local Access are running in an efficient and effective manner.

Before co-founding Local Access, Mr. Russell led Draper Communications, owned by DCI Voice Solutions, as its CEO. DCI Voice Solutions offered a wide range of telecommunications services with its primary focus on domestic U.S. and international termination. Under Mr. Russell's leadership, DCI Voice Solutions expanded to having personnel in fourteen states and three countries, and its revenue grew more than 300 percent.

Prior to his appointment with DCI Voice Solutions, Mr. Russell was the CEO of Draper Communications and DelMarva Online, LLC (DMV), an Internet Service Provider (ISP). Mr. Russell led DMV from a small, local ISP servicing Salisbury, MD to become the largest privately held ISP on the east coast. Mr. Russell led the acquisition of seven other ISPs and expanded DMV's service area to encompass the entire U.S., as well as Canada and several Trust Territories.

Previous to his tenure with Draper Communication, Russell served General American Transportation Corporation (NYSE: GMT) as Group GM of Regional Operations and was responsible for their Midwest manufacturing, warehousing, JIT, and pre-assembly support facilities. Russell joined General American after graduating from the Florida State Business School in 1992.

### **Neil Rosenblit, CEO**

An entrepreneur and visionary, Mr. Rosenblit has been involved in the start up and growth of several multi-million dollar organizations, including DCI Voice Solutions and Blitz Telecom Consulting Services, where he has held primary responsibility for sales, marketing, agent relations, client development, revenue retention, corporate affairs, and business development. Mr. Rosenblit has been in the telecommunications industry for more than fourteen years, overseeing and managing the launch of services including colocation, e-commerce applications, voice origination, voice termination, internet access, and implementation of proprietary call routing applications. Mr. Rosenblit has more than 23 years of experience in building and managing highly trained sales organizations and has extensive experience in developing and managing the sales strategy that is being deployed by Local Access which includes carrier,

wholesale, and retail.

### **Jim Finneran, COO / CO**

Mr. Finneran is the Chief Operating Officer and Compliance Officer for Local Access LLC. For the past 22 years, Mr. Finneran has been involved with the negotiation and implementation of more than 1,000 contracts and agreements which have an aggregated value of more than \$1 billion. Mr. Finneran's contract expertise spans local, state, and federal governments, as well the private sector both in the U.S. and internationally. Mr. Finneran has also had extensive training and experience with government regulations and corporate best practices policies, therefore he holds the dual role responsibility of government compliance. Mr. Finneran is responsible for managing the firm's Subpoena Compliance Group and its multiple third-party legal firms. At various times, Mr. Finneran has lead a number of privately held businesses as a CEO, was honored as an Ernst and Young Entrepreneur of the Year, and has guided multiple firms to their listing on the Inc. 500. Mr. Finneran graduated in 1987 from Salisbury University with a degree in Information Technology

### **Jim Hudson – CTO**

As Chief Technology Officer, Mr. Hudson is responsible for software development of all back-office systems, including billing, order management, quoting, invoice tracking, provisioning, inventory, and workflow. In addition, he oversees network management systems and internal IT infrastructure. Mr. Hudson has more than 15 years of experience in information technology, including software implementation, programming, client server network architecture and design, LAN/WAN configuration and management, and hardware implementation and management

Prior to joining Local Access, Mr. Hudson oversaw the development of the Blitz Telecom Consulting VoIP network and was responsible for managing more than a billion minutes of local voice calls nationwide each month. Mr. Hudson developed and deployed multiple internal monitoring systems overseeing the firm's Network Operations Center and personnel, managing vendor relations, outsourcing, and software services division.

Mr. Hudson joined Draper Communications in 1999 as the Director of Web Services. Hudson managed the hosting and programming divisions of Draper's DelMarVa Online ISP before assuming the role of CTO at Draper's subsidiary DCI Voice Solutions in 2005. At DCI, Mr. Hudson was responsible for running the company's engineering and support departments, managing domestic and international termination vendors, deploying VoIP origination services, and developing technology strategies to augment the product line.

Prior to his tenure with DCI, Mr. Hudson worked at Marriott International (NYSE: MAR) as a data integrity specialist focusing on business continuity. Hudson graduated *summa cum laude* from Salisbury University with two bachelors degrees, one in 1994 in History and English and another in 1996 in Communications. He also attended graduate school at University of Maryland.

## **Patrick Ferguson - CIO**

Patrick Ferguson is the Chief Information Officer for Local Access LLC. As CIO, he is responsible for the overall network operations, engineering, network planning, facilities, and strategic and operational technology resources. For the last 17 years, Mr. Ferguson has been in the network and telecommunications industry providing design, technical, procurement and project management for small, medium, and large-scale TCP/IP based networks, VoIP networks, and local and long distance networks.

Prior to joining Local Access LLC, Mr. Ferguson designed and managed Blitz Telecom Consulting's VoIP local exchange service. Mr. Ferguson oversaw the growth of the Blitz telecom service where it became one of the largest local access services in the U.S.

Prior to working with Blitz Telecom Consulting, Mr. Ferguson was responsible for deploying the infrastructure and software systems for DCI Voice Solutions, including multiple locations in the U.S. and U.K. DCI Voice Solutions operated various switching platforms, including both traditional TDM (Nortel DMS-GSP) as well as NG VoIP switches. He was responsible for all of the design and building of DCI Voice Solutions voice and data networking technologies and infrastructure.

In 1995, Mr. Ferguson joined Delmarva Online, LLC as a Unix System Administrator, and he was quickly promoted to the Senior System Administrator role, where he managed the complete design and development of a large national ISP. While at Delmarva Online, LLC Mr. Ferguson assumed the role of Network Operations Manager, as well as continuing to oversee the ISP IT infrastructure, where he was tasked with the design and technical operations of their large-scale broadband TCP/IP network.

Mr. Ferguson has several certifications, including Cisco CCENT, CCNA, and CCDA, as well as Innovatia Nortel DMS certifications.

# **Exhibit C**

## **Financial Information**

**Confidential and Proprietary – Filed Under Seal**