

# **DIVIDER**

**STATE OF NORTH DAKOTA  
INFORMATION TECHNOLOGY DEPARTMENT  
SFN 2053 (4-2002)**

**PU-2249-00-116**

**Maxcess, Inc.**

**Local Exchange/Interexchange**

**Public Convenience & Nece**

**Filed 3/16/2000**

**Closed 6/12/2000**

**00**

**Scott, Sandi L.**

**From:** Bauske, Shelly A.

**Sent:** Monday, July 10, 2000 1:37 PM

**To:** Scott, Sandi L.

**Subject:** Money Received.....

Case No. PU-2249-00-116 - \$163.20 from Maxcess, Inc.

Case No. PU-2239-00-77 - \$128.27 from SRT

Case No. PU-2240-00-78 - \$64.14 from SRT

Case No. PU-2207-00-85 - \$64.14 from U S WEST

Case No. PU-2248-00-105 - \$64.13 from U S WEST

**54 PU-2249-00-116**

07/10/2000

Maxcess, Inc.

\$163.20 received

Pages: 0

CC: Comm Legal PUD (3)



**Public Service Commission**  
State of North Dakota

COMMISSIONERS

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

June 20, 2000

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Executive Secretary  
Jon H. Mielke

Mr. Lance J M Steinhart  
Attorney for Maxcess, Inc.  
6455 E Johns Crossing Ste 285  
Duluth GA 30097

RE: Case No. PU-2249-00-116  
Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity

Dear Mr. Steinhart:

Enclosed is a copy of the statement approved at the June 20, 2000 Public Service Commission meeting for the expenses incurred to date in Case No. PU-2249-00-116.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the Telecommunications Company involved.

Please make your check payable to the Public Service Commission.

Sincerely,

Gloria Geiger  
Administrative Assistant  
701-328-2401  
Enc.

53 PU-2249-00-116

Pages: 2

06/20/2000

Public Service Commission

Motion and statement for costs incurred

CC: Comm Legal PUD (3)

APPROVED:  
DATE: 6-20-00  
Cem

MOTION

June 20, 2000

Maxcess, Inc.  
Local Exchange/Interexchange  
PC&N

PU-2249-00-116

I move the Commission bill Maxcess, Inc. in the total amount of \$163.20 for costs incurred to date in Case No. PU-2249-00-116, Maxcess, Inc., Local Exchange/Interexchange, PC&N.

ND Advertising Service, Inc.      \$163.20

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity

Case No. PU-2249-00-116

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **12th day of June, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

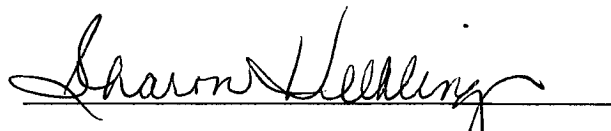

**Order**

The envelope was addressed as follows:

Lance J M Steinhart  
6455 E Johns Crossing Ste 285  
Duluth GA 30097  
Cert. No. 7099 3220 0002 8476 7596

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **12th day of June, 2000**.

Notary Public

**SANDRA L. SCOTT**  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires JUNE 11, 2004

SEAL

52 PU-2249-00-116

06/12/2000

Public Service Commission

Affidavit of Service by Certified Mail

Pages: 1

CC: Comm Legal PUD (3)



**Public Service Commission**  
State of North Dakota

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

**COMMISSIONERS**

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

Executive Secretary  
Jon H. Mielke

June 12, 2000

Lance J M Steinhart  
6455 E Johns Crossing Ste 285  
Duluth GA 30097

Dear Mr. Steinhart:

Enclosed are Orders and original Certificates of Public Convenience and Necessity granting Maxcess, Inc. and Universal Access, Inc. authority to provide telecommunications services in North Dakota.

Please keep these original certificates in your files.

Sincerely,

  
Sharon Helbling  
Public Utilities Division

Sdh

Enclosures

51 PU-2249-00-116  
06/12/2000  
Public Service Commission  
Letter re approval & certificates

Pages: 1

CC: Comm Legal PUD (3)

APPROVED:  
DATE: 6-8-00  
KME

**MOTION**

**June 8, 2000**

**Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience and Necessity**

**Case No. PU-2249-00-116**

I move the Commission adopt the Order and issue Certificates of Public Convenience and Necessity to Maxcess, Inc. to provide facilities-based local exchange telecommunications services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota, Case No. PU-2249-00-116.

sdh

000116-7

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Maxcess, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2249-00-116**

**ORDER**

**June 8, 2000**

On March 16, 2000, Maxcess, Inc. (Maxcess), a Florida Corporation, filed an application for a certificate of public convenience and necessity to provide facilities-based local exchange telecommunications services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota.

On March 20, 2000, the Public Service Commission's Director of Accounting filed a memorandum indicating that Maxcess has the financial ability to provide telecommunications service.

On March 29, 2000, the Commission issued a Notice of Opportunity for Hearing, which provided until May 5, 2000 for receiving comments or hearing requests. No requests for hearing were received. The notice indicated the following issues to be considered in this matter:

1. Fitness and ability of the applicant to provide service.
2. Adequacy of the proposed service.
3. The technical, financial and managerial ability of the applicant to provide service.

On April 4, 2000, the Rural Telephone Company Group filed comments that were withdrawn on May 16, 2000.

Maxcess was formed in June, 1998 and has been authorized to provide facilities-based telecommunications service in several states. Maxcess indicates that its management and key personnel have extensive telecommunications operational experience and technical expertise. The Commission finds Maxcess is fit, able, and has the technical, financial and managerial ability to provide service.

Maxcess intends to provide all forms of intrastate service, including switched and non-switched local services, centrex, DSL, ISDN, and ancillary services as well as

switched and dedicated interexchange services. The Commission finds the proposed service is adequate.

### Order

The Commission Orders:

1. The application of Maxcess, Inc. for certificates of public convenience and necessity to provide competitive facilities-based local exchange services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota is GRANTED.
2. Maxcess's certificate of public convenience and necessity shall require that it secure such approval from the local governing entity as required by state and federal law prior to providing service in any local territory.

### PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Bruce Hagen President	Leo M. Reinbold Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4352


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Alexander, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4353

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Belfield, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4354

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Bismarck, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4355**

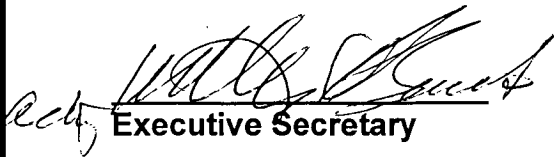
*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Casselton, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4356**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Dickinson, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4357**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Emerado, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4358**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Fairmount, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4359**


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Fargo, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4360**

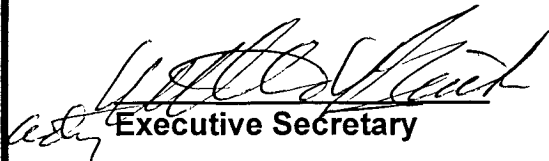
*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Gardner, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4361

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Grafton, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4362**

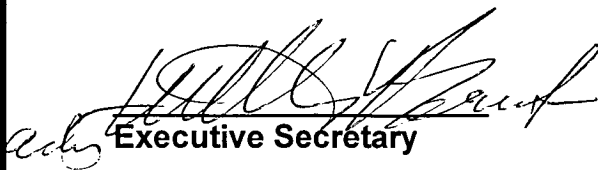
*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Grand Forks, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4363

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Gwinner, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4364**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Hatton, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4365**


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside Hillsboro, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4366**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Jamestown, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4367

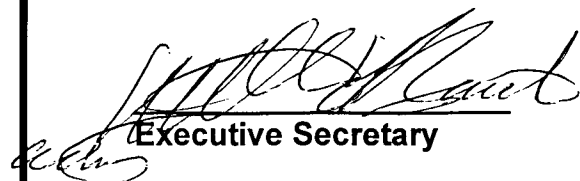
*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Kindred, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4368**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Larimore, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4369**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Leonard, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4370**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Lisbon, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4371**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Mandan, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4372

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Manvel, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4373

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Mayville, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4374**


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Minto, North Dakota local exchange area.*


*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4375**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Northwood, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4376

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Pembina, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4377**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Reynolds, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4378**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Thompson, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4379**


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Valley City, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4380

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Wahpeton, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4381**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Watford City, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4382**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Williston, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
Executive Secretary

  
\_\_\_\_\_  
Commissioner

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 4383**

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the Wyndmere, North Dakota local exchange area.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4384


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the suburban territory near Fairview, Montana, part of the Fairview local exchange area, but located in North Dakota and served from the Fairview, Montana local exchange central office.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4385

*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide local exchange telecommunications services inside the rural territory near Sidney, Montana, part of the Sidney local exchange area, but located in North Dakota and served from the Sidney, Montana local central office.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4425


*This is to certify that public convenience and necessity require, and permission is granted for Maxcess, Inc., a telecommunications public utility, to provide statewide interexchange (toll) telecommunications services, with facilities, in North Dakota.*

*This certificate is issued in Case No. PU-2249-00-116 and is conditioned upon Maxcess, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges, and other conditions and limitations noted in the Order dated June 8, 2000.*

*Bismarck, North Dakota, June 8, 2000.*

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Secretary

  
Commissioner

## INFORMAL AGENDA

May 25, 2000

- PU-1716-00-30 Qwest Communications Corporation  
Local Exchange PC&N  
Application
- PU-2245-00-94 Arrival Communications, Inc.  
Local Exchange  
Public Convenience and Necessity
- PU-2249-00-116 Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience and Necessity
- PU-2212-00-120 Universal Access, Inc.  
Local Exchange/Interexchange  
Public Convenience and Necessity
- PU-1656-00-144 Touch America, Inc.  
Local Exchange/Interexchange  
Public Convenience and Necessity
- PU-401-00-204 Otter Tail Power Company  
Imation Corporation Service Agreement  
Approval
- PU-400-00-217 Northern States Power Company  
Customer Energy Buyback Service  
Tariff
- PU-401-00-228 Otter Tail Power Company  
Released Energy Tariff  
Approval



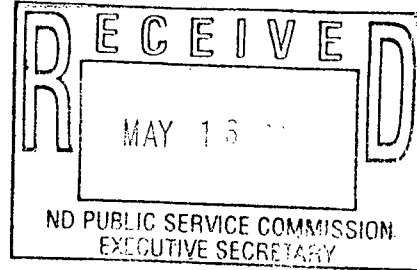
LAW OFFICES OF  
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DENISE C. HAYS

OF COUNSEL  
HERBERT L. MESCHKE  
  
RETIRED  
THOMAS A. WENTZ



May 15, 2000

Jon Mielke, Executive Secretary  
Public Service Commission  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0480

**MAXCESS, INC. PC&N APPLICATION - CASE NO. PU-2249-00-116**  
**UNIVERSAL ACCESS, INC. PC&N APPLICATION - CASE NO. PU-2212-00-120**

On April 3, 2000, the Rural Telephone Company Group filed Comments in the above-referenced cases. The Comments were based on the erroneous belief that the applicants had requested a certificate of public convenience and necessity to provide facilities based local telecommunications services throughout North Dakota. Since the applicants are only seeking such a certificate for the areas currently served by US West, the Rural Telephone Company Group would ask that the Comments filed on behalf of the group on April 3, 2000 be withdrawn. Thank you.

Very truly yours,

Michael A. Bosh  
Pringle & Herigstad, P.C.

jb  
cc: Lance J. M. Steinhart

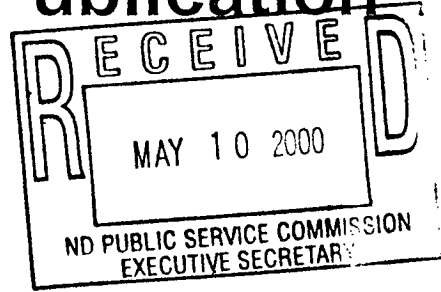
**12 PU-2249-00-116** Pages: 1  
05/16/2000  
Rural Telephone Company Group by Michael A  
Request to withdraw comments

CC: Comm Legal PUD (3)

**12 PU-2212-00-120** Pages: 1  
05/16/2000  
Rural Telephone Company Group by Michael A  
Request to withdraw comments

CC: Comm Legal PUD (3)

# Affidavit of Publication



State of North Dakota )  
County of Burleigh )

Laurie Thiel

, being duly sworn, state as follows:

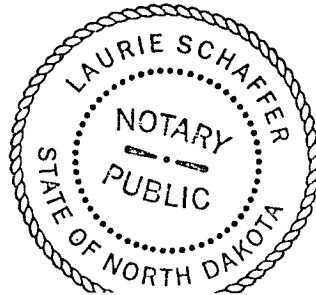
1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:  
maxcess/universal , 1 time(s)  
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 4<sup>th</sup> day of May, A.D. 2000

Laurie Schaffer

LAURIE SCHAFFER  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires DEC. 1, 2005



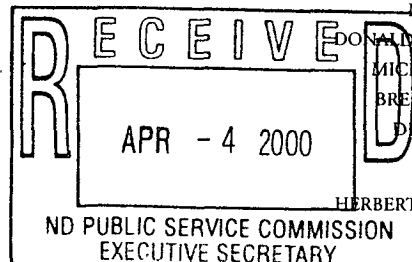


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**PRINGLE & HERIGSTAD, P.C.**

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BRENT M. OLSON  
DENISE C. HAYS  
OF COUNSEL  
HERBERT L. MESCHKE  
RETIRED  
THOMAS A. WENTZ

April 3, 2000

Jon Mielke, Executive Secretary  
Public Service Commission  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0480

**MAXCESS, INC. PC&N APPLICATION - CASE NO. PU-2249-00-116**  
**UNIVERSAL ACCESS, INC. PC&N APPLICATION - CASE NO. PU-2212-00-120**

On behalf of the "Rural Telephone Company Group," we file the enclosed Comments (original plus seven copies) regarding the applications for a certificate of public convenience and necessity to provide facilities based local telecommunications services "throughout North Dakota" filed by Maxcess, Inc. and Universal Access, Inc.

Very truly yours,

Michael A. Bosh  
Pringle & Herigstad, P.C.

jb  
encs.

10 **PU-2249-00-116** Pages: 1  
04/04/2000  
Rural Telephone Company Group by Michael Bc  
Cover letter re Comments

CC: Comm Legal PUD (3)

10 **PU-2212-00-120** Pages: 1  
04/04/2000  
Rural Telephone Company Group by Michael Bc  
Cover letter re Comments

CC: Comm Legal PUD (3)

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Maxcess, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2249-00-116**

**Universal Access, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2212-00-120**

**COMMENTS**  
**OF**  
**RURAL TELEPHONE COMPANY GROUP**

The Rural Telephone Company Group (RTCG) is a group of telecommunications carriers, each of which is an "incumbent local exchange carrier" and a "rural telephone company" under the federal Telecommunications Act of 1996 (the Act) and each has legal interests in these cases under the Act.

The Rural Telephone Company Group includes:

BEK Communications Cooperative and BEK Communications I Inc.  
Consolidated Telcom  
Dakota Central Telecommunications Cooperative and Dakota Central Telecom I  
Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc.  
Inter-Community Telephone Company and Inter-Community Telephone Company II  
Midstate Telephone Company and Midstate Communications, Inc.  
North Dakota Telephone Company  
Northwest Communications Cooperative  
Polar Communications Mutual Aid Corporation and Polar Telecommunications, Inc.  
Red River Rural Telephone Association and Red River Telecom, Inc.  
Reservation Telephone Cooperative  
SRT Communications, Inc.  
United Telephone Mutual Aid Corporation and Turtle Mountain Communications  
West River Telecommunications Cooperative

In PSC Case No. PU-453-96-83, AT&T applied for and was granted a certificate of public convenience and necessity to provide local telecommunications service throughout the State of North Dakota, subject to limitations in the Commission's Order:

"8. Public convenience and necessity requires the granting of a statewide certificate to AT&T to provide local service. However, the Commission's determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under §251(f)(1) or (2) of the Act.

9. Granting AT&T's application for a statewide certificate is not a ruling that affects the rights of specific rural telephone company pursuant to 47 U.S.C. §251(f)."

In PSC Case No. PU-987-96-390, Sprint applied for and was granted a certificate of public convenience and necessity to provide local telecommunications service throughout the State of North Dakota, subject to limitations based on the precedent established in the AT&T case:

"One issue which has been addressed in other Certificate of Public Convenience and Necessity cases was raised by the intervener, NDATC. This issue concerns rural telephone companies and what effect the grant of a certificate would have on them. NDATC identified its interest in this proceeding, and the interests of its members, as a concern that the grant of a certificate of public convenience and necessity not defeat the rural protections provided by the Telecommunications Act of 1996.

The Commission agrees with NDATC that the question is important and must be addressed. This issue will apply to all certificate requests affecting any service area of any rural telephone company in North Dakota. It is the opinion of the Commission that in all such cases, any determination of public interest is subject to future proceedings regarding rural protections or exemptions.

In the instant case the Commission will adhere to the precedent established in the AT&T certificate case, Docket No. PU-453-96-83, on this issue. In AT&T, the Commission held that its determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under Section 251(f)(1) or (2) of the Telecommunications Act of 1996 (47 U.S.C. §251(f)(1) or (2)). The Commission also held that granting the certificate on a statewide basis is not a ruling that affects the rights of specific rural telephone companies under 47 U.S.C. §251(f). Both Sprint and NDATC agree that the qualifications

expressed in the AT&T case appropriately apply to Sprint's request for a statewide certificate of public convenience and necessity. The inclusion of these conditions satisfies NDATC's concerns, and is not objectionable to Sprint."

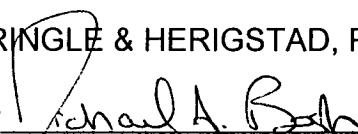
The AT&T precedent has been cited at least one time following the Sprint case, in Case No. PU-1693-97-269, where a statewide certificate was granted to Eclipse Communications Corp (a subsidiary of Western Wireless Corporation), subject to the rights of rural telephone companies under 47 U.S.C. 251(f).

In reliance on the precedent established by the Commission in the AT&T, Sprint and Eclipse/Western Wireless cases, the RTCG does not request intervention and does not request a hearing on these pending applications. The RTCG does request that any order issued to grant the pending applications should include limitations substantially the same as those in the AT&T, Sprint and Eclipse/Western Wireless cases, to preserve the "rural safeguard" rights of rural telephone companies under 47 U.S.C. 251(f).

Dated this 3rd day of April, 2000.

PRINGLE & HERIGSTAD, P.C.

By



Michael A. Bosh (ND #5313)

Attorneys for RTCG

Bremer Bank Bldg., 2nd Floor

20 - 1st Street SW

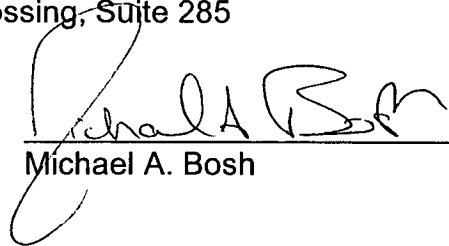
P.O. Box 1000

Minot, ND 58702-1000

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Comments of Rural Telephone Company Group was, on the 3rd day of April, 2000, mailed to:

Lance J. M. Steinhart  
Attorney at Law  
6455 E. Johns Crossing, Suite 285  
Duluth, GA 30097

  
\_\_\_\_\_  
Michael A. Bosh

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Maxcess, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2249-00-116**

**Universal Access, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2212-00-120**

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of March, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

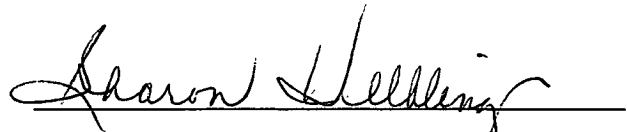
**Notice of Opportunity for Hearing**

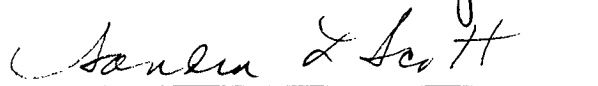
The envelope was addressed as follows:

Lance J M Steinhart  
6455 E Johns Crossing Ste 285  
Duluth GA 30097  
**Cert. No. P443 354 780**

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **30th day of March, 2000**.

  
\_\_\_\_\_

  
\_\_\_\_\_

Notary Public

SEAL



8 **PU-2249-00-116**  
03/30/2000  
Public Service Commission  
Affidavit of Service by Certified Mail

Pages: 1

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity

Case No. PU-2249-00-116

Universal Access, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity

Case No. PU-2212-00-120

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of March, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

**Notice of Opportunity for Hearing**

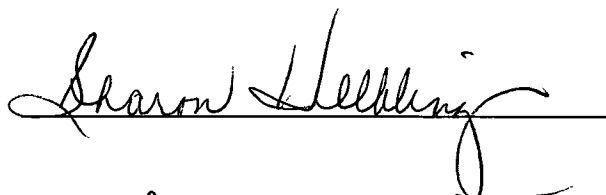
The envelopes were addressed as follows:

***See Attached List***

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **30th day of March, 2000**.

SEAL



Notary Public  
**SANDRA L. SCOTT**  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires JUNE 11, 2004

7 **PU-2249-00-116** Pages: 13  
03/30/2000  
Public Service Commission  
Affidavit of Service by Ordinary Mail or E-Mail

CC: Comm Legal PUD (3)

**PU-2212-00-120**

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Minot ND 58702-0789

lynnan@srttel.com  
Lynn Nelson  
SRT Communications Inc  
P O Box 789  
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davidrs@srttel.com  
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Marcy Dickerson  
State Tax Department  
Utility Tax Appraiser  
State Capitol  
Bismarck ND 58505

clarson@telegroup.com  
Caroline Larson  
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2098 Nutmeg Ave  
Fairfield IA 52556

thomasc@totaltel.com  
Tom Carroll  
TotalTel Inc  
150 Clove Rd 8th Fl  
Little Falls NJ 07424

maryg@uslink.net  
Mary Goodman  
U S Link Inc  
200 2nd St  
Pequot Lakes MN 56472

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Minot ND 58702-0789

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Kim Weydahl  
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PO Box 39  
Bison SD 57620-0039

bgreene@magicnet.net  
Barbara Greene  
Telephone Co of Central Florida Inc  
3599 W Lake Mary Blvd Ste E  
Lake Mary FL 32746-3417

bpipkin@touch1.com  
Leigh Ann Wooten  
Touch 1 Long Distance Inc  
100 Brookwood Rd  
Atmore AL 36502

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K Vannin  
U S Geological Survey

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250 Williams St Ste 2360  
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tkunkle@uswest.com  
Timothy Kunkleman  
U S WEST  
1801 California St Rm 4630  
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PO Box 5508  
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1801 California Rm 5100  
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saberry@uswest.com  
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409 1st Ave N  
Fargo ND 58102-4802

sschwan@uswest.com  
Suzy Schwandt  
U S WEST Communications, Inc.  
P O Box 5508  
Bismarck ND 58502-5508

johng@unidial.com  
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UniDial Communications Inc  
1901 Eastpoint Pkwy  
Louisville KY 40223

agallentine@usagl.com  
Abbe McDonald-Gallentine  
USA Global Link Inc  
50 N 3rd St  
Fairfield IA 52556

kander@ictc.com  
Keith Anderson  
Valley Communications Inc  
P O Box 8  
Nome ND 58062

tsusak@vocall.com  
Tony Susak  
VoCall Communications Corp  
284 Sheffield St  
Mountainside NJ 07092

bonniek@westriv.com  
Bonnie Krause  
West River Telecomm Coop  
PO Box 467  
Hazen ND 58545-0467

pihland@means.net  
Paul Ihland  
Wolverton Telephone Company  
Wolverton MN 56594

Neil Talbot  
81 Grand St  
New York NY 10013

Myer Shark  
2277 Gene Autry Tr Unit C  
Palm Springs CA 92264

Myer Shark  
2277 Gene Autry Trail Unit C  
Palm Springs CA 92264

Myer Shark  
Knollwood Place Apts #221  
3630 Phillips Pkwy  
St Louis Park MN 55426

Ann Faught  
Absaraka Co-op Tele Co  
Absaraka ND 58002

ACN Communications Services Inc  
32991 Hamilton Ct  
Farmington Hills MI 48334

Mark Waind  
Altru Health System  
1200 South Columbia Rd  
Grand Forks ND 58201

John Summers  
AmeriTel Pay Phones Inc  
180 Northwest Oldham Pkwy  
Lee's Summit MO 64081

Arch Paging  
11437 Valley View Rd  
Eden Prairie MN 55344

Leeann Brunnette  
AT&T  
321 E Walnut St  
Des Moines IA 50309

Jack Medaris  
Atlas Communications LTD  
484 Norristown Rd Ste 123  
Blue Bell PA 19422

Dorothy Jones  
Bell Atlantic Communications Inc  
1320 N Courthouse Rd 9th Fl  
Arlington VA 22201

Bethany Management Services Inc  
201 South University Dr  
Fargo ND 58103

Jennifer Whitley  
Business Discount Plan Inc  
3780 Kilroy Arpt Wy  
Long Beach CA 90806

Rachel Rothstein  
Cable & Wireless Comm Inc  
8219 Leesburg Pike  
Vienna VA 22182

Scott Geston  
Cable One of Fargo  
P O Box 10624  
Fargo ND 58106-0624

Choctaw Communications Inc  
8400 S Gessner  
Houston TX 77074

Robert Fallan  
Coast International  
14303 W 95th St  
Lenexa KS 66215-5210

Comcast Telecommunications  
1500 Market St  
Philadelphia PA 19102

Molli Harper  
Commnet Cellular Inc  
8350 E Crescent Pkwy Ste 400  
Englewood CO 80111

Murray Barr  
Competitive Strategies Group Inc  
70 East Lake St 7th Fl  
Chicago IL 80112

D D D Calling Inc  
5120 Woodway Ste 8020  
Houston TX 77056

Robert Hill  
Dakota Central Telecom I  
PO Box 299  
Carrington ND 58421-0299

Dickey Rural Communications Inc  
PO Box 69  
Ellendale ND 58436-0069

Easton Telecom Services Inc  
4646 W Streetsboro  
Richfield OH 44286

Excel Communications Inc  
P O Box 650582  
Dallas TX 75265

Lawrence Freedman  
Fleischman & Walsh  
1400 16th ST NW  
Washington DC 20036

Ronald Rodemerik  
Frontier Comm International  
180 S Clinton Ave  
Rochester NY 14646-0500

Lucille Nilson  
Griggs County Telephone Company  
Cooperstown ND 58425

GTE Communications Corp  
5221 N O'Connor Blvd  
Irving TX 75039

Elaine McEneaney  
Concert Communications Sales LLC  
295 N Maple Ave Rm 5463A2  
Basking Ridge NJ 07920

Robert Hill  
Dakota Central Tele Coop  
PO Box 299  
Carrington ND 58421-0299

Darcy Delaney  
DavelTel Inc  
10120 Windhorst Rd  
Tampa FL 33619

DSLnet Communications LLC  
545 Long Wharf Dr  
New Haven CT 06511

Eclipse Communications Corp  
2001 NW Sammamish Rd #100  
Issaquah WA 98027

Sue Weiske  
FirstTel Inc  
5710 LBJ Frwy Ste 215  
Dallas TX 75240

Framco Inc  
P O Box 388  
Fargo ND 58107

Craig Brewerton  
Geo Economics  
PO Box 4272  
Missoula MT 59806-4272

Group Long Distance Inc  
6600 N Andrews Ave Ste 140  
Ft Lauderdale FL 33309

HJN Telecom Inc  
3235 Satellite Blvd Bldg 400 Ste 300  
Duluth GA 30096

IdeaOne Telecom Group LLC  
3239 39th St SW  
Fargo ND 58104

Nanette Edwards  
ITC DELTACOM INC  
4092 Memorial Pkwy SW  
Huntsville AL 35802-1382

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Law Offices of Thomas K Crowe PC  
2300 M St NW Ste 800  
Washington DC 20037

LDM Systems Inc  
430 Park Ave 5th Fl  
New York NY 10022

Jan Lowe  
Long Dist Consolidated Billing Co  
145 S Livernois Rd #199  
Rochester MI 48307-1837

Marilyn Foss  
MCI WorldCom Inc  
707 17th St Ste 3600  
Denver CO 80202

McLeodUSA  
P O Box 3177  
Cedar Rapids IA 52406-3177

Midcontinent Communications  
410 South Phillips Ave  
Sioux Falls SD 57104

Gordon Wilhelmi  
Midstate Communications Inc  
PO Box 400  
Stanley ND 58784-0400

Minnesota Independent Equal Access  
Corp  
10300 6th Avenue N  
Plymouth MN 55441

Innovative Telecom Corp  
1740 Massachusetts Ave  
Boxborough MA 01719-2209

Larry Barnes  
IXC/SSC-Regulatory Affairs  
1122 S Capital of TX Hwy  
Austin TX 78746-6426

LCI International Telecom Corp  
4650 Lakehurst Ct  
Dublin OH 43017

Level 3 Communications LLC  
3555 Farnam St  
Omaha NE 68131

Randy Valoue  
Long Distance International Inc  
4150 SW 28th Way  
Ft Lauderdale FL 33312

MCImetro Access Transmission Services  
1801 Pennsylvania Ave NW  
Washington DC 20006

Carolyn Fodor  
MIDCOM Communications Inc  
26913 Northwestern Hwy #165  
Southfield MI 48034

Mid-Rivers Telephone Coop Inc  
P O Box 280  
Circle MT 59215

Mark Wilhelmi  
Midstate Telephone Co  
PO Box 400  
Stanley ND 58784-0400

Mike Strand  
MITS  
PO Box 5237  
Helena MT 59604-5237

MVX Communications LLC  
100 Rowland Way Ste 145  
Novato CA 94945

Richard Thronson  
Nemont Telephone Cooperative Inc  
Scobey MT 59263

Net-tel Corporation  
1023 31st St NW  
Washington DC 20007

Dave Dircks  
North Dakota Telephone Company  
PO Box 180  
Devils Lake ND 58301-0180

Patrick Delaney  
Overlook Communications International  
3125 North Meadow Pkwy #S110  
Roswell GA 30076

Bryan Engle  
Parcel Consultants Inc  
150 Commerce Rd  
Cedar Grove NJ 07009

Primus Telecommunications Inc  
1700 Old Meadow Rd 3rd Fl  
McLean VA 22102

Quintelco Inc  
1 Blue Hill Plaza  
Pearl River NY 10965

Dean Polkow  
RCC Network Inc  
PO Box 2000  
Alexandria MN 56308-2000

Gene Sloan  
Reservation Telephone Cooperative  
Parshall ND 58770

Dave Croth s  
NDATC  
Box 1144  
Mandan ND 58554-1144

Sharon Meinhart  
NetLogix Telecom Inc  
501 Bath St  
Santa Barbara CA 93101

Nextel West Corp  
2001 Edmund Halley Dr  
Reston VA 20191-3436

Holly Sasscer  
Operator Communications Inc  
3530 Forest Ln Ste 200  
Dallas TX 75234-7910

Pamcomm  
P O Box 5200  
Sioux Falls SD 57117-5200

David Bryson  
Phoenix Network Inc  
555 17th St  
Denver CO 80202

Jan Seby  
Pringle and Herigstad P C  
PO Box 1000  
Minot ND 58702-1000

Heather Troxell  
Qwest Communications Corporation  
4250 Fairfax Dr  
Arlington VA 22203

RCN Long Distance Company  
105 Carnegie Ctr  
Princeton NJ 08540

Skyland Technologies Inc  
P O Box 5237  
Helena MT 59604-5237

Lisa Dabkowski  
SNET America Inc  
6 Devine St 1st Fl  
North Haven CT 06743

Randy Burckhard  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

Target Telecom Inc  
1515 S Federal Hwy Ste 400  
Boca Raton FL 33432-7451

Thomas Cirrito  
Telco Communications  
1100 Wilson Blvd Ste 1425  
Arlington VA 22209-2297

Al Bosch  
Tele-Beep Company  
PO Box 7072  
Bismarck ND 58502-7072

Liz Petroni  
Teltrust Comm Services Inc  
6322 S 3000 East  
Salt Lake City UT 84121

Kenneth Carlson  
Turtle Mountain Communications  
PO Box 729  
Langdon ND 58249-0729

Tim Kunkelman  
U S WEST Communications Inc  
1801 California St Rm 4630  
Denver CO 80202

Giuseppe Vitale  
UKI Communications Inc  
500 N Rainbow Blvd Ste 300  
Las Vegas NV 89107

Kenneth Carlson  
United Telephone Mut Aid Corp  
Langdon ND 58249

Andrew Jon  
Sprint  
8140 Ward Pkwy Flr 5E  
Kansas City MO 64114

Harris Saele  
T P C Inc  
PO Box 180  
Devils Lake ND 58301-0180

Regulatory Analyst  
Technologies Management Inc  
PO Drawer 200  
Winter Park FL 32790-0200

Jack Medaris  
Telco Partners Inc  
484 Norristown Rd Ste 123  
Blue Bell PA 19422

Tele-Tech Inc  
2900 W 11th St  
Sioux Falls SD 57104-3660

T-Netix Inc  
67 Inverness Drive E  
Englewood CO 80112

Judy Pepler  
U S WEST Communications Inc  
PO Box 5508  
Bismarck ND 58502-5508

Dick Boyer  
U S West Interprise America Inc  
1999 Bdwy Rm 700  
Denver CO 80202

Sam Billingsley  
United States Advanced Network Inc  
3000 Northwoods Pkwy Ste 140  
Norcross GA 30071

Dennis Houston  
Universal Network Services of ND  
1572 North Batavia St Ste 1A  
Orange CA 92867

Telecomm Dept  
University of North Dakota  
Box 8193  
Grand Forks ND 58202-7141

USBG Inc  
5601 W 120th St  
Alsip IL 60658

Thomas Bandenburg  
USN Communications Long Dist Inc  
10 S Riverside Plaza Ste 401  
Chicago IL 60606

Val-Ed Joint Venture LLP  
150 2nd St SW  
Perham MN 56573

Randy Houdek  
Venture Communications Inc  
PO Box 157  
Highmore SD 57345-0157

Robert Barfield  
West River Communications Inc  
PO Box 467  
Hazen ND 58545-0467

Doris Cooper  
West River Long Distance Co  
PO Box 467  
Hazen ND 58545-0467

Robert Barfield  
West River Telecomm Coop  
PO Box 467  
Hazen ND 58545-0467

Z-Tel Communications Inc  
601 S Harbour Island Blvd Ste 220  
Tampa FL 33602-5925

**Helbling, Sharon D.**

---

**From:** Helbling, Sharon D.  
**Sent:** Thursday, March 30, 2000 11:14 AM  
**To:** 'ndna'  
**Subject:** Attached Notice of Opportunity for Hearing

**Please have the attached Notice of Opportunity for Hearing published as a legal publication in the next issue of the ten North Dakota daily newspapers. In addition, could you also run it as a "News Item Only" article.**

**Please send the bill to the Public Service Commission, along with a tear sheet for billing purposes.**

**If you have any questions, please call me at 701-328-4076.**

**Thank you.**

**Sharon Helbling**

1.doc

**MOTION**

**APPROVED:**

DATE: 3-29-00  
KMF

**March 29, 2000**

**Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity**

**Case No. PU-2249-00-116**

**Universal Access, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity**

**Case No. PU-2212-00-120**

I move the Commission issue a Notice of Opportunity for Hearing in the above applications for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota.

JRL/sdh

000116-2.doc

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Maxcess, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2249-00-116**

**Universal Access, Inc.**  
**Local Exchange/Interexchange**  
**Public Convenience & Necessity**

**Case No. PU-2212-00-120**

**NOTICE OF OPPORTUNITY FOR HEARING**

**March 29, 2000**

On March 16, 2000, Maxcess, Inc., a Florida Corporation, filed an application for a certificate of public convenience and necessity to provide facilities-based local exchange telecommunications services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota.

On March 17, 2000, Universal Access, Inc., a Delaware Corporation, filed an application for a certificate of public convenience and necessity to provide facilities-based local exchange telecommunications services in all locations currently served by U S WEST Communications, Inc., and interexchange telecommunications services throughout North Dakota.

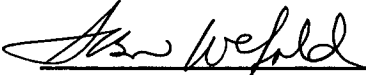
The issues to be considered in these matters are:

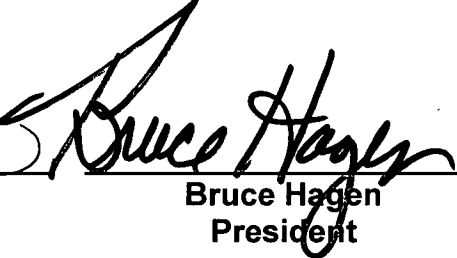
1. Fitness and ability of the applicant to provide service.
2. Adequacy of the proposed service.
3. The technical, financial and managerial ability of the applicant to provide service.


Those interested are invited to comment on these applications in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by **May 5, 2000**. If deemed appropriate, the Commission can determine these matters without hearings.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Jon Mielke, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Susan E. Wefald**  
Commissioner

  
\_\_\_\_\_  
**Bruce Hagen**  
President

  
\_\_\_\_\_  
**Leo M. Reinbold**  
Commissioner

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Maxcess, Inc.  
Local Exchange/Interexchange  
Public Convenience & Necessity

Case No. PU-2249-00-116

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **20th day of March, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:


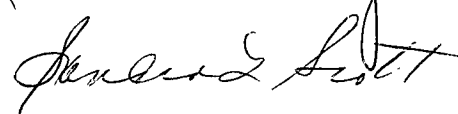
**Staff Financial Memo**

The envelope was addressed as follows:

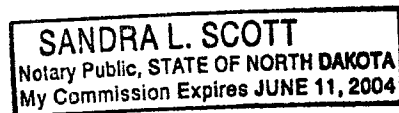
Lance J M Steinhart  
6455 E Johns Crossing Ste 285  
Duluth GA 30097  
Cert. No. P443 354 782

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **20th day of March, 2000**.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

SEAL





Public Service Commission  
State of North Dakota

Memorandum

RECEIVED

COMMISSIONERS  
Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

To: Jon Mielke  
From: Mike Diller *Mike Diller*  
Date: March 20, 2000  
Re: Maxcess, Inc.  
Local Exchange/Interexchange PC&N  
Case No. PU-2249-00-116

MAR 20 2000

NORTH DAKOTA  
PUBLIC SERVICE  
COMMISSION  
EXECUTIVE SECRETARY

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: msmail.sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Executive Secretary  
Jon H. Mielke

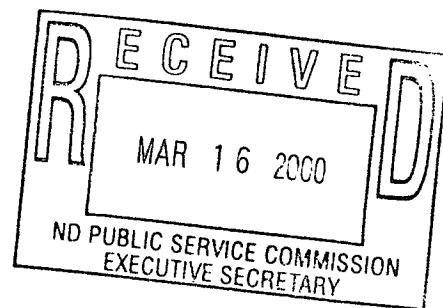
The following is written to provide the commission with a very limited financial analysis of this case regarding the applicant's financial ability to serve North Dakota. It appears from the applicant's submitted balance sheet that Maxcess has the equity necessary to provide service in North Dakota.

The Telecommunications Act of 1996 established a national policy to create a competitive environment for telephone service. Maxcess is another company responding to the act.

I see no reason to deny Maxcess' request for a certificate of public convenience and necessity.

In accordance with the Commission's wishes, I have served this document on the applicant.

**Lance J.M. Steinhart**  
Attorney At Law  
6455 East Johns Crossing  
Suite 285  
Duluth, Georgia 30097



Also Admitted in New York  
and Maryland

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208

March 15, 2000

**VIA FEDERAL EXPRESS**

Mr. Jon Mielke  
Executive Secretary  
Public Service Commission  
State Capitol  
600 E. Boulevard  
Bismarck, ND 58505-0480

Re: Maxcess, Inc.

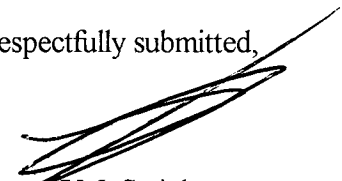
Dear Mr. Mielke:

Enclosed please find for filing an original and seven (7) copies of Maxcess, Inc.'s Application for a Certificate of Public Convenience and Necessity to Provide Telecommunications Services.

I have enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed preaddressed-postage-prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me. Thank you.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for Maxcess, Inc.

Enclosures  
cc: Mike West

1 **PU-2249-00-116** Pages: 33  
03/16/2000  
Maxcess, Inc.  
Local Exchange / Interexchange PC&N  
Application  
CC: Comm Legal PUD (3)

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

In the matter of the Application of            )  
Maxcess, Inc.                                        )  
for a Certificate of                                 )  
Public Convenience and Necessity to        )  
provide Telecommunications Services        )

Docket No. \_\_\_\_\_

The applicant, Maxcess, Inc. ("Maxcess") a corporation organized and existing under the laws of the State of Florida with its principal place of business of 100 West Lucerne Plaza, Suite 500; Orlando, Florida 32801, does hereby represent and show the Commission as follows:

1. On March 1, 2000, the North Dakota Secretary of State issued to Maxcess a Certificate of Authority under the provisions of North Dakota law governing foreign corporations, giving it authority to do business in the State of North Dakota and a copy of such certificate is submitted with this application.

2. Maxcess was organized as a Florida Corporation to engage in the business of offering telecommunications services, including local exchange and toll telephone service, and intends to offer these services throughout the United States. By this application, Maxcess requests a Certificate of Public Convenience and Necessity to provide local exchange along with other telecommunications services at all locations throughout the State of North Dakota that are currently served by US West Communications, Inc., and to provide interexchange services statewide.

3. Maxcess has applied for a Certificate of Registration to resell interexchange services in North Dakota, and to resell local exchange services in North Dakota.

The following exhibits are attached to this application and incorporated herein by this reference:

Exhibit 1: A copy of the Certificate of Authority of Maxcess issued by the State of North Dakota;

Exhibit 2: A certificate of Good Standing from the State of North Dakota;

Exhibit 3: Service Area Map

Exhibit 4: A copy of Maxcess's Balance Sheet as of November 30, 1999 and Income Statement for the eleven months ended November 30, 1999

Exhibit 5: Affidavit of Daniel Webb

Exhibit 6: Biographical Information

3. All correspondence and notices regarding this application should be directed to Lance Steinhart, of the Law Office of Lance Steinhart, 6455 E. Johns Crossing, Suite 285, Duluth, GA 30097, whose telephone and fax numbers are 770-232-9200 and 770-232-9208 respectively.

4. The rate structure for providing local exchange and toll services is intended to be Competitive with the rates charged by the incumbent provider(s).

5. Maxcess is fit and has the experience and ability to provide the local exchange and toll services for which authority is sought herein. Maxcess intends to provide all forms of intrastate service including:

- A. Local Exchange Services that will enable customers to originate and terminate local calls in the local calling area served by other LECs.
- B. Switched local exchange services such as flat-rated and measure-rated local services; vertical services, Direct Inward and Outward Dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, frame-relay, and other high capacity line services.
- F. Ancillary Services (911, directory listing, directory assistance, etc.).
- G. Interexchange (switched and dedicated services): 1+ and 101XXXX outbound dialing; 800/888 toll-free inbound dialing; and Postpaid calling cards; Directory Assistance; and Frame Relay and other data services.

6. Maxcess has the technical, financial and managerial ability to provide the indicated services.

7. By enacting the Telecommunications Act of 1996, Congress has established a national public policy of opening the local exchange to competition and increasing the level of competition in all other areas of telecommunications services. Congress perceived a need for such competition, and Maxcess hopes to meet this need to the ultimate benefit of North Dakota consumers.

8. Since Maxcess intends to provide local exchange telecommunications services in those geographic areas in North Dakota currently served by US West as illustrated in the exchange area maps, as currently exist, or as modified in the future, Applicant hereby requests a waiver of the requirement that it file a map of the area to be served

9. The Public Service Commission ("Commission") for the State of North Dakota has Authority to grant this application under the provision of Chapter 49-03.1 of the North Dakota Century Code and the Commission's Rules of Practice and Procedure.

WHEREFORE, Maxcess respectfully requests that a Certificate of Public Convenience and Necessity be issued for the services sought herein following appropriate notice; and further, Maxcess respectfully requests that the Certificate of Public Convenience and Necessity be issued without hearing, if appropriate, according to the applicable statutes and the rules and regulations of the Commission.

Dated this 15 of Mar, 2000.

Maxcess, Inc.

By: \_\_\_\_\_


  
Lance J. M. Steinhart  
Law Office of Lance Steinhart  
6455 E. Johns Crossing, Suite 285  
Duluth, GA 30097  
Telephone No.: 770-232-9200  
Facsimile No.: 770-232-9208  
Attorney for Applicant

Exhibit 1: A copy of the Certificate of Authority of Maxcess issued by the State of North Dakota

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF AUTHORITY

OF

MAXCESS, INC.

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that an application of

MAXCESS, INC.

for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the North Dakota Century Code, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Authority to

MAXCESS, INC.

to transact business in this State under the name of

MAXCESS, INC.

Issued: March 1, 2000

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State



**CERTIFICATE OF AUTHORITY  
FOREIGN CORPORATION  
APPLICATION**  
SECRETARY OF STATE  
SFN 13100 (8-97)

RECEIVED  
FEB 25 2000  
SEC OF STATE

FOR OFFICE USE ONLY

ID #	15627900
WO #	763199
Filed	3-1-00 By <i>AD</i>

SEE REVERSE SIDE FOR FEES, FILING AND MAILING INSTRUCTIONS

- 1.A. The application **MUST** be accompanied by **ALL** of the following:
- Filing fee of \$125 if a **Foreign Business or Professional Corporation**
  - Filing fee of \$40 if a **Foreign Nonprofit Corporation**
  - Signed Consent of Registered Agent and fee of \$10
  - Current, **ORIGINAL CERTIFICATE OF GOOD STANDING OR CERTIFICATE OF EXISTENCE** verifying corporate existence certified by the incorporating officer of the state or country of incorporation.
- B. The following **MAY** be required:
- Certification of professional license from the North Dakota licensing board for the profession
  - Signed consent to use of name and fee of \$10
  - Trade Name Registration and fee of \$25

**TYPE OR PRINT LEGIBLY** For reference, see North Dakota Century Code, Section 10-19.1-135 or 10-33-125.

2. Type of corporation applying for Certificate of Authority: (check one)  
 Foreign Business     Foreign Professional     Foreign Nonprofit

3.A. Name of corporation **EXACTLY** as it appears on Certificate of Good Standing from state of origin  
**Maxcess, Inc.**

B. Federal ID #  
**59-3551189**

C. If the corporation chooses to use a name other than its corporate name, that name is a trade name and must be registered with the North Dakota Secretary of State. (SEE INSTRUCTION 3.C.) If applicable, provide the trade name below and complete the Trade Name Registration form if the selected trade name is not already registered in North Dakota.

D. If the corporation has been notified by the North Dakota Secretary of State that its corporate name is the same as, or deceptively similar to a name already registered, this application for Certificate of Authority must be accompanied by one of the following: (check one)

Consent to use of name from the conflicting name holder(s)

An application for registration of a trade name for use in transacting business in North Dakota. The trade name adopted is:

Certified copy of a final decree of a court of competent jurisdiction establishing prior right of this corporation to use of the name in North Dakota

4. Complete mailing address of principal executive office which may not only be a post office box (Street/RR, and PO Box if applicable, city, state, zip + 4) **100 West Lucerne Plaza, Suite 500, Orlando, FL 32801**

5.A. STATE or country where incorporated <b>Florida</b>	B. EXACT date incorporated (Month, day, AND year) <b>6/8/98</b>	C. Duration of corporation <input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> Other (Specify)	D. Telephone # <b>407-513-7700</b>
			E. Toll-free telephone # <b>(888) 609-9399</b>

6.A. Name of required registered agent in **NORTH DAKOTA** (SEE INSTRUCTION 6.A.)  
**National Corporate Research, Ltd.**

B. Federal ID/social security # of registered agent  
**13-3246732**

C. Address of registered agent in **NORTH DAKOTA** which may not only be a post office box number (Street/RR, and PO Box if applicable, city, state, zip + 4) **400 East Broadway, Suite 409, Bismarck, ND 58501**

7. Nature of business or activities the corporation intends to conduct in the State of North Dakota

**Provide Telecommunication Services**

OFFICE	Check box if officer also serves as director	OFFICERS AND DIRECTORS OF THE CORPORATION		COMPLETE MAILING ADDRESS			
		NAME	Street/RR	PO Box	City	State	Zip + 4
PRESIDENT	<input checked="" type="checkbox"/>	James C. Marchant, Jr.	100 West Lucerne Plaza,		Orlando, FL	32801	
VICE PRESIDENT	<input type="checkbox"/>						
SECRETARY	<input checked="" type="checkbox"/>	Daniel H. Webb	100 West Lucerne Plaza,		Orlando, FL	32801	
TREASURER	<input checked="" type="checkbox"/>	Thomas E. Watt	100 West Lucerne Plaza,		Orlando, FL	32801	
DIRECTOR		James C. Marchant, Jr.	100 West Lucerne Plaza,		Orlando, FL	32801	
DIRECTOR							

9. The undersigned, a person authorized by the corporation to sign this application, knows the contents thereof, and believes the statements made to be true.

*Daniel H. Webb*  
Original signature

*2/10/2000*  
Date

*407 513 7700*  
Daytime telephone #

10. Name of person to contact about this application

*Daniel H. Webb*

**6787752244**



**REGISTERED AGENT  
CONSENT TO SERVE  
SECRETARY OF STATE  
SFN 7974 (9-97)**

**RECEIVED  
FEB 25 2000  
SEC. OF STATE**

FOR OFFICE USE ONLY	
ID #	15627900
File #	
WO #	763199
Filed	3-1-00 By <i>JD</i>

SEE REVERSE SIDE FOR FILING AND MAILING INSTRUCTIONS

**1. FILING FEE: \$10.00**

TYPE OR PRINT LEGIBLY

2. Name of the organization for which the registered agent is to serve (corporation, limited liability company, limited liability partnership or real estate investment trust)

**Maxcess, Inc.**

3.A. Name of the registered agent

**National Corporate Research, Ltd.**

B. Registered agent is (Check one)

- An individual North Dakota resident
- A corporation
- A limited liability company
- A limited liability partnership

C. Federal ID # or social security # of registered agent

13-3246732

4. The undersigned, as registered agent, or as authorized to sign on behalf of the registered agent, consents to act in the capacity of registered agent until removed or until a resignation is submitted to the Secretary of State in accordance with North Dakota laws.

*[Signature]* / 2/24/2000  
 Original signature of registered agent Date  
 John Morrissey, Asst. Vice President

Exhibit 2: A certificate of Good Standing from the State of North Dakota

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING

OF

MAXCESS, INC.

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that MAXCESS, INC., a Florida corporation, authorized to transact business in the State of North Dakota on March 1, 2000, and according to the records of this office as of this date, has paid all fees due this office as required by North Dakota statutes governing foreign corporations.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing to

MAXCESS, INC.

Issued: March 1, 2000

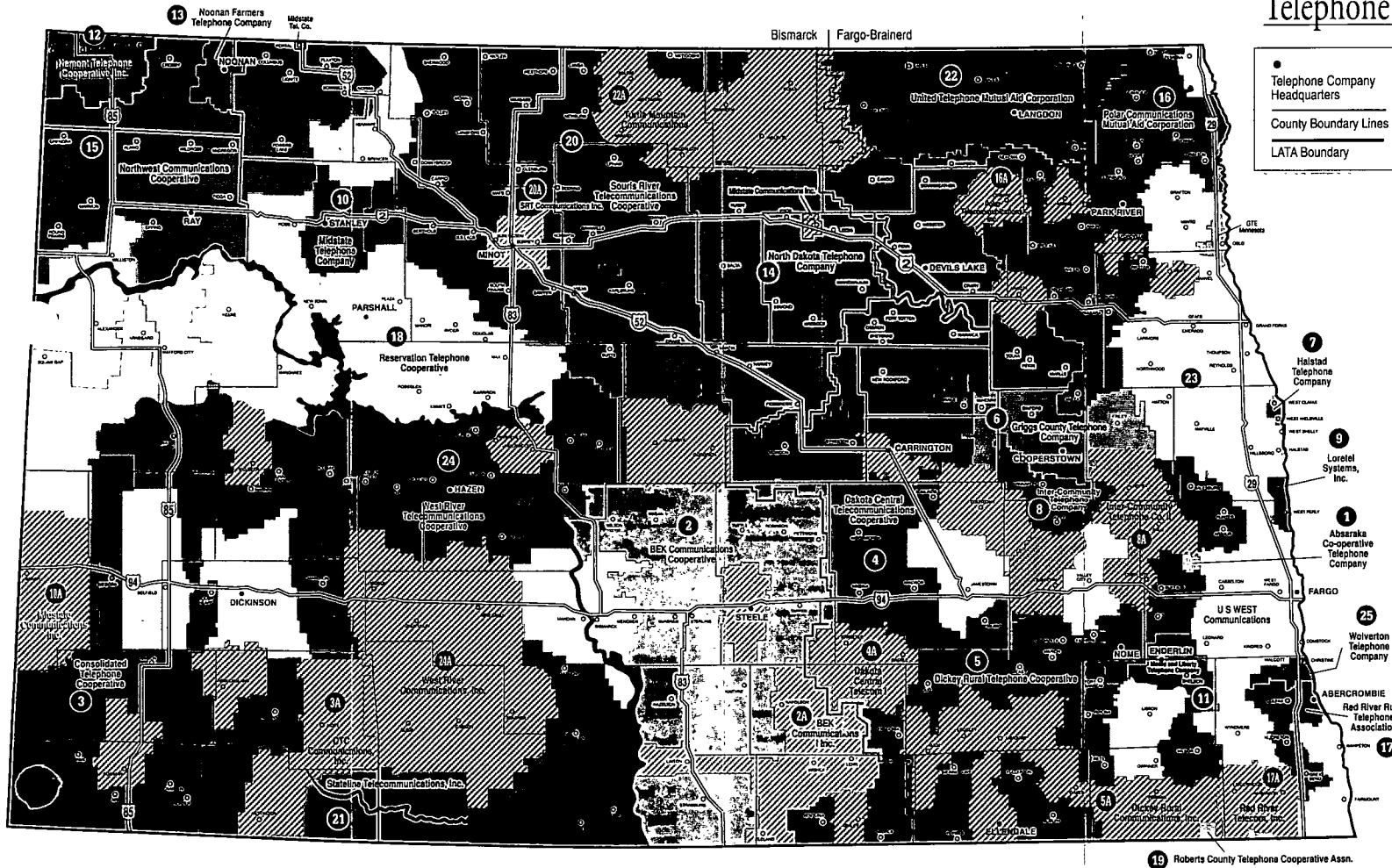
A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

Exhibit 3: Service Area Map

# Telephone Companies Service Area

Bismarck | Fargo-Brainerd



## Local Exchange Companies

- 1. Absaraka Co-operative Telephone Company .....(701) 896-3404
- 2. BEK Communications Cooperative.....(701) 475-2361
- 2A. BEK Communications I Inc.
- 3. Consolidated Telephone Cooperative .....(701) 225-6061
- 3A. CTC Communications, Inc.
- 4. Dakota Central Telecommunications Cooperative .....(701) 652-3184
- 4A. Dakota Central Telecom I
- 5. Dickey Rural Telephone Cooperative.....(701) 349-3687
- 5A. Dickey Rural Communications, Inc.
- 6. Griggs County Telephone Company .....(701) 797-3301
- 7. Halstad Telephone Company .....(218) 456-2125
- 8. Inter-Community Telephone Company .....(701) 924-8815
- 8A. Inter-Community Telephone Co. II
- 9. Loretel Systems, Inc. ....(218) 784-7171
- 10. Midstate Telephone Company.....(701) 628-2522
- 10A. Midstate Communications Inc.
- 11. Moore and Liberty Telephone Company .....(701) 437-3300
- 12. Nemont Telephone Cooperative, Inc. ....(406) 783-5654
- 13. Noonan Farmers Telephone Company .....(701) 925-5717
- 14. North Dakota Telephone Company .....(701) 862-1700
- 15. Northwest Communications Cooperative.....(701) 568-3331
- 16. Polar Communications Mutual Aid Corporation .....(701) 284-7221
- 16A. Polar Telecommunications, Inc.
- 17. Red River Rural Telephone Association .....(701) 553-8309
- 17A. Red River Telecom, Inc.
- 18. Reservation Telephone Cooperative .....(701) 862-3115
- 19. Roberts County Telephone Cooperative Assn. ....(605) 637-5211
- 20. Sours River Telecommunications Cooperative.....(701) 858-1200
- 20A. SRT Communications Inc.
- 21. Stateline Telecommunications, Inc. ....(605) 244-5236
- 22. United Telephone Mutual Aid Corporation.....(701) 256-5156
- 22A. Turtle Mountain Communications
- 23. U.S WEST Communications .....(701) 241-3491
- 24. West River Telecommunications Cooperative.....(701) 748-2211
- 24A. West River Communications, Inc.
- 25. Wolverton Telephone Company .....(218) 995-2900

Exhibit 4: A copy of Maxcess's MAXCESS' Balance Sheet as of November 30, 1999 and Income Statement for the eleven months ended November 30, 1999

FSR5 - Income Statement and Balance Sheet  
Income Statement  
1999 1 - 1999 11

		MONTH-TO-DATE	YEAR-TO-DATE
4025	SALES: BILLABLE SW. PROG & SERVICE	12,405.02	12,405.02
TOTAL SALES		12,405.02	12,405.02
5030	COGS-PHONE AND DATA CIRCUITS	17,384.05	17,384.05
TOTAL COST OF GOODS SOLD		17,384.05	17,384.05
TOTAL GROSS PROFIT (LOSS)		-4,979.03	-4,979.03
6000	PAYROLL EXPENSE	63,851.43	63,851.43
6011	FEDERAL UC EXPENSE	242.51	242.51
6012	STATE UC EXPENSE	30.31	30.31
6013	SOCIAL SECURITY EXPENSE	4,884.65	4,884.65
6020	UTILITIES EXPENSE	1,839.76	1,839.76
6027	CONFERENCE/CONVENTION EXPENSE	2,500.00	2,500.00
6035	TAXES AND LICENSES	1,478.90	1,478.90
6038	HEALTH INSURANCE EXPENSE	2,809.58	2,809.58
6040	INSURANCE EXPENSE	2,072.91	2,072.91
6050	OFFICE SUPPLIES EXPENSE	1,573.95	1,573.95
6055	FREIGHT/SHIPPING	493.36	493.36
6056	POSTAGE	230.00	230.00
6065	AUTO EXPENSE (REPAIR & MAINTENANCE)	240.64	240.64
6070	BANK CHARGES	293.34	293.34
6077	DUES & SUBSCRIPTIONS	960.00	960.00
6080	PROFESSIONAL SERVICES	22,465.63	22,465.63
6081	WEB SITE DEVELOPMENT SERVICES	10,000.00	10,000.00
6085	LEGAL SERVICES	26,795.85	26,795.85
6086	BOOKKEEPING SERVICES	10,000.00	10,000.00
6092	REPAIRS & MAINTENANCE (OFFICE)	276.81	276.81
6093	LAWN MAINTENANCE	300.00	300.00
6094	WASTE REMOVAL/PROPERTY MAINTENANCE	465.06	465.06
6102	DIAL-UP EXPENSE	1,289.04	1,289.04
6105	TELEPHONE EXPENSE	12,169.79	12,169.79
6106	CELLULAR PHONE EXPENSE ALLTEL	628.03	628.03
6112	FINES AND LATE CHARGES	780.86	780.86
6115	LODGING EXPENSE	2,167.04	2,167.04
6120	AIRFARE EXPENSE	1,004.50	1,004.50
6125	AUTO FUEL/TRAVEL EXPENSE	768.14	768.14
6126	TRAVEL TOLL OR PARKING EXPENSES	441.05	441.05
6127	TRAVEL EXPENSE - MEALS	1,607.78	1,607.78
6130	AUTO RENTAL EXPENSE	249.02	249.02
6135	TRAINING EXPENSE	241.72	241.72
6150	CASH SHORT/OVER	337.07	337.07
TOTAL OPERATING EXPENSES		175,488.73	175,488.73
7000	INTEREST INCOME	806.51	806.51
7003	MISCELLANEOUS INCOME	800.00	800.00
TOTAL OTHER INCOME		1,606.51	1,606.51
7200	INTEREST EXPENSE	5,882.36	5,882.36
TOTAL OTHER EXPENSES		5,882.36	5,882.36
TOTAL OTHER INCOME AND EXPENSES		-4,275.85	-4,275.85
TOTAL NET INCOME (LOSS)		-184,743.61	-184,743.61

MAXCESS, Inc.  
 FSR5 - Income Statement and Balance Sheet  
 Balance Sheet  
 AS OF 1999 11

		BALANCE
1003	FIRST UNION NATIONAL BANK ACCOUNT	403.24
1004	FIRST UNION NATIONAL BANK (CAP)	2,106.51
1005	MAXCESS TRUST - SUNWEST BANK	1,950,000.00
1010	PETTY CASH	300.00
		-----
TOTAL CASH		1,952,809.75
		-----
TOTAL ACCOUNTS RECEIVABLE		0.00
		-----
TOTAL INVENTORY		0.00
		-----
TOTAL CURRENT ASSETS		1,952,809.75
		-----
TOTAL FIXED ASSET		0.00
		-----
TOTAL OTHER ASSETS		0.00
		-----
TOTAL ASSETS		1,952,809.75
		=====

		BALANCE
2000	ACCOUNTS PAYABLE CONTROLLING ACCT	70,562.96
2015	FICA PAYABLE	732.18
2020	FED. W/H TAX PAYABLE	606.21
2025	FUTA TAX	-0.01
2030	SUTA TAX	-788.16
		-----
TOTAL CURRENT LIABILITIES		71,113.18
		-----
TOTAL LONG TERM LIABILITIES		0.00
		-----
TOTAL LIABILITIES		71,113.18
		-----
3010	PAID IN EXCESS OF PAR	2,145,000.00
3015	CURRENT EARNINGS	-184,743.61
3020	RETAINED EARNINGS	-78,559.82
		-----
TOTAL STOCKHOLDER'S EQUITY		1,881,696.57
		-----
TOTAL LIABILITIES & EQUITY		1,952,809.75
		=====

Exhibit 5: Affidavit of Daniel Webb

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

In the matter of the Application of )  
Maxcess, Inc. )  
for a Certificate of )  
Public Convenience and Necessity to )  
provide Telecommunications Services )

Docket No. \_\_\_\_\_

AFFIDAVIT OF DANIEL WEBB

**INTRODUCTION**

My name is Daniel Webb. My business address is 100 West Lucerne Plaza, Suite 500; Orlando, Florida 32801. I am the Secretary and Chief Technology Officer of Maxcess, Inc. ("Maxcess"). I have served as Chief Technology Officer since January, 1999. Previously, I worked with Mercury Communications USA, Inc., a internet service provider company, as Vice President of Operations.

As Secretary and Chief Technology Officer of Maxcess, I am responsible for Maxcess's selection of the hardware and service vendors for building a nationwide converged, unified telecommunications and data/video network. I am also responsible for selection of service partners for local and long-haul communications transport services, and Internet connectivity. These duties require excellent understanding of the very latest technological solutions for all aspects of the converged network and its services, and also requires excellent understanding of regulatory issues, marketing, sales, finance, and operations.

The purpose of my affidavit is to demonstrate the fitness of the applicant Maxcess to operate as a facilities-based CLEC in the areas of North Dakota currently served by US West Communications, Inc. ("US West"). As described in Maxcess's Application, Maxcess's purposes to provide a range of facilities-based, high capacity local exchange services, including but not limited to: data services, switched and dedicated trunks, digital subscriber line, and exchange access services. Maxcess may also offer local services by utilizing the switching and transport capacity of other existing telecommunications providers pursuant to negotiated or tariffed arrangements.

Specifically, Maxcess plans to develop a network based on xDSL technology. Maxcess has supplier and network maintenance relationships with Lucent Technology and other nationally recognized suppliers to deploy DSLAMs into Central Offices where Maxcess has negotiated collocation agreements with the ILECs. Maxcess plans to access the unbundled network elements of the ILECs to develop the network. Maxcess will be engaged in interconnection negotiations with US West in the near future, and will obtain Commission approval of any agreement negotiated.

## DESCRIPTION AND QUALIFICATIONS OF MAXCESS

Maxcess is a corporation organized under the laws of the State of Florida.

Maxcess is qualified to conduct business within the State of North Dakota as a foreign business entity. Applicant commenced offering services in 1998 and intends to expand its services offerings to include interexchange and local exchange services, both as a reseller and as a facilities-based provider. Local exchange telecommunications services will initially be offered on a resale basis by purchasing unbundled network elements from incumbent local exchange carriers ("ILEC"). Applicant is currently seeking authorization to provide competitive local exchange and interexchange service in the 48 contiguous states and the District of Columbia. Applicant is currently authorized to provide local exchange and interexchange services in Florida, Montana, New Jersey and New York. Applicant has not been denied authority for any of the services for which it seeks authority in this Application. Maxcess is well-qualified, managerially, technically and financially to provide the competitive local exchange services for which authority is requested in its Application.

The senior management of Maxcess has great depth in the telecommunications industry and offer extensive telecommunications business technical and managerial expertise. Biographical information on key members of Maxcess's management team is attached to the application as Exhibit 6.

Maxcess has sufficient financial capability to provide the requested telecommunications services in North Dakota and the financial capability to maintain those services. Maxcess will fund its local exchange operations in North Dakota with a combination of (i) internal capital, (ii) proceeds from the sale of equity interests, and (iii) capital raised from other sources. Further, it should be emphasized that Maxcess's initial business plan calls for it to provide primarily high-speed DSL data based telecommunications and telephone services using the ILEC's unbundled network elements in conjunction with its own facilities collocated at the ILEC's central offices, which will not require the extensive outlay of capital that standalone facilities and trunking would require. Applicant's proposed competitive local exchange service is economically feasible and in the public interest.

Maxcess's management team will adhere to a strict and high standard of service policies and procedures which will ensure continued quality service. As a new entrant in the North Dakota telecommunications market, Maxcess will be able to win over a keep customers only through consistent application of those policies and procedures. Additionally, Maxcess will maintain a customer service department. Customer service representatives will be trained in all areas of customer complaints and services and will be held to the highest standards of accountability and ethics. Customers will be able to reach Maxcess's customer service department via a toll-free number 24 hours a day, seven days a week.

#### PUBLIC CONVENIENCE AND NECESSITY

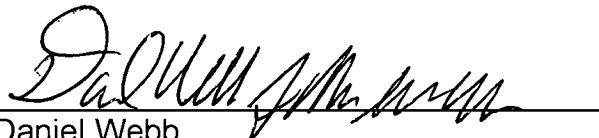
A decision by the Commission to grant Maxcess authority to provide competitive local exchange telecommunications services is in the public interest. Maxcess is well qualified to operate as such a service provider in North Dakota. Consumers of telecommunications services in North Dakota will receive the benefits of downward pressure on prices, increased choice, improved quality of service and customer responsiveness, innovative service offerings, and access to increasingly advanced telecommunications technology. The market incentives for new and existing providers of telecommunications services will be improved through an increase in the diversity of suppliers and competition within the local exchange telecommunications market. Granting Maxcess's Application would enhance this development of competition in the local exchange market and provide the consumers of North Dakota with all of the benefits described above.

The grant of Maxcess's application will preserve and advance universal service, safeguard the rights of consumers, protect the public health, safety and welfare, and promote the public interest. Maxcess is an alternative, competitive carrier which intends to initially provide high-speed data products targeted toward small and medium size businesses. Maxcess will thus give customers in North Dakota a real choice for their high-speed data needs, which they currently are lacking. Maxcess will offer customers low-cost, high-speed connectivity alternatives to existing data lines.

### CONCLUSION

Maxcess's Application and my Affidavit in support thereof demonstrate that Maxcess possesses all the requisite qualifications to be a competitive local exchange service provider in North Dakota, and that the grant of this request is in the public interest.

Maxcess, Inc.

A handwritten signature in black ink, appearing to read "Daniel Webb", is written over a horizontal line.

Daniel Webb

Its: Secretary and Chief Technology Officer

VERIFICATION

STATE OF FLORIDA

COUNTY OF ORANGE

)  
)  
)  
)

Case No. PU-\_\_\_\_\_

I, Daniel Webb, do on oath depose and state that the facts contained in the foregoing statement are true and correct to the best of my knowledge and belief.

*Daniel H. Webb*  
Daniel Webb  
Its: Secretary and Chief Technology Officer

Subscribed and sworn to me  
this 5<sup>th</sup> day of March, 2000.

*Linda E. Stiles*  
Notary Public

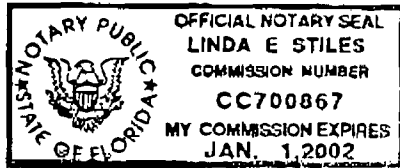


Exhibit 6: Biographical Information

# Resume

## James C. Marchant, Jr.

1708 NW 117<sup>th</sup> Terrace, Gainesville, FL 32606  
Home Phone: 352-332-2969 Email: [jcm@maxcess.net](mailto:jcm@maxcess.net)

### Career Overview

Mr. Marchant has had fifteen years of professional leadership experience in information and communication industries, with a focus on providing unique solutions to satisfy the needs of business customers. Experiences include:

Accounting/Finance	Human Resources	Business Planning	Budgeting
Technology Evaluation	Network Integration	Project Management	Sales
Marketing	Systems Administration	Custom Solutions	Leadership

### Education

Received degree in Criminal Justice from Troy State University, May 1978.

### Career Experience

#### Maxcess, Inc.

Gainesville, FL

January 1999 to Present.

*CEO/President.* Mr. Marchant established Maxcess, Inc. in June of 1998. His vision is to build one of the world's first completely unified communications networks that offers more than just access and related services on one network and voice communications on another network. Mr. Marchant likes the idea of giving customers a high-speed "always-on" connection combined seamlessly into a national network using the latest in ultra-efficient carrier-grade converged network technology to deliver significant savings on voice, data, and video and add value by offering virtual private networks, network integration, unified messaging, video conferencing, and broadcast video.

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#### Mercury Communications USA, Inc.

Gainesville, FL

December 1995 to January, 1999

*CEO/President* When the market for Internet services finally took off in 1995, Mr. Marchant saw the opportunity to put his business' 10+ years of Unix and networking experience to use. The Internet was built on Unix and networks, so this was a natural progression for his business. Mr. Marchant established Mercury Communications USA, Inc. in 1995. Mercury was one of the very first ISP's in Florida. Today there are over 850 ISP's in Florida. Mercury started before 56K-Flex, X2, or V.90 technology existed. For the first two years, Mercury used analog modems capable of 28.8Kbps and quickly established local points of presence in Newberry and Ocala. After that, Mercury was the first ISP in the region to offer 56K/X2 dialup connections. In addition to always being the first in the region to provide the latest ISP technology, Mercury also differentiated itself from all other ISP's in the area by providing free unlimited 24x7 expert technical assistance to all subscribers. Mr. Marchant also gave his subscribers a one-stop shopping place for all their Internet needs including web hosting, web page design, graphic arts, dialup access, dedicated access, network integration services, custom software development, and collocation services. By December, 1998, Mr. Marchant's business had grown to have 4,500 recurring subscriber services. In December of 1998, Mercury was bought out at an extremely attractive price. As voice, data and video converged to form a new communications world, Mr. Marchant saw that networks built only to carry voice and small amounts of data, or exclusively data would not be able to compete against a seamless completely unified network and hence the birth of Maxcess.

**Marchant Business Systems, Inc.**

June 1984 to February 1994

Gainesville, FL

*President.* Mr. Marchant established Marchant Business Systems, Inc. (MBS) in 1984. MBS became one of the nation's first AT&T Value-Added Resellers, and purchased the source code to a new Unix-based accounting system, and went into business selling true multi-tasking, multi-user computer systems. Mr. Marchant hired a technical and software development team. MBS installed complete turn-key custom hardware and software solutions. MBS expanded into local and wide-area networking starting with serial I/O systems (RS232) and evolved into Ethernet LAN's and digital WAN's. The company established the Internet domain *mbs.com* in 1991. In addition to many accounting systems customers scattered primarily throughout Florida, the company also served all computer and communications hardware, operating systems, software, custom applications, LAN, WAN, and systems administration needs for Check Express, Inc., a large national check-cashing and franchise operation.

**Areas of Technical Familiarity**

Mr. Marchant's technical expertise includes the following:

**Computer Operating Systems**

Sun Solaris, AT&T System V, Novell Unixware, SCO Unixware, SCO Unix, NCR Unix, IBM AIX, Microsoft Windows NT, 98, 95, 3.11, DOS, IOS

**Software/Utilities/Servers/Clients**

programming languages and compilers, 4GL's, databases, email servers, email clients, web servers, web browsers, DNS servers, DHCP servers, firewalls, Samba, VisionFS, HylaFax, word processors, presentation software, spreadsheets, diagram/flowchart software, optical character recognition software, graphical editors, text editors, terminal emulators, dialup networking, anti-virus software, data compression software, scheduling software, financial/accounting software

**Network Media and Related Concepts**

PRI, BRI, T1, T3, DS0, DS1, DS3, OC-3, OC-12, OC-48, OC-192, ISDN, POTS, Frame Relay, PVC, ATM, SONET, QoS, VoFR, VoIP, VoDSL, VoATM, TDM, VPN, PSTN, PBX, HDSL, CDSL, SDSL, IDSL, HDLSL2, ADSL, G.Lite/UADSL, VDSL, RADSL, DACS, DSX, NEBS3, ILEC, CLEC, RBOC, CBR, UBR, VBRrt, VBRnrt, SS7, E-911, UNE, dry copper, one-pair, two-pair, coax, fiber, 10BaseT, 10Base2, 100BaseT, MDF

**Equipment**

Ethernet hubs, Ethernet switches, Cisco routers, USR/3Com Total Control Enterprise Hubs, TSU's, ISDN terminal adapters, POTS modems, PC's, Laptops, Sun Microsystems computers, RAID controller boards, SCSI controller boards, IDE controller boards, video boards, network interface cards, sound cards, PCMCIA cards, IBM RS/6000's, symmetric multi-processor systems, 10/100BaseT-to-Fiber converters, X-Terminals, character-based (dumb) terminals, print servers, laser printers, dot matrix printers, scanners, zip drives, floppy drives, hard drives, QIC drives, DAT drives, CD-ROM drives.

Familiar with general function of: DMS100, DMS500, DACSII, CBX, CVX, 5ESS, AX1250, PathStar, Shasta, Redback, DSLAM, Tandem Switch

**Other**

Telecommunications Regulatory Issues

### **Associations**

Mr. Marchant serves many leadership roles as a highly respected member of the business community. His roles include the following:

1. Serves on the Florida Chamber Board of Governors including the taxation and members council committee from November, 1996 to the present.
2. Founded the Florida Internet Service Providers Association (FISPA ) April, 1996. Served as Vice-President until November 1997. FISPA is the nation's first and best Internet service providers association.
3. Elected President of FISPA November, 1997 for two-year term and was re-elected as president for a second two-year term on November, 1999.
4. Selected by the Florida Legislature to serve on the Florida Information Service Technology Development Task Force and serve on E-laws: Regulatory and Administration sub-committee in July 1999
5. Successfully lobbied against Internet taxation in Florida during the 1996 Florida legislative session.
6. Selected to serve on Rep. Sharon Merchant's Workgroup on Internet Crime Against Children April, 1999.
7. Selected to serve on Florida Chamber Management Corporation committee October 1999.
8. Member of the Florida Chamber of Commerce since 1995.

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### **References**

Available upon request.

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*Resume*  
**Daniel H. Webb**

526 NW 99 Terrace, Gainesville, FL 32607  
Home Phone: 352-331-1379 Email: dan@maxcess.net

**Objective**

To hold a position where my strengths in software development, operating systems management, and administration of systems, local area and wide area networking can best be utilized.

**Education**

Received Bachelor of Science In Business Administration, specialization in Computer and Information Sciences, University of Florida, May, 1986.

**Employment**

**Maxcess, Inc.**

Gainesville, FL

January 1999 to Present.

*Chief Technical Officer.* Responsibilities include selection of hardware and service vendors for building a nationwide converged, unified telecommunications and data/video network. Also responsible for selection of service partners for local and long-haul communications transport services, and Internet connectivity. Duties require excellent understanding of the very latest technological solutions for all aspects of the converged network and its services, and also requires excellent understanding of regulatory issues, marketing, sales, finance, and operations.

**Mercury Communications USA, Inc.**

Gainesville, FL

December 1995 to January, 1999

*Vice President of Operations.* Responsibilities included management of systems administrators, sales staff, technical support/call center staff, and clerical/bookkeeping staff for this Internet service provider company. Also wrote and implemented an automated billing system which was fully integrated with an existing accounting system. Also wrote customized business applications for customers using the C programming language and a relational database in various Unix environments. Also did network integration projects for customers, connecting those networks to the Internet and creating Virtual Private Networks. Key vendor contact for ordering, installation, and maintenance of data and telephony circuits.

**Energizer Power Systems, Inc.**

Gainesville, FL

February 1994 to December 1995

*Senior Analyst Programmer.* Responsible for software development and maintenance projects for Energizer's Battery Test and Evaluation group. Projects required thorough knowledge of Energizer's data acquisition systems running a real-time operating system (RTE-A) on HP1000 computers and interfacing to an HP9000 (HP-UX) for data storage and reporting. All software modifications had to be right the first time as there was no test system. Successfully demonstrated ability to quickly learn a totally different kind of operating system, programming language, scientific application, and apply that knowledge to quickly and successfully implement major system expansion projects.

**Marchant Business Systems, Inc.**

Gainesville, FL

June 1986 to February 1994

*Computer Programmer.* Responsible for selection and configuration of customer hardware and operating systems. Provided complete turn-key accounting and point of sale systems on AT&T 3Bx, Intel x86, and IBM RS/6000 hardware using System V Unix and AIX. Wrote a complete integrated accounting system using C, a relational database, and 4-GL tools. Did local and wide area networking using serial I/O and dialup and leased lines connected with multiplexors and modems. Responsible for all aspects of systems administration, applications development, customer training, sales, and marketing.

### **Core Competencies**

The majority of my career has been spent writing Unix-based software applications in "C", and interfacing those applications to a **database**. I'm quite expert at most aspects of **System V Unix, UnixWare, and AIX**. I'm also very good with **shell scripting**, and making use of the numerous utilities that exist within the Unix environment to accomplish complex tasks without writing much code (this includes the more obvious utilities such as cat and sort, for example.) I'm have some experience and am quite comfortable working in a **Solaris** environment. I'm also quite expert with **BASIC, Pascal, FORTRAN, and COBOL**, although I have not made use of those languages for quite some time. Also, I've been using "vi" for so long that it has become an extension of my body. I have a strong background in financial accounting.

### **Other Areas of Technical Familiarity, Concepts, and Equipment**

These are areas with which I am familiar and have experience to varying degrees, but would not want to lead you to believe that I am an expert:

#### **Software/Utilities/Servers/Clients**

make, sed, awk, sendmail administration, DNS administration, WindowsNT, Windows3.11, Windows95, DOS, X11, SQL, Samba, VisionFS, HylaFax, CheckPoint/FireWall1

#### **Network Media and Related Concepts**

PRI, BRI, T1, T3, DS0, DS1, DS3, OC-3, OC-12, OC-48, OC-192, ISDN, POTS, Frame Relay, PVC, ATM, SONET, QoS, VoFR, VoIP, VoDSL, VoATM, TDM, VPN, PSTN, PBX, HDSL, CDSL, SDSL, IDSL, HDSL2, ADSL, G.Lite/UADSL, VDSL, RADSL, DACS, DSX, NEBS3, ILEC, CLEC, RBOC, CBR, UBR, SS7, E-911, UNE, dry copper, one-pair, two-pair, coax, fiber, 10BaseT, 10Base2, 100BaseT

#### **Equipment**

Ethernet hubs, Ethernet switches, Cisco routers, USR/3Com Total Control Enterprise Hubs, TSU's, ISDN terminal adapters, POTS modems, PC's, Sun Microsystems computers, RAID controller boards, SCSI controller boards, IBM RS/6000's, Symmetric Multi-Processor Systems, 10/100BaseT-to-Fiber converters, X-Terminals, Character-based (dumb) terminals, Print Servers, Laser Printers, Dot Matrix Printers

Familiar with general function of: DMS100, DMS500, DACSII, CBX, CVX, 5ESS, AX1200, PathStar, Shasta, DSLAM, Tandem Switch

#### **Other**

Telecommunications Regulatory Issues,

### **Interests**

Currently teach first and second grade Sunday School at Grace United Methodist in Gainesville, Florida. I am very devoted to my wife and family. I enjoy spending time with the Lord and with my family, and I support my family's efforts to serve God. I also enjoy travel, fishing, cooking, gardening, and Gator athletics.

### **References**

Available upon request.

Managing Partner

The Founder and Managing Partner has over twenty-five years of business experience with twenty of those years in medical and information technology environments. Highlights of his management experience include positions as:

- o Executive Vice President and Chief Operating Officer of a privately-held software company in Boston. He profitably grew that company from under \$2 million to \$15 million in just over three years.
- o Chief Financial Officer of a \$40 million medical equipment manufacturer that more than doubled each year.
- o Director of Financial Planning and Analysis for a \$1 billion pharmaceutical and medical products company in Chicago.

Complete Management History

1988 - 1998	Founder and Managing Partner	Thomas Watt & Associates Atlanta, GA & Boston, MA
1985 - 1988	Exec. VP & Chief Operating Officer	InterSystems Corporation Boston, MA
1982 - 1983	Chief Financial Officer	Support Systems International Charleston, SC
1978 - 1982	Assistant Group Controller Medical Products Group Corporate Director, Financial Planning & Analysis	G. D. Scarle & Co. Chicago, IL
1975 - 1978	Director - Market Research & Planning Controller - Distribution & Service Planning Manager - Distribution & Service	Rockwell International Corp. Admiral Group Chicago, IL
1974 - 1975	Senior Financial Analyst	Norlin Corporation, Chicago, IL
1973 - 1974	Financial Analyst - Asset Management	CNA Financial Corporation Chicago, IL

Military Experience U. S. Navy Officer 1967 - 1971

Education M.B.A Finance University of South Carolina 1972  
B.S. Mathematics Illinois Institute of Technology 1967

**MICHAEL D. WEST**  
5001 WEST 129TH STREET  
LEAWOOD, KANSAS 66209  
H: 913-897-0371  
W: 913-534-6224

**PROFESSIONAL OBJECTIVE:**

My objective is to acquire an executive level management position within a professional, progressive and competitive organization. The position must offer the opportunity to explore and build an infrastructure to successfully compete in today's market while creating shareholders' value.

**CAREER OVERVIEW:**

Extensive experience in the development of highly competitive organizations with a focus on new revenue generation, profitability and meeting the needs and expectations of end-users. Management/technical experiences include but not limited to:

-Marketing      -Sales      -Software Analysis      -Project Management      -Network Control Center  
-Vertical Markets      -Residential and Business Focus      -Technical Witness  
-New Product/Application Development      -Switching and Transmission      -Engineering  
-Strategic Planning      -Contract Negotiations      -Systems Integration

**CAREER EXPERIENCE:**

**July 1998 to Present:** Sprint National Integrated Services, Overland Park Kansas

**Title: MANAGER, ACCESS STRATEGIES:**

**Strategic Planning (CLEC and IP)/National Standards/Process/Procedures/Negotiations**

Directing teams that are developing processes and procedures necessary to position Sprint (as a CLEC) strategically, operationally and organizationally to include, but not limited to: Collocation Build-outs, Installation, Engineering, and Maintenance. I am also driving project management activities, while continuing to technically support national interconnection negotiations and function as Sprint's national technical witness.

**August 1997 to July 1998:** Sprint National Integrated Services, Overland Park Kansas.

**Title: MANAGER, NIS REGIONAL ENGINEERING PROCESS INFRASTRUCTURE PLANNING:**

**National Standards/Process/Procedures/Negotiations**

Responsible for the development of network operational methods and procedures, disaster recovery planning, network performance standardization, contract and interoperability requirements of Sprint's network with other carrier's for local services. The responsibilities include, but not limited to; Installation, Engineering, Maintenance, Performance Standards and Technical Witness.

**August 1996 to August 1997:** Sprint World Headquarters, Westwood Kansas

**Title: OPERATIONS PLANNING MANAGER: ILEC/CLEC Technical Contract Negotiations**

I represented Sprint in RBOC contractual negotiations supporting Sprint's policy and technical requirements from an ILEC and CLEC position. I also facilitated and directed internal teams (Technical, Implementation, Legal, Regulatory, Costing, Billing and Policy) in bringing to closure complex business issues. (e.g. developing processes, tariff language, legal definitions, technical requirements, etc.)

**November 1991 to August 1996:** Sprint World Headquarters, Westwood Kansas

**DIRECTOR BUSINESS MARKET: Data/Network/Video/Systems Integration**

I directed the development of domestic marketing strategies, strategic initiatives, market size/growth forecast, pricing, sales activities, competitive analysis, advertising, and the launching of new products with a

major focus on revenue (growing revenue from \$12 to \$33 million the first year followed by continued growth of 35% -50%) and profitability, vendor management and vertical marketing applications.

**January 1987 to November 1991:** United Telephone Company of Ohio

**GENERAL MANAGER:** Data/Network Sales and Vertical Markets: Mansfield, Ohio

I developed and implemented multi-state marketing strategies, hired and positioned a highly competitive infrastructure (product development, sales, engineering and technical support), directed competitive analysis, tariff development, sales, engineering and maintenance of data and networking applications and transport elements. The first year the team was in place, we achieved 162% of the sales objective and began to position United Telephone as a strong competitive system integrator. As a result, corporate management recognized the success of the regional team that resulted in a system wide effort that I led.

**October 1984 to January 1987:** United Telephone Company of Ohio

**REGIONAL MANAGER:** Transmission and Special Services: Lima, Ohio

I managed and directed the maintenance of all transmission equipment, installation and maintenance of special services, transmission control center, and all major pair gain devices for the western side of the State. I also was responsible for the maintenance of public microwave equipment.

**September 1982 to October 1984:** United Telephone Company of Ohio

**SENIOR STAFF ANALYST/TECHNICAL SOFTWARE:** Mansfield, Ohio

This position supported all DMS 100/200 Digital Switches within the State of Ohio. The support focused on outage assistance and control, referrals, test and acceptance, firmware and software control, technical audits, and translation changes. This position required strong technical and managerial skills.

**March 1980 to September 1982:** United Telephone Company of Ohio

**FOREMAN:** Network Control Center: Mansfield/Mt. Vernon, Ohio

While in this position I managed, developed, enhanced and controlled the dispatch of central office trouble tickets, the analysis of trouble reports and administered preventive maintenance programs. This position, as well, included the development and publication of key divisional results.

**March 1977 to March 1980:** United Telephone Company of Ohio

**FOREMAN:** Central Offices: Mt. Vernon, Ohio

I was responsible for managing the work force that maintained the central offices, transmission equipment, supported operator services and installation maintenance of special service circuits within the Mt. Vernon district.

**March 1968 to March 1977:** North Electric, Galion, Ohio

**CENTRAL OFFICE INSTALLER, TECH A, INSTALLATION SUPERVISOR:** Ohio and Pennsylvania

Responsibilities included the installation and testing of various types of North Electric switching equipment e.g.: NX-1D, NX-1E, NX-1 Centrex, NT400, NT-500 and associated power systems.

After two years of holding the position of installer, I was placed in charge of my first installation job managing 27 personnel. During the rest of my career with North Electric, I supervised and managed small and major installations.

**AFFILIATIONS:**

- President and Vice President of North Central Marketing and Sales Club. (1990-91)
- United-North Central Speakers Bureau (1988-91)
- President of Knox County International Management Council (1982)
- President Gymnastics Booster Club (1988)
- Committee Chairman Kiwanis Club
- Committee member, Richland Economic Development Corporation appointed by the Company
- President of United-North Central.
- Active in community, school functions and organizations.

**OTHER INTEREST:**

Boating, snow skiing, golf, and family activities.

**REFERENCES:**

PU-2249-00-116; PU-2212-00-120

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