

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 1, 2024

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Samuel Day, Public Utility Analyst II, Office of Industry Development & Market Analysis *SD*

RE: Docket No. 20230021-TX – Application for certificate to provide local telecommunications service, by 10TEL LLC.

Attached is the correspondence exchanged with 10TEL LLC, in which staff informed the company that the submitted application is currently deficient as it is missing the necessary financial statements that we utilizes to assess a company's financial capacity.

If you have any questions, please contact me at (850)413-6734.

COMMISSION
CLERK

2024 MAR - 1 AM 10:48

RECEIVED-FPSC

Samuel Day

From: Samuel Day
Sent: Friday, January 26, 2024 9:44 AM
To: 'Kmarshall@potomaclaw.com'
Subject: FPSC: 10TEL Financials
Attachments: Financial Statements Needed Per Application.PNG

Good morning Kathrine,

The Florida Commission has received 10TEL's 3 years of pro forma Income Statements.

What is still missing is:

- 3 years of pro forma Balance Sheets
- 3 years of pro forma Retained Earnings statements.

Please keep us updated if you believe the 10TEL will be unable to produce these financials by March 11, 2024.

Thank you,

Sam Day

Public Utility Analyst II



Office of Industry Development
& Market Analysis | (850) 413-6734

Samuel Day

From: Katherine Barker Marshall <kmarshall@potomaclaw.com>
Sent: Friday, January 26, 2024 2:56 PM
To: Samuel Day
Subject: RE: FPSC: 10TEL Financials

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Hi Sam,

Thanks, I'll speak with my client. I also submitted a brief letter about the cover letters to the application this afternoon.

One other thing, I spoke with my folks here and it appears that the envelope for the Skywire financials may not have had Potomac Law's name on it, but rather just Skywire's, which is why the mail room folks did not realize it should be passed along to me.

Let me know if you want to discuss. Otherwise, I hope you have a great weekend and thank you, as always, for all your help!

Best, Katherine

Katherine Barker Marshall | Partner | Potomac Law Group, PLLC
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From: Samuel Day <SDay@psc.state.fl.us>
Sent: Friday, January 26, 2024 9:44 AM
To: Katherine Barker Marshall <kmarshall@potomaclaw.com>
Subject: FPSC: 10TEL Financials

WARNING: External email, do not click on links or open attachments unless you recognize the sender's full email address and expect the attachments.

Good morning Kathrine,

The Florida Commission has received 10TEL's 3 years of pro forma Income Statements.

What is still missing is:

9. Florida Statute 364.335(1)(a) requires a company seeking a certificate of authority to demonstrate its managerial, technical, and financial ability to provide telecommunications service.

Note: *It is the applicant's burden to demonstrate that it possesses adequate managerial ability, technical ability, and financial ability. Additional supporting information may be supplied at the discretion of the applicant. For the purposes of this application, financial statements MUST contain the balance sheet, income statement, and statement of retained earnings.*

- (a) **Managerial ability:** An applicant must provide resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (b) **Technical ability:** An applicant must provide 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 explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (c) **Financial ability:** An applicant must provide financial statements demonstrating financial ability by submitting a balance sheet, income statement, and retained earnings statement. An applicant that has audited financial statements for the most recent three years must provide those financial statements. If a full three years' historical data is not available, the application must include both historical financial data and pro forma data to supplement. An applicant of a newly established company must provide three years' pro forma data. If the applicant does not have audited financial statements, it must be so stated and signed by either the applicant's chief executive officer or chief financial officer affirming that the financial statements are true and correct.