

# DIVIDER

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

## DESCRIPTION

**PU-04-627**  
Trans National Communications International, Inc.  
Local Exchange  
Public Convenience & Nece 04  
Filed 11/30/2004 Closed 1/28/2005



Public Service Commission  
Receipt of Payment

Receipt# 6469

Received 1/24/2006 Check# 17628 for \$142 51  
Subject Utility Valuation

**Docket # PU-04-627**

Trans National Communications International, Inc.  
TWO CHARLESGATE WEST  
Boston MA 02215-3540



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Ilona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web [www.psc.state.nd.us](http://www.psc.state.nd.us)  
e-mail: [ndpsc@state.nd.us](mailto:ndpsc@state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

January 4, 2006

Erick Robinson  
TNCI Inc  
2 Charlesgate W  
Boston MA 02215

RE: Case No. PU-04-627

Dear Mr. Robinson:

Enclosed is a copy of a statement approved by the Public Service Commission for expenses incurred in Case No. PU-04-627.

This statement was originally sent on March 23, 2005 and our records indicate that payment has not been received. N.D.C.C. § 49-21-01.7 requires that expenses for these proceedings be billed by the Public Service Commission and must be paid for by the telecommunications company involved in the proceeding.

Please send your check made payable to the Public Service Commission for the amount due as soon as possible to clear this account.

Thank you.

Sincerely,

  
William W. Binek  
Chief Counsel

**APPROVED**

DATE. 3-23-05  
KMF

MOTION

March 23, 2005

Trans National Communications  
International, Inc.  
Local Exchange  
Public Convenience and Necessity

Case No. PU-04-627

I move the Commission bill Trans National Communications International,  
Inc for costs incurred to date in Case No. PU-04-627, Trans National  
Communications International, Inc , Local Exchange, Public Convenience and  
Necessity.



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Tony Clark, President  
Susan E Wefald  
Kevin Cramer

Executive Secretary  
Illona A Jeffcoat-Sacco

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

March 23, 2005

Erick Robinson  
TNCI Inc  
2 Charlesgate W  
Boston MA 02215

RE. Case No. PU-04-627  
Trans National Communications International, Inc  
Local Exchange  
Public Convenience and Necessity

Enclosed is a copy of the statement approved at the March 23, 2005 Public Service Commission meeting for the expenses incurred to date in Case No PU-04-627.

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,

A handwritten signature in black ink, appearing to read "Gloria Geiger".

Gloria Geiger  
Admin Staff Officer  
701-328-2401

Enc.

# Billing Statement

March 23, 2005

Trans National Communications  
International, Inc  
Local Exchange  
Public Convenience and Necessity

Case No. PU-04-627

## Bill To:

Trans National Communications International, Inc . . . . . \$142.51

## Expenses Incurred to Date:

Advertising Costs \$142.51

## Send Payment and a Copy of this Statement To:

Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480

**Federal Tax ID 45-0309764**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity

Case No. PU-04-627

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 **27th day of January, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of

Order

The envelopes were addressed as follows

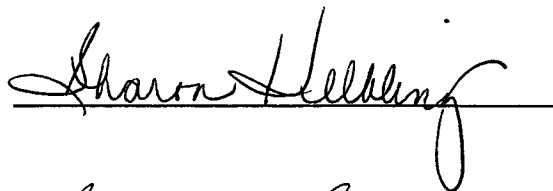
Patrick W Durick  
Pearce & Durick  
314 E Thayer Ave  
Bismarck ND 58502  
Cert. No. 7003 2260 0001 3517 9411

Erick Robinson  
TNCI Inc  
2 Charlesgate West  
Boston MA 02215  
Cert. No. 7003 2260 0001 3517 9435

Don Negaard  
Pringle & Herigstad  
P O Box 1000  
Minot ND 58702-1000  
Cert. No. 7003 2260 0001 3517 9442

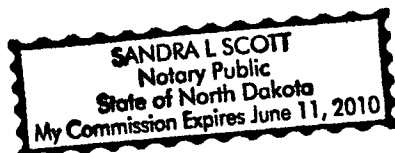
Each address shown is the respective addressee's last reasonably ascertainable post office address

Subscribed and sworn to before me  
this **27th day of January, 2005**



Notary Public

SEAL





# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Tony Clark, President  
Susan E Wefald  
Kevin Cramer

Executive Secretary  
Ilona A Jeffcoat-Sacco

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

January 27, 2005

Erick Robinson  
TNCI Inc  
2 Charlesgate West  
Boston MA 02215

Dear Mr. Robinson:

On January 26, 2005, the commission issued Certificate of Public Convenience and Necessity Nos. 5184 through 5209 to Trans National Communications International, Inc. to provide local exchange telecommunications services, with facilities, in all North Dakota exchanges currently served by Qwest Corporation, Case No. PU-04-627.

The original certificates are enclosed for your files.

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

Sincerely,

A handwritten signature in cursive script that reads "Sharon Helbling".

Sharon Helbling  
Public Utilities Division

sdh

Enclosures

**APPROVED**

**MOTION**

DATE 1-26-05  
KMF

**January 26, 2005**

**Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

I move the Commission adopt the Order granting the application of Trans National Communications International, Inc. for certificates of public convenience and necessity to provide telecommunication services in North Dakota.

JRL/sdh

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

**ORDER**

**January 26, 2005**

On November 30, 2004, Trans National Communications International, Inc. (TNCI) of Boston, MA filed an application for certificates of public convenience and necessity to provide facilities-based competitive local exchange telecommunication services in all North Dakota exchanges currently served by Qwest Corporation.

On December 1, 2004, the Commission issued a Notice of Opportunity for Hearing that provided until January 4, 2005 for receiving comments or hearing requests. In accordance with North Dakota Century Code chapter 49-03.1 and North Dakota Administrative Code section 69-09-05-11(3), the Commission's notice identified 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. Technical, financial and managerial ability of the applicant to provide service.

On January 3, 2005, the Rural Telephone Company Group (RTCG) filed comments requesting limitations to preserve the rural exemption under 47 U.S.C. 251 (f). RTCG stated it did not oppose the application and was not requesting a hearing.

On January 11, 2005, the Public Service Commission's Director of Accounting filed a memorandum indicating that TNCI has the financial ability to provide service.

On January 12, 2005, the Commission discussed the issues in this matter with the applicant and Commission staff at an informal hearing.

TNCI is a privately-held corporation formed in Delaware during August 1995. TNCI is authorized to provide long distance services throughout the 48 contiguous United States and has been registered to resell interexchange services in North Dakota since October 20, 1999. TNCI has been authorized to provide local exchange service in several states and has plans for seeking authority in other states. TNCI was registered to resell local exchange service on December 15, 2004 in Case No. PU-04-626.

TNCI intends to offer a full range of local and long distance services using a combination of UNE-P and resale products. TNCI plans to focus its marketing efforts on business customers, but will offer residential services as well.

TNCI maintains a toll free customer service telephone number available 24 hours per day, 7 days per week.

Exhibit A to the application provides biographical information indicating that TNCI's corporate officers have extensive telecommunications experience.

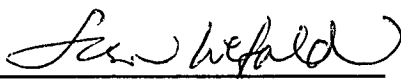
The Commission finds TNCI's proposed service adequate.

The Commission finds TNCI is fit, able, and has the technical, financial and managerial ability to provide service.

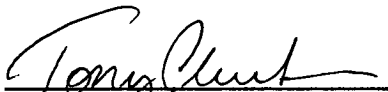
### Order

The Commission Orders the application of Trans National Communications International, Inc. for certificates of public convenience and necessity to provide facilities-based competitive local exchange telecommunications services in all North Dakota exchanges currently served by Qwest Corporation is GRANTED.

### PUBLIC SERVICE COMMISSION



**Susan E. Wefald**  
Commissioner



**Tony Clark**  
President



**Kevin Cramer**  
Commissioner

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5184**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

*cc:lj*  
  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5185**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
Commissioner

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5186**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5187**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5188**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5189**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5190**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5191**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5192**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5193**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5194**

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

*This certificate is issued in Case No. PU-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5195**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5196**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5197**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5198**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5199**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5200**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5201**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission  
STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5202**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission  
STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5203**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

*ads*  
  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission  
STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5204**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5205**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission  
STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5206**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission  
STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5207**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5208**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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 central office.*

*This certificate is issued in Case No. PU-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**Public Service Commission**  
**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5209**

*This is to certify that public convenience and necessity require, and permission is granted for Trans National Communications International, 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-04-627 and is conditioned upon Trans National Communications International, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, January 26, 2005.*

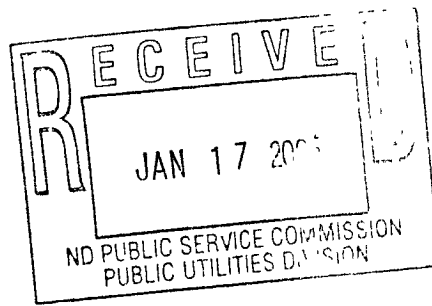
**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF  
NORTH DAKOTA**



**Affidavit of** §  
**TRANS NATIONAL COMMUNICATIONS** §  
**INTERNATIONAL, INC.** §

**In support of an Application for a** §  
***Certificate of Public Convenience*** §  
***and Necessity to Provide Competitive*** §  
***Facilities-Based Local Exchange*** §  
***Telecommunications Services in the*** §  
***State of North Dakota*** §

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

**AFFIDAVIT**

**TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC. ("TNCI")** proposes to offer long distance, local exchange and all forms of switched, dedicated, data and internet services to commercial consumers in the state of North Dakota via an unbundled network element platform, and resale agreements with local exchange carriers. **TNCI** submits this Affidavit in support of the Company's above-styled application and herein affirms the Company's technical, financial and managerial fitness to provide resale and facilities-based telecommunications products and services to consumers within the state of North Dakota.

**IN SUPPORT THEROF:**

**I. MANAGERIAL FITNESS OF THE COMPANY**

**TNCI** affirms that its management team is comprised of very well qualified leaders who possess broad and significant experience within the telecommunications industry. As such, **TNCI** is well suited to serve the consumers of the state of North Dakota by providing competitive telecommunications services.

**I. FINANCIAL FITNESS OF THE COMPANY**

**TNCI** affirms it has access to sufficient capital to fund the development and maintenance of its telecommunications operations in North Dakota.

**III. TECHNICAL FITNESS OF THE COMPANY**

**TNCI** affirms it utilizes industry-leading software platforms and technical operational systems and processes in the areas of telecommunications order entry, product development, service provisioning, billing and customer care. Further, **TNCI's** commitment to acquiring, developing

and maintaining a high-level of technological competence distinguishes the Company as a leader within the telecommunications industry. As such, TNCI's high degree of technical functionality ensures it will provide state-of-the-art telecommunications operations within the state of North Dakota.

#### **IV. GENERAL**

- A. TNCI affirms it is a privately held corporation formed on August 1, 1995 under the laws of the state of Delaware.
- B. TNCI affirms it is certified to provide local exchange telecommunications services in the following states: DC, FL, GA, IL, IN, KY, MA, MD, ME, MS, MI, NJ, NY, OH, OR, PA, RI, TX, VA, VT, WA and WI.
- C. TNCI affirms it is pending approval to provide local exchange telecommunications in the following states: AZ, CT, IA, ID, NH, NV, and UT. The Company plans to seek a Certificate of Authority in other states in 2005.
- D. TNCI affirms it is certified to provide long distance telecommunications services in the 48 contiguous United States.
- E. TNCI affirms it has received authority to transact business in North Dakota as a foreign corporation.
- F. TNCI affirms it is presently negotiating an interconnection agreement with Qwest Communications International, Inc. ("Qwest") to allow the Company to operate within Qwest's service area maps in the state of North Dakota that are currently on file with the Commission.
- G. TNCI affirms that all of the proposed local exchange services it proposes to offer in the state of North Dakota will be provided pursuant to the terms and conditions set forth in the Company's local exchange service tariff. This tariff will be provided after successfully negotiating an interconnection agreement with Qwest.
- H. TNCI affirms will assist customers within the state of North Dakota with billing questions 24 hours a day, seven (7) days a week. Customer Service Representatives will also be available to assist customers with other questions and product offerings. TNCI will work with customers to resolve any complaints in a satisfactory manner.
- I. TNCI affirms it will bill all of its customers within the state of North Dakota directly. All invoices sent to customers will bear the company's name and provide a toll-free number for customer inquiries and complaints.
- J. TNCI affirms it will respond to formal and informal inquiries from state agencies, along with inquiries and complaints from North Dakota consumers in accordance with applicable Commission rules and guidelines, and state of North Dakota laws.

K. **TNCI** affirms it will investigate and resolve service-affecting issues impacting its customers within the state of North Dakota. Consumers may contact **TNCI** toll-free, twenty-four (24) hours a day, seven (7) days a week, at (800) 800-8400.

L. **TNCI** affirms its principle address is:

**TNCI, Inc.**  
2 Charlesgate West  
Boston, MA 02215

M. **TNCI** affirms its registered agent in North Dakota for service of process is:

National Registered Agents, Inc.  
220 North Fourth Street  
Bismarck, ND 58501  
Federal ID # - 13-3837683

N. **TNCI** affirms its corporate officers include:

**Brian Twomey, President**  
**TNCI, Inc.**  
2 Charlesgate West  
Boston, MA 02215

**Chuck Luca, Senior Vice President**  
**TNCI, Inc.**  
2 Charlesgate West  
Boston, MA 02215

**Phillip Josephson, Vice President and General Counsel**  
**TNCI, Inc.**  
2 Charlesgate West  
Boston, MA 02215

## **V. STATEMENT OF COMPLIANCE**

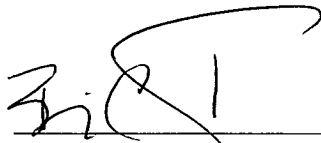
**TNCI** affirms that it agrees to abide by all applicable statutes, orders, rules and regulations entered and adopted by the Commission for competitive local carriers in North Dakota. The Company will allow its local exchange customers to obtain interLATA and intraLATA long distance service from other toll carriers as well as local operator services and directory assistance services from other providers on a non-discriminatory basis. Where **TNCI** offers service in a particular exchange, the Company will offer that service on a non-discriminatory basis to all customers in that exchange. **TNCI** will provide its local customers with a local calling area that is at least as large in scope as the calling area of the incumbent local exchange carrier in that area.

**VI. PUBLIC INTEREST CONSIDERATIONS**

TNCI affirms that approval of this Application will serve the public interest and result in direct benefits to local and long distance customers in the state North Dakota. The Company will excel in outstanding customer service and provide services that are affordable and unique to the telecommunications industry.

**WHEREFORE PREMESIS CONSIDERED,** TNCI herein affirms as accurate, true and complete the foregoing statements regarding the Company's above-styled petition before this Commission for a *Certificate of Public Convenience and Necessity to provide competitive facilities-based local exchange telecommunications services in the State of North Dakota.*

Respectfully submitted,



---

**BRIAN TWOMEY**

**President**

**TNCI, Inc.**

2 Charlesgate West

Boston, MA 02215

Telephone: (617) 369-1052

**SIGNED AND SUBSCRIBED BEFORE ME THIS 14<sup>th</sup> day of January, 2005.**

(Seal)



Kimberly Nolan

Notary Public

State of Massachusetts

My Commission Expires: June 9, 2006

**North Dakota Public Service Commission**  
**INFORMAL HEARING**  
**January 12, 2005**

**Trans National Communications International, Inc.**  
**Local Exchange**  
**Public Convenience & Necessity**

**PU-04-627**  
**Filed: 11/30/04**

**Summary of Proposal:** Trans National Communications International, Inc. (TNCI) of Boston, MA has filed an application for certificates of public convenience and necessity to provide facilities-based competitive local exchange telecommunication services in all North Dakota exchanges currently served by Qwest Corporation.

**Procedural History:** On December 1, 2004 the Commission issued a Notice of Opportunity for Hearing, which provided until January 4, 2005 for receiving comments or hearing requests regarding the instant application for a certificate of public convenience and necessity. On January 3, 2005 the Rural Telephone Company Group filed comments requesting that any order granting authority on a state-wide basis include language to preserve the "rural safeguard" rights of rural telephone companies under 47 U.S.C. 251(f). Note that TNCI is not seeking statewide authority. No requests for hearing have been received.

**Discussion:** TNCI is a privately-held corporation formed in Delaware on August 1, 1995. At the time of its application, TNCI reported certification to provide local exchange service in 23 states with applications pending in seven others and plans for seeking authority in other states in the future. TNCI further reported certification to provide long distance services throughout the 48 contiguous United States. TNCI has been registered to resell interexchange service in North Dakota since October 20, 1999 and was registered to resell local exchange service on December 15, 2004 in Case No. PU-04-626.

TNCI intends to offer a full range of local and long distance services, including data and internet services using a combination of UNE-P and resale products. TNCI plans to focus its marketing efforts on business customers, but states it will offer residential services as well. TNCI reports a toll free customer service telephone number (800 800-8400) available 24 hours per day, 7 days per week.

Exhibit A to the application provides biographical information indicating that TNCI's corporate officers have extensive telecommunications experience.

A limited staff financial review (see staff memo dated January 11, 2005) indicated that TNCI has access to sufficient equity to provide service in North Dakota.

**Recommendation:** I recommend approval.

**Prepared by:** Jerry Lein

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity

Case No. PU-04-627

**AFFIDAVIT OF SERVICE BY ORDINARY 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 **11th day of January, 2005**, 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.

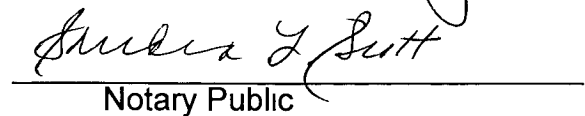
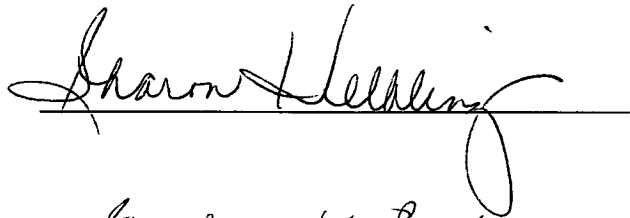
**Staff Memorandum on Financial Ability**

The envelope was addressed as follows

Erick Robinson  
TNCI Inc  
2 Charlesgate West  
Boston MA 02215

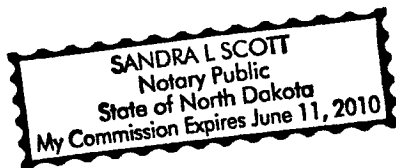
Each address shown is the respective addressee's last reasonably ascertainable post office address

Subscribed and sworn to before me  
this **11th day of January, 2005**.



Notary Public

SEAL





# Public Service Commission

## State of North Dakota

### COMMISSIONERS

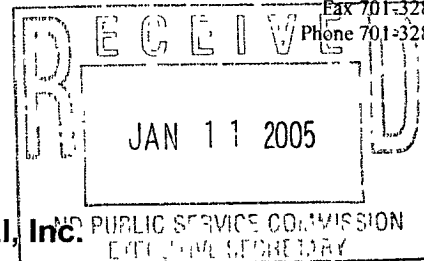
Tony Clark, President  
Susan E Wefald  
Kevin Cramer

Executive Secretary  
Illona A Jeffcoat-Sacco

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

## Memorandum

**To:** Illona Jeffcoat-Sacco, Executive Secretary  
**From:** Mike Diller, Director of Accounting *MD*  
**Date:** January 11, 2005  
**Re:** **Trans National Communicatins International, Inc.**  
**Local Exchange PC&N**  
**Case No. PU-04-627**



The following is written to provide the commission with a very limited review of the applicant's financial ability to provide service.

Staff reviewed the financial information filed by the applicant for the period ending December 31, 2003, noting stockholder equity of \$251,000.

Based on its review, staff concludes that the applicant has access to sufficient capital to provide service in North Dakota.

Staff sees no reason to deny this application and will provide this document to the applicant.

DONALD A. NEGAARD  
JAMES E. NOSTDAHL  
CAROL K. LARSON  
DAVID J. HOGUE  
REED A. SODERSTROM  
BRENT M. OLSON  
DEBRA L. HOFFARTH  
SCOTT M. KNUDSVIG  
ERIKA L. SLEGER  
RYAN D. SANDBERG

**PH**  
LAW OFFICES OF  
**PRINGLE & HERIGSTAD, P.C.**

2525 ELK DRIVE  
POST OFFICE BOX 1000  
MINOT, NORTH DAKOTA 58702  
(701) 852-0381  
FAX (701) 857-1361  
E-mail pringle@srt.com

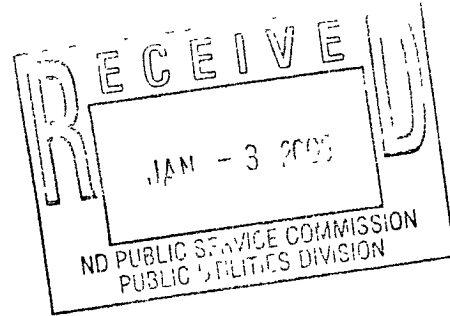
OF COUNSEL  
HERBERT L. MESCHKE

RETIRED  
THOMAS A. WENTZ  
MARK F. PURDY  
JAN M. SEBBY

KENNETH G. PRINGLE  
(1914-1983)  
ROGER O. HERIGSTAD  
(1919-2003)

December 30, 2004

Ms. Ilona Jeffcoat-Sacco  
Executive Secretary  
PUBLIC SERVICE COMMISSION  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480



**MIDCONTINENT COMMUNICATIONS LOCAL EXCHANGE PUBLIC CONVENIENCE AND NECESSITY  
CASE NO. PU-04-546**

**BULLSEYE TELECOM, INC. LOCAL EXCHANGE PUBLIC CONVENIENCE AND NECESSITY  
CASE NO. PU-04-603**

**TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC. LOCAL EXCHANGE PUBLIC CONVENIENCE AND NECESSITY  
CASE NO. PU-04-627**

Enclosed herewith for filing in each of the above matters are an original and seven copies of the Comments of the Rural Telephone Company Group on the Applications for Certificate of Public Convenience and Necessity of Midcontinent Communications, Case No. PU-04-546, BullsEye Telecom, Inc., Case No. PU-04-603, and Trans National Communications International, Inc., Case No. PU-04-627

  
Don Negaard

jt

Enclosures

**18 PU-04-546** Pages 2

Cover letter re Comments  
by Rural Telephone Company Group

**8 PU-04-603** Pages 2

Cover letter re Comments

**8 PU-04-627** Pages 2

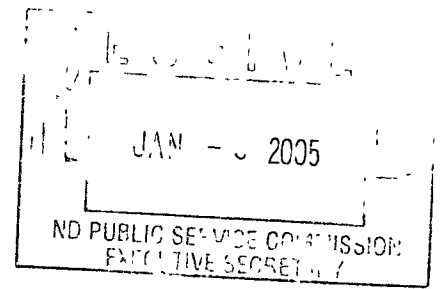
Cover letter re Comments  
by Rural Telephone Company Group

01/03/2005

CC Comm Legal Ilona Jerry

cc/enc Jerome Tishmack, Manager - BEK Communications Cooperative  
Paul Schuetzler, Manager - Consolidated Telcom  
Keith Larson, Manager - Dakota Central Telecommunications Cooperative and  
Dakota Central Telecom I, Inc.  
Mark Scallon, Manager, Dickey Rural Telephone Cooperative  
Ray Brown, Manager, Griggs County Telephone and Moore & Liberty Telephone  
Keith Andersen, Manager - Inter-Community Telephone Company, LLC  
Mark Wilhelmi, Manager - Midstate Telephone Company and Midstate Communications, Inc.  
Dick Thronson, Manager, Nemont Telephone Company and Missouri Valley Communications, Inc  
Dave Dircks, Manager - North Dakota Telephone Company  
Dwight Schmitt, Manager - Northwest Communications Cooperative  
David L. Dunning, Manager - Polar Communications Mutual Aid Corporation  
and Polar Telecommunications, Inc.  
Jeffrey J. Olson, Manager, Red River Telephone Association and Red River Telecom, Inc.  
Royce S Aslakson, Manager - Reservation Telephone Cooperative  
Steve Lysne, Manager - SRT Communications, Inc  
Kenneth Carlson, Manager, United Telephone Mutual Aid Corporation and Turtle Mountain  
Communications  
Albert R. Grosz, Manager - West River Telecommunications Cooperative  
David Crothers, North Dakota Association of Telecommunications Cooperatives

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



**Trans National Communications International, Inc.**  
**Local Exchange**  
**Public Convenience and Necessity**

**Case No. PU-04-627**

**COMMENTS OF THE RURAL TELEPHONE COMPANY GROUP ("RTCG")**  
**ON THE APPLICATION FOR CERTIFICATE OF**  
**PUBLIC CONVENIENCE AND NECESSITY**  
**OF TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.**

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 this case under the Act

The RTCG includes

BEK Communications Cooperative  
Consolidated Telcom  
Dakota Central Telecommunications Cooperative and Dakota Central Telecom I  
Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc , and  
Dickey Rural Access, Inc  
Griggs County Telephone Company and Moore & Liberty Telephone Company  
Inter-Community Telephone Company, L L C  
Midstate Telephone Company and Midstate Communications, Inc  
Nemont Telephone Company and Missouri Valley 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

If the application in question is for a certificate to provide local telecommunications service in any area not currently served with local services by Qwest, the RTCG offers the following comments

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, NDAATC. This issue concerns rural telephone companies and what effect the grant of a certificate would have on them. NDAATC 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 NDAATC 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 NDAATC 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 the pending application. The RTCG does request that any order issued to grant the pending application 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).

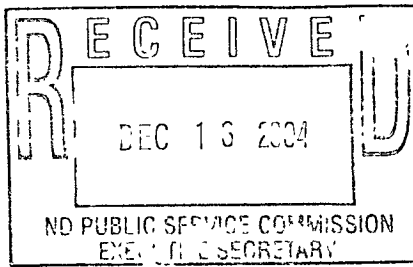
By the comments contained herein, none of the above-named companies shall be deemed to have waived its rights to claim that the applicant or its parent or subsidiary companies are prohibited from competing with the RTCG or their subsidiaries.

Dated at Minot, North Dakota, this 30th day of December, 2004

  
PRINGLE & HERIGSTAD, P.C.

---

By Don Negaard, ND Bar ID #03598  
Attorneys for RTCG  
2525 Elk Drive  
P.O. Box 1000  
Minot, ND 58702-1000  
(701) 852-3081



# Affidavit of Publication

Colleen Park, 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:  
PSC, Midcontinent - Trans National, 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.

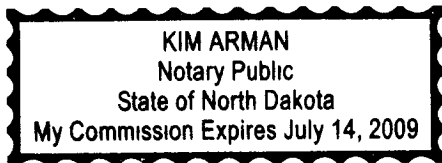
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 14 day of December 2004.

Kim Arman



16    **PU-04-546**    Pages 1  
 Affidavit of Publication  
 by North Dakota Advertising Service Inc  
 12/16/04 ND Comm Legal Ilona Jerry Annette Mike

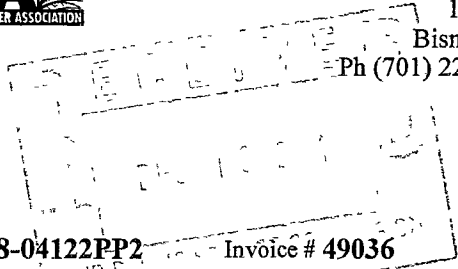
6    **PU-04-603**    Pages 1  
 Affidavit of Publication  
 by North Dakota Advertising Service Inc

6    **PU-04-027**    Pages 1  
 Affidavit of Publication  
 by North Dakota Advertising Service Inc  
 12/16/04 ND Comm Legal Ilona Jerry



# North Dakota Newspaper Association

1435 Interstate Loop  
Bismarck, ND 58503-0567  
Ph (701) 223-6397 • Fax (701) 223-8185



## INVOICE

Order **19988-04122PP2** Invoice # **49036**

December 15, 2004

Attn: **ILLONAA, JEFECOAT-SACCO**  
**PUBLIC SERVICE COMMISSION**  
**600 E. BOULEVARD AVE.**  
**STATE CAPITOL**  
**BISMARCK, ND 58505**

Advertiser: **Public Utilities Division**

P O.#: **PU-04-546,603,627**

Voice 701-328-4076

Amount Due **\$427.55**

Amount Paid

*Please detach and return this portion with your payment*

Public Utilities Division Invoice # 19988-04122PP2-49036 PO# PU-04-546,603,627

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
<b>Bismarck Tribune (Bismarck ND)</b>							
67 00	SPR2	0 64	42 88	0 00	Midcontinent - Trans N		12/06/04
<b>Devils Lake Daily Journal (Devils Lake ND)</b>							
70 00	SPR2	0 63	44 10	0 00	Midcontinent - Trans N		12/06/04
<b>Dickinson Press (Dickinson ND)</b>							
73 00	SPR2	0 57	41 61	0 00	Midcontinent - Trans N		12/08/04
<b>Fargo, The Forum (Fargo ND)</b>							
62 00	SPR2	0 71	44 02	0 00	Midcontinent - Trans N		12/13/04
<b>Grand Forks Herald (Grand Forks ND)</b>							
64 00	SPR2	0 69	44 16	0 00	Midcontinent - Trans N		12/07/04
<b>Jamestown Sun (Jamestown ND)</b>							
74 00	SPR2	0 54	39 96	0 00	Midcontinent - Trans N		12/06/04
<b>Minot Daily News (Minot ND)</b>							
76 00	SPR2	0 54	41 04	0 00	Midcontinent - Trans N		12/06/04
<b>Valley City Times-Record (Valley City ND)</b>							
68 00	SPR2	0 61	41 48	0 00	Midcontinent - Trans N		12/06/04
<b>Wahpeton Daily News (Wahpeton ND)</b>							
93 00	SPR2	0 51	47 43	0 00	Midcontinent - Trans N		12/08/04
<b>Williston Herald (Williston ND)</b>							
67 00	SPR2	0 61	40 87	0 00	Midcontinent - Trans N		12/06/04

Gross Advertising	427 55	Total Misc	0 00	Amount Paid	0 00
Agency Discount		Tax	0 00	Adjustments	0.00
Other Discount	0.00	Total Billed	427 55	Payment Date	
Service Charge	0 00	Unbilled	0 00	Balance Due	427.55

**6 PU-04-603** Pages 1

Affidavit of Publication

**16 PU-04-546** Pages 1

Affidavit of Publication

by North Dakota Advertising Service, Inc

12/16/2004C Comm Legal Ilona Jerry, Annette, Mike

**6 PU-04-627** Pages 1

Affidavit of Publication

by North Dakota Advertising Service, Inc

12/16/2004 CC Comm Legal Ilona Jerry

State Of North Dakota  
Public Service Commission  
Notice Of Opportunity For Hearing  
December 1, 2004  
Case No PU - 04 - 627

Bismarck	12-6
Devils Lake	12-6
Dickinson	12-8
Fargo	12-13
Grand Forks	12-7
Jamestown	12-6
Minot	12-6
Valley City	12-6
Wahpeton	12-8
Williston	12-6

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

**Midcontinent Communications  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-546**

**BullsEye Telecom, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-603**

**Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

**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 **2nd day of December, 2004**, 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:

Patrick W Durick  
Pearce & Durick  
314 E Thayer Ave  
Bismarck ND 58502  
**Cert. No. 7003 2260 0001 3517 9152**

Monique Byrnes  
Technologies Management Inc  
210 N Park Ave  
Winter Park FL 32790-0200  
**Cert. No. 7003 2260 0001 3517 9169**

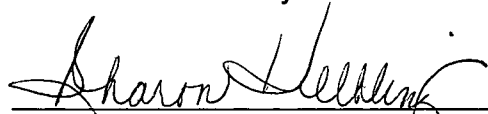
Erick Robinson  
TNCI Inc  
2 Charlesgate West  
Boston MA 02215  
**Cert. No. 7003 2260 0001 3517 9213**

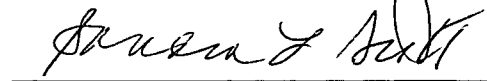
**Sharon Helbling** further deposes and says that on the **2nd day of December, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same

Mary Lohnes  
Midcontinent Communications  
410 S Phillips Ave  
Sioux Falls SD 57104

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

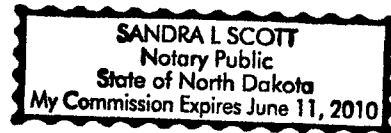
Subscribed and sworn to before me  
this **2nd day of December, 2004**.

  
\_\_\_\_\_

  
\_\_\_\_\_

Notary Public

SEAL



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

**Midcontinent Communications  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-546**

**BullsEye Telecom, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-603**

**Trans National Communications International,  
Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

**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 **2nd day of December, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and e-mailed, each containing a photocopy of

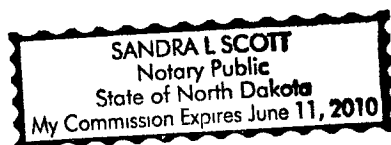
**Notice of Opportunity for Hearing**

The envelopes were addressed as follows

***See Attached List***

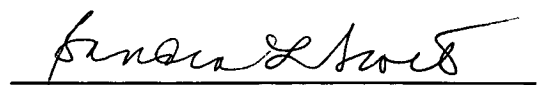
Each address shown is the respective addressee's last reasonably ascertainable post office address

Subscribed and sworn to before me  
this **2nd day of December, 2004**



SEAL

  
\_\_\_\_\_

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

mariep@telcogroupinc.com  
Marie Pierre-Paul

wbrudvik@ohnstadlaw.com  
William Brudvik

dennis.kelley@reconex.com  
Dennis Kelley  
1-800-Reconex Inc  
2500 Industrial Ave  
Hubbard OR 97032

jlchapman@acomminc.com  
Jerry Chapman  
Acomm Inc  
510 1st Ave N Ste 203  
Minneapolis MN 55403-0343

janetkeller@att.com  
Janet Browne  
AT&T  
1875 Lawrence St 14th Fl  
Denver CO 80202

jcremer@bantzlzlaw.com  
James Cremer  
Bantz Gosh & Cremer LLC  
305 6th Ave SE  
Aberdeen SD 57402-0970

smassey@bepc.com  
Sheryl Massey  
Basin Electric Power Coop  
1717 E Interstate Ave  
Bismarck ND 58501-0564

jtmgr@bektel.com  
Jerome Tishmack  
BEK Communications Cooperative  
PO Box 230  
Steele ND 58482-0230

jtmgr@bektel.com  
Jerome Tishmack  
BEK Communications I Inc  
PO Box 230  
Steele ND 58482-0230

linda.gilmore@broadwing.com  
Linda Gilmore  
Broadwing Communications LLC  
1122 S Capital of TX Hwy  
Austin TX 78746-6426

mannawiz@pacbell.net  
Larry Manna  
Compuwiz  
1012 Industrial Blvd  
South Lake Tahoe CA 96150

sheba.chacko@btna.com  
Sheba Chacko  
Concert Communications Sales LLC  
11440 Commerce Park Dr  
Reston VA 20191

bryan@consolidatedtelcom.com  
Bryan W Personne  
Consolidated Telcom

paul@consolidatedtelcom.com  
Paul Schuetzler  
Consolidated Telcom  
PO Box 1077  
Dickinson ND 58601-1077

ken@consolidatedtelcom.com  
Paul Schuetzler  
Consolidated Telcom  
PO Box 1077  
Dickinson ND 58601-1077

mjrasher@msn.com  
Mary Jane Rasher  
DCI Group

drtc@drtel.net  
Mark Scallon  
Dickey Rural Telephone Cooperative  
PO Box 69  
Ellendale ND 58436-0069

lhankins@covad.com  
Lynn Hankins  
DIECA Communications Inc  
7901 Lowry Blvd  
Denver CO 80202

bgipson@vartec.net  
Becky Gipson  
Excel Telecommunications Inc  
1600 Viceroy Dr  
Dallas TX 75235

meredith.gifford@ge.com  
Meredith Gifford  
GE Business Productivity Solutions Inc  
3225 Cumberland Blvd Ste 700  
Atlanta GA 30339

glenn.richards@shawpittman.com  
Glenn Richards  
Glenn Richards  
ShawPittman  
2300 N St NW

cooperstown@mlgc.com  
Ray Brown  
Griggs County Telephone Co  
P O Box 506  
Cooperstown ND 58425-0506

rlaqua@rrv.net  
Ronald Laqua  
Halstad Telephone Company  
PO Box 55  
Halstad MN 56548-0055

carl.billek@corp.idt.net  
Carl Billek  
IDT America, Corp.  
520 Broad St 7th Fl  
Newark NJ 07102

jamie@ignus.com  
Jamie Kubik  
Ignus Inc  
P O Box 9202  
Fargo ND 58106-9202

karen.johnson@integratelecom.com  
Karen Johnson  
Integra Telecom of North Dakota Inc  
1201 NE Lloyd Blvd Ste 500  
Portland OR 97232

kander@ictc.com  
Keith Anderson  
Inter-Community Telephone Company LLC  
PO Box 8  
Nome ND 58062-0008

sales@kmavradio.com  
KMAV AM/FM RADIO  
PO Box 216  
Mayville ND 58257-0216

susan.p.green@lmco.com  
Susan Green  
Lockheed Martin Global Telecomm  
12506 Lake Underhill Rd MP 836  
Orlando FL 32825

Michel.singer\_nelson@mci.com  
Michel Singer-Nelson  
MCI WorldCom Inc  
707 17th St Ste 3600  
Denver CO 80202

gerrya@midrivers.com  
Gerry Anderson  
Mid-Rivers Telephone Coop Inc  
PO Box 280  
Circle MT 59215-0280

2kathyg@nemontel.net  
Kathy Greenwood  
Missouri Valley Communications Inc  
P O Box 600  
Scobey MT 59263-0600

karen.collins@mdu.com  
Karen Collins  
Montana-Dakota Utilities Co  
400 N 4th St  
Bismarck ND 58501

sbunn@mlgc.com  
Shelie Bunn  
Moore & Liberty Telephone Co  
Enderlin ND 58027

dhill@ndarec.com  
Dennis Hill  
ND Assn Rural Electric Coops  
PO Box 727  
Mandan ND 58554-0727

pschaner@ndarec.com  
Patti Schaner  
ND Assn Rural Electric Coops  
PO Box 727  
Mandan ND 58554-0727

2kathyg@nemontel.net  
Kathy Greenwood  
Nemont Telephone Cooperative Inc  
Scobey MT 59263

jsilveira@netlojix.com  
Janet Medeiros-Silveira  
NetLoqix Telecom Inc  
501 Bath St  
Santa Barbara CA 93101

prieck@newaccess.cc  
Pam Rieck  
New Access Communications LLC

abussmann@newaccess.cc  
New Access Communications LLC  
801 Nicollet Ave Ste 350  
Minneapolis MN 55402-2519

lclemens@nft.net  
Larry Clemens  
Noonan Farmers Tele Co  
Noonan ND 58765

rer@norlight.com  
Robert E Rogers  
NorLight Inc  
275 N Corporate Dr  
Brookfield WI 53045

laurie.willman@nbne.info  
Laurie Willman  
North By NortheastCom LLC

pat@ndta.net  
Patricia Gisinger  
North Dakota Telephone Assoc  
PO Box 2614  
Bismarck ND 58502-2614

dwights@nccray.com  
Dwight Schmitt  
Northwest Communications Coop  
PO Box 38  
Ray ND 58849-0038

ddunning@polarcomm.com  
David Dunning  
Polar Commun Mut Aid Corp  
PO Box 270  
Park River ND 58270-0270

ddunning@polarcomm.com  
David Dunning  
Polar Telcom Inc  
PO Box 270  
Park River ND 58270-0270

ddunning@polarcomm.com  
David Dunning  
Polar Telecommunications Inc  
PO Box T  
Park River ND 58270

donn@srt.com  
Don Negaard  
Pringle and Herigstad P C  
PO Box 1000  
Minot ND 58702-1000

sschwan@qwest.com  
Suzy Schwandt  
Qwest Corporation

kblicke@qwest.com  
Kent Blickensderfer  
Qwest Corporation  
PO Box 5508  
Bismarck ND 58502-5508

melvin.kambeitz@qwest.com  
Mel Kambeitz  
Qwest Corporation  
220 N 5th St  
Bismarck ND 58501

smacint@qwest.com  
Scott Macintosh  
Qwest Corporation  
PO Box 5508  
Bismarck ND 58502-5508

karen.titzer@qwest.com  
Karen Titzer  
Qwest Corporation  
1801 California St Rm 4700  
Denver CO 80202

areyes@telfile.com  
Ayanery Reyes  
QX Telecom LLC  
230 5th Ave Ste 800  
New York NY 10001

pam@tnics.com  
Pamela Harrington  
RC Communications Inc  
PO Box 197  
New Effington SD 57255-0197

jeffolson@rrt.net  
Jeff Olson  
Red River Rural Tele Assoc  
PO Box 136  
Abercrombie ND 58001-0136

jeffolson@rrt.net  
Jeff Olson  
Red River Telecom Inc  
PO Box 136  
Abercrombie ND 58001-0136

royce@restel.net  
Royce Aslakson  
Reservation Telephone Cooperative  
Parshall ND 58770

mbrestel@ndak.net  
Marcia Burckhard  
Reservation Telephone Cooperative  
Parshall ND 58770

shaneh@restel.net  
Shane Hart  
Reservation Telephone Cooperative  
Parshall ND 58770

pam@tnics.com  
Pamela Harrington  
Roberts Cty Tele Coop Assoc  
New Effington SD 57255

suelh@srttel.com  
Sue Hamilton  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

stevedl@srttel.com  
Steve Lysne  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

christm@srttel.com  
Chris Morsefield  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

janehp@srttel.com  
Jane Petersen  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

johnar@srttel.com  
John Reiser  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

kimrw@srttel.com  
Kim Weydahl  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

mdickerson@state.nd.us  
Marcy Dickerson  
State Tax Department  
State Capitol  
Bismarck ND 58505

francie@talk.com  
Francie McComb  
Talk America Inc  
12001 Science Dr Ste 130  
Orlando FL 32826

lwh@thlglaw.com  
Loubna W Haddad  
The Helein Law Group LLP  
8180 Greensboro Dr Ste 700  
McLean VA 22102

lahall@usgs.gov  
Lenora Hall  
U S Geological Survey

kjvannin@usgs.gov  
K Vannin  
U S Geological Survey

jennifer.arnold@uslink.com  
Jennifer Arnold  
U S Link Inc  
P O Box 327  
Pequot Lakes MN 56472-0327

mspead@universalservice.org  
Michael Spead  
USAC  
2120 L St NW Ste 600  
Washington DC 20037

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

bgipson@vartec.net  
Becky Gipson  
VarTec Solutions Inc  
1600 Viceroy Dr  
Dallas TX 75235

anthony.gillman@verizon.com  
Anthony Gillman  
Verizon Select Services Inc  
P O Box 110  
Tampa FL 33601-0110

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

mickg@westriv.com  
Mick Grosz  
West River Telecommunications Coop  
PO Box 467  
Hazen ND 58545-0467

windfall\_resources@sbcglobal.net  
Robert K Lock  
Windfall Resources International LLC  
7144 BN Harlem Ave Ste 323  
Chicago IL 60631

paulihland@wtc-mail.net  
Paul Ihland  
Wolverton Telephone Company  
P O Box 270  
Wolverton MN 56594-0270

Carolyn Fodor  
Winstar Communications  
21290 Melrose Ave  
Southfield MI 48075-7901

Jennifer Sikes  
1-800 Reconex  
2500 Industrial Ave  
Hubbard OR 97032

Patrick Summers  
360networks (USA) inc  
867 Coal Creek Cir Ste 160  
Louisville CO 80027-4670

Ann Faught  
Absaraka Co-op Tele Co  
Absaraka ND 58002

ACN Communications Services Inc  
32991 Hamilton Ct  
Farmington Hills MI 48334

Advanced Telcom Inc  
19 Old Courthouse Sq  
Santa Rosa CA 95404-4920

Arch Paging  
11437 Valley View Rd  
Eden Prairie MN 55344

Kimberly Nielsen  
AT&T Wireless  
7277 164th Ave NE RTC-1  
Redmond WA 98052

Jack Medaris  
Atlas Communications LTD  
P O Box 807  
Conshohocken PA 19428-0807

John Broten  
Bell Atlantic Communications Inc  
1320 N Court House Rd 9th Fl  
Arlington VA 22201

Jennifer Whitley  
Business Discount Plan Inc  
1 World Trade Ctr Ste 800  
Long Beach CA 90831-0800

C12 Inc  
200 Galleria Pkwy Ste 1200  
Atlanta GA 30339

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

Citizens Telecomm Co of Minnesota  
3 High Ridge Park  
Stamford CT 06905

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

Beth Choroser  
Comcast Business Communications Inc  
1500 Market St  
Philadelphia PA 19102

Computer Integrated Communications Inc  
8502 Bells Mill Rd  
Potomac MD 20854-4071

Consolidated Communications Networks  
Inc  
507 S Main  
Dickinson ND 58601

Consolidated Telcom  
PO Box 1077  
Dickinson ND 58601-1077

Contact Communications  
937 W Main St  
Riverton WY 82501

Anthony Barrett  
Covista Inc  
4803 Hwy 58 N  
Chatanooga TN 37416

D D D Calling Inc  
6300 Richmond Ave Ste 304  
Houston TX 77057

Keith Larson  
Dakota Central Tele Coop  
PO Box 299  
Carrington ND 58421-0299

Keith Larson  
Dakota Central Telecom I  
PO Box 299  
Carrington ND 58421-0299

William Jackson  
Dakota Justice  
38 8th Ave W  
Dickinson ND 58601

Dave Dircks  
DCN LLC  
P O Box 180  
Devils Lake ND 58301-0180

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

Dickey Rural Services Inc  
P O Box 69  
Ellendale ND 58436

DSLnet Communications LLC  
545 Long Wharf Dr  
New Haven CT 06511

Easton Telecom Services Inc  
3046 Brecksville Rd #A  
Richfield OH 44286-9399

Regulatory Dept  
Essential.com Inc  
5 Bragdon Ln Ste 200  
Kennebunk ME 04043

Evercom Systems Inc  
8201 Tristar Dr  
Irving TX 75063-2824

Chere Heintzmann  
Extend America Inc  
1101 E Front Ave  
Bismarck ND 58504-5654

Dave Waters  
Fairpoint Communications Solutions  
521 E Morehead St Ste 250  
Charlotte NC 28202-2695

Lawrence Freedman  
Fleischman & Walsh  
1919 Pennsylvania Ave NW Ste 600  
Washington DC 20006-3420

France Telecom Corporate Solutions LLC  
2300 Corporate Park Dr Mailstop SPO600  
Herndon VA 20171

Global Tel\*Link Corporation  
2609 Cameron St  
Mobile AL 36607-3104

GLOBCOM INCORPORATED  
2100 Sanders Rd Ste 150  
Northbrook IL 60062

Granite Telecommunications LLC  
234 Copeland St  
Quincy MA 02169

Griggs County Telephone Co  
P O Box 506  
Cooperstown ND 58425-0506

Houlton Enterprises Inc  
2201 W Bdwy Ste 1  
Council Bluffs IA 51501

HTC Services Inc  
P O Box 55  
Halstad MN 56548

Julia Waysdorf  
ICG Telecom Group Inc  
161 Inverness Dr W  
Englewood CO 80112

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

Ken Hanks  
International Telcom Ltd  
417 2nd Ave W  
Seattle WA 98119

Intrado Communications Inc  
1601 Dry Creek Dr  
Longmont CO 80503-6493

David A. Huberman  
Intrado Communications Inc  
1601 Dry Creek Dr  
Longmont CO 80503-6493

Nanette Edwards  
ITC DELTACOM INC  
7037 Old Madison Pike NW #400  
Huntsville AL 35806-2107

James Valley Coop Telephone Co  
235 E 1st Ave  
Groton SD 57445

KMC Telecom V Inc  
1545 Rt 206  
Bedminster NJ 07921

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

Thomas K Crowe  
Law Offices of Thomas K Crowe PC  
1250 24th St NW Ste 300  
Washington DC 20037

Level 3 Communications LLC  
3555 Farnam St  
Omaha NE 68131

Local Telcom Holdings LLC  
485 Madison Ave 15th Fl  
New York NY 10022-5803

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

Steven Katka  
Loretel Systems Inc  
13 E 4th Ave  
Ada MN 56510

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

Michel Murray  
MCI WorldCom Inc  
707 17th St Ste 3600  
Denver CO 80202

MCImetro Access Transmission Services  
707 17th ST Ste 3600  
Denver CO 80202

McKenzie Consolidated Telecom LLC  
P O Box 1408  
Dickinson ND 58602-1408

McLeodUSA  
P O Box 3177  
Cedar Rapids IA 52406-3177

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

Minnesota Independent Equal Access Corp  
300 S Hwy 169  
Minneapolis MN 55426

Jim Arbury  
National Multi Housing Council  
1850 M St NW Ste 540  
Washington DC 20036

New Edge Network Inc  
3000 Columbia House Blvd Ste 106  
Vancouver WA 98661

Carmine Russo  
North Dakota Big Sky Telecom  
374 Ansin Blvd  
Hallandale FL 33009

Steven Lysne  
North Dakota Network Co  
P O Box 2027  
Minot ND 58702-2027

NOW Communications Inc  
711 S Tejon St Ste 201  
Colorado Springs CO 80903

Brad Van Leur  
OrbitCom Inc  
1701 N Louise Ave  
Sioux Falls SD 57107

Premiere Network Services Inc  
1510 N Hampton Rd Ste 120  
DeSoto TX 75115

Midcontinent Communications  
410 South Phillips Ave  
Sioux Falls SD 57104

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

Mike Strand  
MITS  
PO Box 5237  
Helena MT 59604-5237

Dave Crothers  
NDATC  
Box 1144  
Mandan ND 58554-1144

Bob Edgerly  
Nextel West Corp  
2001 Edmund Halley Dr  
Reston VA 20191

Dave Dircks  
North Dakota Long Distance Inc  
P O Box 180  
Devils Lake ND 58301-0180

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

Mary Buley  
Onvoy Inc  
300 South Highway 169  
Minneapolis MN 55426

Jeff Walker  
Preferred Carrier Services Inc  
14681 Midway Rd Ste 105  
Dallas TX 75001

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

Scott Lee  
Protel Advantage Inc  
1308 Medora Rd  
St. Paul MN 55118-1734

Public Communications Services Inc  
11859 Wilshire Blvd Ste 600  
Los Angeles CA 90025

QuantumShift Communications Inc  
88 Rowland Way Ste 200  
Novato CA 94945-5000

Kristin L Smith  
Qwest  
1801 California St Ste 4700  
Denver CO 80202

Melissa Thompson  
Qwest Corporation  
1801 California St 49th Fl  
Denver CO 80202

Qwest Interprise America Inc  
1801 California St 49th Fl  
Denver CO 80202

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

Reliant Communications Inc  
801 International Pkwy 5th Fl  
Lake Mary FL 32746

Kimberly Nielson  
RTC-1  
Legal & External Affairs  
7277 164th Ave NE  
Redmond WA 98052

Sandra Adams  
NewPath Holdings Inc  
4364 114th St  
Des Moines IA 50322

ServiSense.com Inc  
60 Glacier Dr #3000  
Westwood MA 02090-1818

Arthur H Paquette  
SNET America Inc  
310 Orange St  
North Haven CT 06510-1719

Andrew Jones  
Sprint  
6391 Sprint Pkwy  
Overland Park KS 66251-6100

SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

Randy Burckhard  
SRT Communications Inc  
P O Box 2027  
Minot ND 58702-2027

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

Tel Tech Inc  
1300 W 57th St Ste G204  
Sioux Falls SD 57108-2885

Jack Medaris  
Telco Partners Inc  
P O Box 807  
Conshohocken PA 19428-0807

William Staycoff  
Telcom Billing Services Inc  
2989 Brookdale Dr  
Brooklyn Park MN 55444

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

Telera Communications Inc  
910 E Hamilton Ave Ste 200  
Campbell CA 95008

Jonathan Marashlian  
The Helein Law Group P C  
8180 Greensboro Dr Ste 700  
McLean VA 22102

T-Netix Inc  
P O Box 701028  
Dallas TX 75370-1028

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

United Communications HUB Inc  
10390 Commerce Ctr Dr Ste 250  
Rancho CA 91730-5860

Kenneth Carlson  
United Telephone Mut Aid Corp  
P O Box 729  
Langdon ND 58249-0729

Christina Tygielski  
Universal Access Inc  
Sears Tower 233 S Wacker Dr Ste 600  
Chicago IL 60606-6307

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

Val-Ed Joint Venture LLP  
702 Main Ave  
Moorhead MN 56560

VarTec Telecom Inc  
1600 Viceroy Dr  
Dallas TX 75235

VCI Company  
3875 Steilacoom Blvd #A  
Lakewood WA 98498

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

David Armyey  
Verizon Communications  
750 SH121 Bypass Ste 100  
Louisville TX 75067

Molli Harper  
Verizon Wireless  
6350 E Crescent Pkwy Ste 200  
Greenwood Village CO 80111

West River Coop Telephone Co  
P O Box 39  
Bison SD 57620-0039

Darrell Henderson  
West River Coop Telephone Company  
PO Box 39  
Bison SD 57620-0039

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

Mick Grosz  
West River Telecomm Coop  
PO Box 467  
Hazen ND 58545-0467

Western CLEC Corporation  
3650 131st Ave SE #400  
Bellevue WA 98006

WTC Competitive Services Inc  
P O Box 270  
Park River MN 56594-0270

XO Communications Services Inc  
11111 Sunset Hills Rd  
Reston VA 20190

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

**Helbling, Sharon D.**

---

**From:** Helbling, Sharon D  
**Sent:** Thursday, December 02, 2004 7:34 AM  
**To:** ndna  
**Subject:** Notice of Hearing, Case No PU-04-402, Notice of Opportunity for Hearing, Case Nos PU-04-546, PU-04-603, PU-04-627

Colleen Park  
North Dakota Newspaper Association

Colleen

Could you please have the attached notices published as legal notices in the next issue of the ten North Dakota daily newspapers, and run them as "News Item Only" articles as well.

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

If you have any questions, let me know.

Thank you.

Sharon Helbling  
Public Utilities Division



**12-01-04 1.doc (40  
of hearing KB)**

**MOTION**

**December 1, 2004**

**APPROVED**

DATE. 12-1-04  
KMF

**Midcontinent Communications  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-546**

**BullsEye Telecom, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-603**

**Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for certificates of public convenience and necessity to provide telecommunication services in North Dakota.

JRL/sdh

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-546**

**BullsEye Telecom, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-603**

**Trans National Communications International, Inc.  
Local Exchange  
Public Convenience and Necessity**

**Case No. PU-04-627**

**NOTICE OF OPPORTUNITY FOR HEARING**

**December 1, 2004**

On October 6, 2004, Midcontinent Communications of Sioux Falls, SD filed an application, amended November 30, 2004, for a certificate of public convenience and necessity to provide facilities-based competitive local exchange telecommunication services throughout North Dakota.

On November 16, 2004, BullsEye Telecom, Inc. of Oak Park, MI filed an application for a certificate of public convenience and necessity to provide facilities-based competitive local exchange telecommunication services throughout North Dakota.

On November 30, 2004, Trans National Communications International, Inc. of Boston, MA filed an application for certificates of public convenience and necessity to provide facilities-based competitive local exchange telecommunication services in all North Dakota exchanges currently served by Qwest Corporation.

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. Technical, financial and managerial ability of the applicant to provide service.

Those interested are invited to comment on the application 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 **January 4, 2004**. If deemed appropriate, the Commission can determine the matter without a hearing.

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 Illona Jeffcoat-Sacco, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

 _____ <b>Susan E. Wefald</b> <b>Commissioner</b>	 _____ <b>Tony Clark</b> <b>President</b>	 _____ <b>Kevin Cramer</b> <b>Commissioner</b>
---	---	--

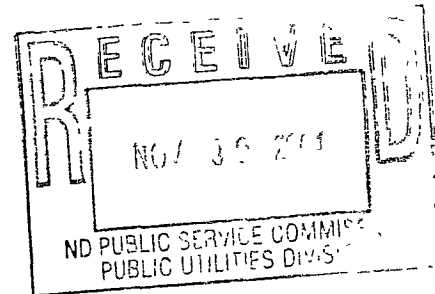
2 CHARLESGATE WEST  
BOSTON, MA 02215  
1-617-369-1000  
www.tnci.com



November 29, 2004

**VIA OVERNIGHT DELIVERY**

Sharon Helbling  
State of North Dakota  
North Dakota Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismark, ND 58505-0480  
(919) 733-0840



Re: Trans National Communications International, Inc. Original Cert. of Good Standing and Copy of Cert. of Authority Application

Dear Sharon:

Per your request, enclosed please find the original copy of TNCI's Certificate of Good Standing from the Secretary of State of North Dakota and a copy of our Application for a Certificate of Authority in North Dakota.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self addressed, 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Nussbaum".

Jonathan Nussbaum  
Product Manager, TNCI  
(617) 369-1052



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

FOR OFFICE USE ONLY

WO #

Filed

By

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  
**Trans National Communications International, Inc.**

B. Federal ID #  
**04-3284489**

- 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) **133 Federal Street, Boston, MA 02110**

5.A. STATE or country where incorporated <b>Delaware</b>	B. <b>EXACT</b> date incorporated (Month, day, <b>AND</b> year) <b>8/1/95</b>	C. Duration of corporation <input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> Other (Specify)	D. Telephone # <b>617-369-1000</b>
			E. Toll-free telephone # <b>800-800-8400</b>

6.A. Name of required registered agent in **NORTH DAKOTA** (SEE INSTRUCTION 6.A.)  
**National Registered Agents, Inc.**

B. Federal ID/social security # of registered agent

- 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) **220 North Fourth Street, Bismarck, ND 58501**

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

**telecommunications services**

8. OFFICERS AND DIRECTORS OF THE CORPORATION							
OFFICE	Check box if officer also serves as director	NAME	COMPLETE MAILING ADDRESS				
			Street/RR	PO Box	City	State	Zip + 4
PRESIDENT	<input checked="" type="checkbox"/>	<b>Bruce Rogoff</b>	<b>133 Federal Street, Boston, MA 02110</b>				
VICE PRESIDENT	<input type="checkbox"/>	<b>N/A</b>	<b>133 Federal Street, Boston, MA 02110</b>				
SECRETARY	<input type="checkbox"/>	<b>Judith Jacobs</b>	<b>133 Federal Street, Boston, MA 02110</b>				
TREASURER	<input type="checkbox"/>	<b>William Weidlein</b>					
DIRECTOR		<b>Steven Belkin</b>	<b>2 Charlesgate West, Boston, MA 02215</b>				
DIRECTOR		<b>Joan Belkin</b>	<b>8 Rocky Ledge, Weston, MA 02493</b>				

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.

Original signature

Date

**617 369 1013**

10. Name of person to contact about this application  
**Nicole Hamilton**

Daytime telephone #  
**770-232-9906**

ND



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

FOR OFFICE USE ONLY

#	
File #	
WO #	
Filed	By

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)

**Trans Natinal Communications International, Inc.**

3.A. Name of the registered agent

**National Registered Agents, Inc.**

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

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.

Original signature of registered agent

Date

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING OF - -

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC. , a Delaware corporation, authorized to transact business in the State of North Dakota on September 10, 1999, 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

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.

Issued: August 13, 2004

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

Alvin A. Jaeger  
Secretary of State

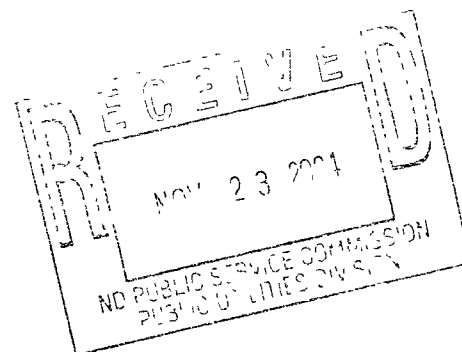
2 CHARLESGATE WEST  
BOSTON, MA 02215  
1-617-369-1000  
www.tnci.com



November 16, 2004

**VIA OVERNIGHT DELIVERY**

Illona Jeffcoat-Sacco  
Executive Secretary  
State of North Dakota  
North Dakota Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismark, ND 58505-0480  
(919) 733-0840



Re: Trans National Communications International, Inc.

Dear Sir/Madam:

Enclosed please find for the consideration of the North Dakota Service Commission an original and six copies of Trans National Communications International, Inc's application for a Certificate of Public Convenience and Necessity including all Exhibits, Affidavits and attachments to Provide Resale Facilities-based UNE-P Service and Local Exchange Telecommunications Service within all local exchanges served by Qwest in the state of North Dakota. Please note that the company is currently authorized to provide Interexchange Service in the state of North Dakota.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self addressed, 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

Respectfully submitted,

Jonathan Nussbaum  
Product Manager, TNCI  
(617) 369-1052

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF  
NORTH DAKOTA**

**Application of** )  
**Trans National Communications** )  
**International, Inc** )

**For a Certificate of Public Convenience** )  
**and Necessity to Provide Competitive** )  
**Facilities-Based Local Exchange** )  
**Telecommunications** )  
**Services in the State of North Dakota** )

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

**APPLICATION**

Trans National Communications International, Inc. (“TNCI,” “Applicant” or “Company”), by its representatives and pursuant to ND. CENT. CODE 49-03.1-03-49-03.1-04, respectfully requests that the Commission grant it a Certificate of Public Convenience and Necessity to provide facilities-based local exchange services in the State of North Dakota. In addition, the Company respectfully requests, pursuant to ND CENT. CODE 49-03.1-05, that if no request for hearing on this application is received within the specified time, the Commission exercises its discretionary authority to grant the requested certificate without such a hearing. TNCI proposes to offer facilities based local exchange services to consumers in the State of North Dakota utilizing combinations of unbundled network elements (“UNEs”), specifically the unbundled network elements platform (“UNE-P”) and resale products purchased from the incumbent local exchange provider. At some future date the Company may expand in facilities-based service via its own equipment; however, at present, the Company intends to concentrate upon provision of resale or through UNE combinations.

Initially, TNCI will focus on providing local and long distance services to business customers, however services will be available to residential consumers as well. The goal will be to bring a full range of competitive telecommunications choices to consumers in the State of North Dakota.

In support of its Application, TNCI provides the following information:

**I. THE APPLICANT**

**A. Corporate Information**

1. Trans National Communications International, Inc. (TNCI, Inc) is a privately-held corporation formed on August 1, 1995 under The laws of Delaware.

TNCI's principal address is:

TNCI, Inc.  
2 Charlesgate West  
Boston, MA 02215  
Telephone: (617)-369-1000  
Fax: (617)-369-1110

A copy of TNCI's Articles of Incorporation is enclosed.

2. TNCI has received authority to transact business in North Dakota as a foreign corporation. A copy of the Company's certificate to transact business is also enclosed.

The name and address of TNCI's registered agent in North Dakota for service of process is:

National Registered Agents, Inc.  
220 North Fourth Street  
Bismarck, ND 58501  
Federal ID # - 13-3837683

3. Those persons specifically in charge of TNCI's North Dakota operations are still to be determined; however, in the interim, all questions regarding the Applicant's operations may be addressed to:

Brian Twomey, President  
TNCI, Inc.  
2 Charlesgate West  
Boston, MA 02215  
Telephone: (617) 369-1210  
Toll Free: (800) 900-1052

**B. Owners, Partners or Corporate Officers**

4. The following is a list of the applicant's corporate officers:

Brian Twomey, President  
Chuck Luca, Senior Vice President  
Phillip Josephson, Vice President

Biographical information discussing the background and experience of these officers is appended as **Exhibit A**. The above listed individuals may be reached at the following address:

2 Charlesgate West  
Boston, MA 02215  
Telephone: (617) 369-1000

**II. DESIGNATED CONTACTS**

5. The designated contact for this application is:

Erick Robinson  
TNCI, Inc.  
2 Charlesgate West  
Boston, MA 02215  
Telephone: (617) 369-1069  
Toll Free: (800) 900-1052

Copies of all correspondence, notices, inquiries and orders should be sent to the for-mentioned individual, who is the Applicant's contact person for all regulatory, compliance, consumer issues or customer complaints.

**III. DESCRIPTION OF BUSINESS AND AUTHORITY REQUESTED**

6. TNCI intends to operate as a provider of local exchange and long distance telecommunications services in the State of North Dakota. The Company is committed to provision a full range of competitive telecom services to both business and residential consumers; however TNCI plans to focus their marketing efforts towards business customers.

7. Currently, TNCI is certified to provide local exchange telecommunications services in the following states: CO, DC, FL, GA, IL, IN, KY, MA, MD, ME, MS, MI, NJ, NY, OH, OR, PA, RI, TX, VA, VT, WA and WI.

Currently, TNCI is pending approval to provide local exchange telecommunications in the following states: AZ, CT, IA, ID, NH, NV, and UT. The Company plans on seeking a Certificate of Authority in other states in the future.

Currently, TNCI is certified to provide long distance telecommunications services in the 48 contiguous United States.

8. By this Application, TNCI seeks authority from the Commission to provide a full range of facilities-based local telecommunications services. The Company intends to market all forms of switched and dedicated telecommunications services, including data and internet services, through direct sales and sales agents. A list of employees and agents will be forwarded to the Commission after they are hired or contracted. The Company does not plan to market pre-paid calling cards, operator services or telemarket.

9. With respect to the scope of its initial operations, TNCI proposes to operate in those areas of North Dakota approved by the Commission for provision of competitive local exchange services. The Company respectfully requests permission to concur in the service area maps of Qwest, already on file with the Commission. TNCI is currently negotiating an interconnection agreement with Qwest. The Company will submit its agreements and Company tariffs, pursuant to the Commission's procedures, once they become available.

#### **IV. DESCRIPTION AND FITNESS OF THE COMPANY**

10. The Company will herein, demonstrate that it is well qualified managerially, technically and financially to provide competitive telecommunications services for which authority is requested in the Application.

TNCI's management team includes individuals with substantial experience in the successful development and operations of a telecommunication business. The Company is managed by persons with technical expertise in interexchange and CLEC networks. Further details regarding the business and operational experience of TNCI's officers and management are provided in **Exhibit A**.

11. As provided as **Exhibit B**, please find an Affidavit from TNCI stating that the Officers and management has access to sufficient capital to fund the development and maintenance of its telecommunications operations in North Dakota.

- a. Articles of Incorporation provided as **Exhibit C**.
- b. Certificate of Foreign Authority, signed by the North Dakota Secretary of State, provided as **Exhibit D**.
- c. Balance sheets, Statements of Operations and Statements of Cash Flows provided as **Exhibit E**.

## **V. PROPOSED TARIFF**

12. All of the proposed local exchange services offered by TNCI in North Dakota will be provided pursuant to the terms and conditions set forth in the Company's local exchange service tariff. This tariff will be provided after successfully negotiating an interconnection agreement with Qwest.

## **VI. BILLING INFORMATION**

13. The Company will bill all of its customers directly. All invoices sent to customers will bear the company's name and provide a toll-free number for customer inquiries and complaints.

## **VII. CUSTOMER SERVICE**

14. TNCI will assist customers with billing questions 24 hours a day, seven (7) days a week. Customer Service Representatives will also be available to assist customers with other questions and product offerings. TNCI will work with customers to resolve any complaints in a satisfactory manner.

15. Written inquiries from regulatory agencies and others will be handled by management of the Company. Written complaints will be promptly reviewed, researched and responded to in a reasonable time.

16. Service and maintenance issues will be dealt with 24 hours a day, seven (7) days a week, by calling toll free at (800) 800-8400.

## **VII. STATEMENT OF COMPLIANCE**

17. The Applicant agrees to abide by all applicable statutes, orders, rules and regulations entered and adopted by the Commission for competitive local carriers in North Dakota. The Company will allow its local exchange customers to obtain interlata and intralata long distance service from other toll carriers as well as local operator services and directory assistance services from other providers on a non-discriminatory basis. Where the Company offers service in a particular exchange, the Company will offer that service on a non-discriminatory basis to all customers in that exchange. The Company will provide its local customers with a local calling area that is at least as large in scope as the calling area of the incumbent local exchange carrier in that area.

**IX. PUBLIC INTEREST CONSIDERATIONS**

18. Approval of this Application will serve the public interest and result in direct benefits to local and long distance customers in North Dakota. The Company will excel in outstanding customer service and provide packaged services that are affordable and unique to the telecommunications industry.

WHEREFORE, TNCI respectfully petitions this Commission for a Certificate of Public Convenience and Necessity to provide competitive facilities-based local exchange telecommunications services in the State of North Dakota.

Respectfully submitted,

Trans National Communications International, Inc.

By: 

Jonathan Nussbaum  
TNCI, Inc.

2 Charlesgate West  
Boston, MA 02215

Telephone: (617) 369-1052

**EXHIBIT A – CORPORATE OFFICERS**

**See Attached**

**Brian C. Twomey**  
133 Summit St  
Brookline, MA  
(Home) 617-233-5210  
(Office) 617-369-1210

## SUMMARY

Telecommunications sales, service and marketing professional with extensive experience in product development, management and integration and on-going management of multiple sales channels. Channel management experience includes outside/direct, inside/telesales (inbound and outbound), outsourced telemarketing, agents/VARs, retail. Significant experience in all phases of strategic sales/marketing planning, targeting, automating, training and on-going management of multiple channel organizations.

## PROFESSIONAL EXPERIENCE

**Trans National Communications International, Inc** - Boston, MA February 1998 to date  
**President**

- Responsible for transitioning this long distance reseller to an integrated communications company

**Senior Vice President of Sales**

- Took additional responsibility for inside sales channel
- Increased revenue 50% year-on-year

**Vice President of Sales**

- Opened up a new agent sales channel for long distance reseller

**FaxNet Corp** - Boston, MA October 1996 - February 1998

**Vice President of Sales**

- \$12 million start-up Corporation, developing and marketing enhanced fax services to businesses. Total of 92 employees
- General management responsibility for all sales channels, including direct mail, outside, outbound telesales, outsourced telemarketing, agents and retail
- Management responsibility for internal organization of 34 sales and administrative professionals. Direct management of outsourced telemarketing relationships
- Responsible for entire sales budget of \$12 million in annual sales, 24,000 new accounts - first budget year. Current projection to attain in excess of 120% of new account goal while maintaining initial expense budget
- Direct management responsibility for team of 4 managers and 2 sales administrators

**WearGuard Corp - Norwell, MA February 1995 - October 1996**

**General Manger/Director of Sales**

- \$100 million division of Aramark Corp, selling customized uniform and safety wear.
- General management responsibility for Business Sales Division
- P&L responsibility for sales and service organization of over 60 direct, telephone sales and account management representatives
- Develop Division strategy, annual budget, sales/marketing/service organization plans
- Attained annual sales growth in excess of 40% to over \$35 million, without increasing initial sales organization
- Direct management responsibility for team of 6 sales managers, training and administrative staff
- Major accomplishments include complete realignment of sales/service organizations including sales methodology, training, development of strategic account plans, development of vertical market sales territories/plans/goals

**Software Spectrum Inc. - Garland, TX October 1993 - February 1995**

**Director of Sales & Service**

- \$250 million software/hardware reseller
- General management of organization of over 100 sales representatives, including direct, outbound sales, catalog -sales, inside sales/service, multi-level help desk personnel
- Responsible for over \$100 million in annual sales revenues
- Direct management of 7 sales managers, 2 product managers and 1 VAR manager
- Major accomplishments include increasing AGP and net operating profits by over 80%, development and implementation of comprehensive sales/service training programs, as well as development and implementation of custom sales automation for all telephone and field sales representatives

**McCaw Cellular Communications - Oklahoma City, OK January 1992 - October 1993**

**Director of Sales and Marketing - Southwest Region.**

- P&L responsibility for all product, sales and marketing in the Southwest Region
- Sales management includes field, telephone, retail, agents and customer service groups
- Organization responsibility over a 6 state region consisting of over 200 sales reps, 20 managers and 9 direct reporting managers
- Annual revenues in excess of \$250 Million
- Major accomplishments include sales results of 107% of budgeted revenues on 103% of sales, development and implementation of centralized telephone sales, account management and service teams. and development, integration and management of multichannel sales/marketing strategic plans

US Sprint - Kansas City, MO May 1989 - January 1992

**Assistant Vice President - Business Marketing Group**

- Sales and general management of all non-direct sales channel business revenues
- Management and service of customer base with annual revenues in excess of \$150 Million
- Management of division of over 90 sales and service representatives

**Director - Emerging & Enabling Technologies**

- Direct responsibility for all product related joint ventures, acquisitions and complementary marketing relationships
- Management of staff of 10 corporate development specialists

**Director - Product Management**

- P&L responsibility for 800 and 1+ switched and dedicated business services
- Responsible for product direction, price, advertising and sales promotion
- Management of staff of 8 product managers

NYNEX / AT&T - Boston, MA June 1980 - May 1989

**Staff Director - Regional Services Planning**

- Product management of intelligent network products

**Account Executive** and other professional positions, 1980 - 1986

**EDUCATION**

Merrimack College, North Andover, MA Graduation 1980 B S Majors Accounting, Finance  
University of New Hampshire, Durham, NH 1982,83 Executive MBA - AT&T Sponsored

# CHARLES R. LUCA

2 Charlesgate West

Boston, MA 02215

617-389-1138

---

## PROFESSIONAL EXPERIENCE:

### **SENIOR VICE PRESIDENT/OPERATIONS**

**April 2001 -- Present**

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, Boston, MA

- Direct consolidation of all operational departments under single management program
- Integrate all new program options into operational flow and procedure management
- Re-organized Information Systems department to centralize and standardize all systems programming, tracking, reporting, and systems replication
- Directed the conversion of TNCI's Billing Program to a Y2K compliant Windows-based application
- Coordinated move of entire sales & service operations to corporate headquarters with zero business down-time
- Co-authored revised Auth.ANI Status Reporting Program based on IntraLATA/InterLATA designations

### **VICE PRESIDENT/CUSTOMER CARE, RETENTION, & ACTIVATIONS** August 1998 – April 2001

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, Boston, MA

- Direct expanded department which supports customer operations from order entry, through activations provisioning, through daily support and service, to retention and winback
- Redefined the goals of Order Provisioning to provide more automatic processing, accurate performance reporting, systems checks and balances, and greater service support
- Re-organized departmental management to secure goal-oriented leadership, industry knowledge, customer support, and systems integration
- Chaired task force for new systems integration, Y2K compliance, and data analysis review

### **ASSISTANT VICE PRESIDENT/CUSTOMER CARE & RETENTION** November 1994 – August 1998

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, Boston, MA

- Integrated two separate Residential & Commercial Customer Care Departments into one working unit of 40+ staff in a 24x7x365 environment for Long Distance Reseller
- Developed and integrated Residential & Commercial Retention Programs into the Department and exceeded company goals of Revenue return
  - Residential 19% Account Winback of Contacted Deactivated Base
  - Commercial 53% Revenue Winback/Save/Retention of Deactivated Base
- Directed liaison process with the multi-carrier long distance account teams
  - Sprint
  - Wiltel/Worldcom
  - Frontier
  - Link USA (Calling Card Program)
- Integrated additional products (paging/e-mail/LD tracking software) to the core business
- Developed 3-step candidate interview process to optimize hire of best potential Staff
- Developed CC&R career pathing goals and opportunities to improve promotion from within while ensuring overall company experience and knowledge retention
- Re-organized scope and goal of Departmental Training Process
  - Standardized intra-/inter-departmental procedure training in conjunction with Sales/Operations/Credit
  - Integrated cross-functional training programs to maximize staff efficiencies and economies of scale
  - Developed Customer-Focused LASTING Service Training Module

- Designed Customer Service motivational seminars to enhance staff performance
- Introduced state-of-the-art ACD management systems & report analysis to improve goal attainment
- Managed \$1M Award-winning Customer Care & Retention G&A budget (17% under budget for 1996)
- Core Team Member of company strategic planning committee to identify core competencies & establish 1-5 year company business plan goals

**COMMERCIAL CUSTOMER SERVICE MANAGER**

**November 1992 - November 1994**

TRANS NATIONAL COMMUNICATIONS, Boston, MA

- Developed Commercial Customer Service Program
- Designed, developed, and implemented Customer Service policies and procedures
- Hired, trained, developed, and promoted 20+ Customer Care Specialists
- Created, implemented, and tracked operational goals
- Created and developed Customer Service Training Manual
- Designed, developed, and implemented service scripts
- Designed and developed the technical requirements for
  - System Service Screen Module
  - Reporting/Tracking
  - Productivity goals

**MANAGING PARTNER**

**March 1991 - October 1992**

INTERNATIONAL TRAVEL ASSOCIATES, Needham, MA

- Developed and implemented Customer Service Policy for Corporate Travel Company
- Redesigned and introduced PC-based systems
- Closed sales with largest in-house contracts
- Managed office administration and accounting

**OPERATIONS MANAGER**

**February 1989 - December 1990**

JWP INFORMATIONS SYSTEMS, INC , Dedham, MA

- Directed regional branch operations for 30+ telecommunications technicians for Interconnect Company
- Managed LEC Vendor Office relationship to coordinate systems and dial tone installations
- Redesigned branch policies, procedures, and office staff evaluations
- Supervised payroll, accounting, and credit issue resolution
- Managed warehouse inventory control and facilities maintenance
- Identified and directed appropriate budget consolidation

**TELECOMMUNICATIONS MANAGER**

**November 1988 - January 1989**

JWP INFORMATIONS SYSTEMS, INC , Dedham, MA

- Designed and implemented computer Service Dispatch Program module and manual
- Coordinated Service/Installation department work schedules
- Supervised Service/MAC request procedures
- Performed ad hoc troubleshooting to clarify/resolve trouble reports
- Coordinated & supervised local telephone vendor work

**SERVICE DEPARTMENT MANAGER**

**May 1984 - October 1988**

TOTAL COMMUNICATIONS & MAINTENANCE, INC

- Supervised Service/Installation department for PBX Service & Maintenance Company
- Established tracking systems for installation/service/local telephone vendor repair
- Designed and implemented training for Customer Service Representatives
- Promoted from Technical Staff to coordinate operations for 20+ Network Technicians

**PROFESSIONAL SKILLS:**

- Computer Software IBM Windows 2000 Microsoft Word, Excel, Powerpoint, Visio, Access
- Documentation Expert Process Mapping, Flow Charting, Decision Matrixing; P&P Development

**EDUCATION:**

**BOWDOIN COLLEGE**

Bachelor of Arts - Magna cum laude  
Double Major. Governmental Studies  
Romance Languages - Summa cum laude

**Brunswick, ME**  
May 1984

**UNIVERSIDAD DE MADRID COMPLUTENSE**

Marquette Junior Year Abroad Program

**Madrid, Spain**  
August 1982 - June 1983

**PROFESSIONAL EDUCATION:**

- Dale Carnegie Leadership Training for Managers
- FORUM P R O G.R E S S & INFLUENCE Training
- Synectics Strategic Planning Seminar
- Fred Pryor Management Training Seminar

**REFERENCES:**      Furnished upon request

**Philip Josephson**  
Trans National Communications International, Inc  
Two Charlesgate West  
Boston, MA 02215  
617 369.1023

MEMBER OF THE ARIZONA BAR  
MEMBER OF THE FLORIDA BAR

**EXPERIENCE:**

**TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.**, Boston, MA October 2002 – Present  
Vice President and General Counsel

Vice President of Strategic Development for privately held, Boston-based telecommunications reseller. Responsible for continued Company growth and profitability with a focus on increasing margins and reducing bad debt allowance. The Company has realized profitable results each quarter during tenure despite economic downturn and increased competition. In this role, and as a member of the Company's Executive Management Team, emphasis is placed upon continually seeking to develop increased revenue, develop alternative lines of business, pursue acquisitions, and formulate and pursue exit strategies. The role also includes management of the Company's Marketing and Carrier Relations departments.

As General Counsel for the Company, an In-House Legal department has been created. The Legal department advises Executive Management on all facets of the Company's business and proposed actions and the Legal department is responsible for supporting all Company departments, especially Business Development, Collections and Human Resources. In addition, a Collections Litigation department has been created during the tenure which is responsible for pursuing bad debt accounts by managing an extensive number of outside attorneys throughout the United States.

**INATEL.COM, L.L.C.** (now known as Logicware), Miami, Florida June 2000 – October 2002  
Vice President and General Counsel

Vice President and General Counsel for a privately held software provider serving the telecommunications industry. Managed and guided the Company from its infancy, through changes in its business model, to its initial growth. During this tenure, the Company grew from a start-up enterprise to a stand-alone leader in its market space. Accomplishments in this role include the securing of financing for the Company, generating the initial client base, formulating strategic partnerships in the industry and pursuing alternative business opportunities in an effort to secure Company growth and stability. In the role of General Counsel, all corporate formation and governance documents were created, the Employee Share Plan and Option Plan was drafted and administered, the Company's Private Placement was created and filled, intellectual property rights were pursued and secured, and all litigation matters for the Company were managed.

**AVATAR PROPERTIES INC.**, Coral Gables, Florida May 1995 – June 2000  
Senior Corporate Counsel

In-House Counsel for a publicly traded diversified company primarily engaged in real estate development and utilities operations in Florida, Tennessee and Arizona. Responsibilities included handling in-house legal work including researching, reviewing, negotiating, and drafting various real estate agreements, complex commercial contracts, loan and corporate governance documents, managed the Foreclosure Department of the Company; pursued corporate trademarks and copyrights; drafted and enforced Human Resource compliance and diversity programs, participated in corporate, real estate and utilities acquisitions and divestitures as well as property and loan closings. Managed litigation matters by monitoring outside legal counsel for Avatar Holdings Inc. and its subsidiaries.

**OTHER:**

**KEITH, MACK, LEWIS, COHEN & LUMPKIN**, Miami, Florida July 1994 - May 1995  
Law Clerk

**POMERANZ & LANDSMAN, P.A.**, North Miami, Florida June 1993 - July 1994  
Law Clerk

**PALACE BRANDS, INC.**, Farmington, Connecticut January 1992 - August 1992  
Assistant to National Sales Manager

**EDUCATION:**

1995 University of Miami School of Law, Coral Gables, Florida  
Juris Doctorate

1991 University of Miami, Coral Gables, Florida  
Bachelor of Business Administration - Finance

**EXHIBIT B – AFFADAVIT OF FINANCES**

**TNCI does not intend to deploy facilities within the State of North Dakota, however, our Managers and Corporate Officers have access to sufficient capital to support the deployment of service in North Dakota.**

**EXHIBIT C – ARTICLES OF INCORPORATION**

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.", FILED IN THIS OFFICE ON THE FIRST DAY OF AUGUST, A.D. 1995, AT 12:30 O'CLOCK P.M.



*Harriet Smith Windsor*

Harriet Smith Windsor Secretary of State

2529585 8100

AUTHENTICATION: 2847791

030843570

DATE: 01-05-04

**CERTIFICATE OF INCORPORATION**

OF

***TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.***

The undersigned, a natural person, for the purpose of organizing a corporation for conducting the business and promoting the purposes hereinafter stated, under the provisions and subject to the requirements of the laws of the State of Delaware (particularly Chapter 1, Title 8 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified and referred to as the "General Corporation Law of the State of Delaware"), hereby certifies that:

*FIRST:* The name of the corporation (hereinafter called the "Corporation") is

***TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.***

*SECOND:* The address, including street, number, city, and county, of the registered office of the Corporation in the State of Delaware is 1209 Orange Street, Corporation Trust Center, City of Wilmington, County of New Castle; and the name of the registered agent of the Corporation in the State of Delaware is The Corporation Trust Company.

*THIRD:* The nature of the business to be conducted and the purposes of the Corporation are:

To purchase or otherwise acquire, invest in, own, lease, mortgage, pledge, sell, assign and transfer or otherwise dispose of, trade and deal in and with real property and personal property of every kind, class and description (including, without limitation, goods, wares and merchandise of every kind, class and description), to manufacture goods, wares and merchandise of every kind, class and description, both on its own account and for others;

To make and perform agreements and contracts of every kind and description; and

Generally to engage in any lawful act or activity or carry on any business for which corporations may be organized under the Delaware General Corporation Law or any successor statute.

**FOURTH:** The total number of shares of capital stock which the Corporation shall have authority to issue is 10,000 shares of Common Stock with \$.01 par value.

### RESTRICTIONS ON TRANSFER

- 4.1 Non-Complying Transfers Prohibited. No shares of common stock ("Shares") owned by any person or entity (a "Stockholder") may be sold, assigned, pledged, hypothecated, encumbered, gifted, devised or otherwise transferred to any person or entity, voluntarily, or by operation of law, court order, foreclosure, marital property division or otherwise except in accordance with the terms and conditions hereinafter set forth.
- 4.2 Rights of First Refusal on Voluntary Transfers.
- 4.2.1 Any Stockholder who intends to sell, assign, transfer or otherwise voluntarily dispose of all or part of any Shares (the "Selling Stockholder"), shall give written notice of such intention to Steven B. Belkin, his successors and assigns (the "Founding Stockholder") and the Corporation, which notice shall include the name of the proposed transferee, the proposed purchase price per Share, the terms of payment of such purchase price and all other matters relating to such sale and shall be accompanied by a copy of the binding written agreement of the proposed transferee to purchase the Shares of the Selling Stockholder. Such notice shall constitute a binding offer by the Selling Stockholder to sell to the Founding Stockholder and the Corporation, or their assignees, such number of Shares then held by the Selling Stockholder as are proposed to be sold in the notice at the monetary price per Share designated in such notice, payable as provided in Section 4.2.4 hereof. Within thirty days after receipt of written notice from the Selling Stockholder, the Founding Stockholder shall give written notice to the Selling Stockholder as to whether such offer has been accepted by the Founding Stockholder. The Founding Stockholder may only accept such offer in whole and may not accept such offer in part. Such acceptance notice shall fix a time, location and date for the closing on such purchase ("Closing Date") which shall not be less than seven nor more than forty-five days after the giving of the acceptance notice. The place for such closing shall be at the principal office of the Corporation or such other location agreed to by the parties. At such closing, the Selling Stockholder shall accept payment as set forth in Section 4.2.4 and shall deliver to the Founding Stockholder in exchange therefor certificates for the number of Shares stated in the notice accompanied by duly executed instruments of transfer.

- 4.2.2 If the Founding Stockholder shall fail to accept the offer within the thirty-day period, then the Corporation shall have fifteen days from the expiration of such notice period within which to accept in whole, but not in part, the offer of the Selling Stockholder, by giving to him written notice as set forth above of their intent to purchase all, but not less than all, of the Shares proposed to be sold as provided in the notice to the Founding Stockholder and the Corporation at the monetary price per Share designated in such notice, payable as provided in Section 4.2.4 hereof. The place for such closing shall be at the principal office of the Corporation or such other location agreed to by the parties. At the closing of such purchase and sale, the Selling Stockholder shall accept payment as set forth in Section 4.2.4 and shall deliver to the Corporation in exchange therefor certificates for the number of Shares stated in the notice accompanied by duly executed instruments of transfer.
- 4.2.3 If the Founding Stockholder and the Corporation shall fail to accept any such offer, then the Selling Stockholder shall be free to sell all, but not less than all, of the Shares set forth in his notice to the designated transferee at a price and on terms no less favorable to the Selling Stockholder than described in the Selling Stockholder's notice, *provided* that such sale is consummated within six months after the giving of notice by the Selling Stockholder to the Founding Stockholder and the Corporation as aforesaid, but the transferee (and all subsequent transferees) shall thereafter only be permitted to sell or transfer Shares in accordance with the terms hereof. After the expiration of such six-month period, the provisions of this Section 4.2 shall again apply with respect to any proposed transfer of the Selling Stockholder's Shares.
- 4.2.4 The purchase price of any Shares to be acquired pursuant to this Section 4.2 shall be payable on the terms offered to the Selling Stockholder by the proposed transferee (*provided, however*, that the Founding Stockholder and the Corporation shall not be required to meet any non-monetary terms of the proposed transfer, including, without limitation, delivery of other securities in exchange for the Shares proposed to be sold).
- 4.3 **Death of a Stockholder.** Within thirty days after the death of any Stockholder (other than the Founding Stockholder) (the "Deceased Stockholder"), the executors or administrators of the estate of the Deceased Stockholder and each transferee of the Deceased Stockholder's Shares by virtue of such death shall give written notice thereof to the Founding Stockholder and the Corporation offering to the Founding Stockholder and the Corporation or any assignee of either of them all of the Shares owned by the Deceased Stockholder at the time of death.

Within thirty days after receipt of such notice, the Founding Stockholder or his assignee, may elect to purchase all of the Shares so offered at a purchase price per Share determined in accordance with Section 4.7 hereof. If such Shares are not purchased by the Founding Stockholder, they shall be offered in the same manner to the Corporation. Within thirty days after the expiration of the Founding Stockholder's thirty-day period, the Corporation may elect to purchase all of the Shares so offered at a purchase price per Share determined in accordance with Section 4.7 hereof. If such Shares are not purchased by the Founding Stockholder or the Corporation, such Shares may be retained by the estate of the Deceased Stockholder or by such transferees subject to all other provisions hereof.

- 4.4 **Transfers by Operation of Law.** In the event that a Stockholder (i) files a voluntary petition under any bankruptcy or insolvency law or a petition for the appointment of a receiver or makes an assignment for the benefit of creditors, or (ii) is subjected involuntarily to such a petition or assignment or to an attachment or other legal or equitable interest with respect to his Shares and such involuntary petition or assignment or attachment is not discharged within thirty days after its date, or (iii) is subject to a transfer of his Shares by operation of law (except upon his death) the Founding Stockholder, the Corporation, or their assignees, shall have the right to elect to purchase all of the Shares which are owned by the Stockholder at a purchase price per Share determined in accordance with Section 4.7 hereof. Within thirty days after receipt of such notice, the Founding Stockholder or his assignee, may elect to purchase all of the Shares so offered at a purchase price per Share determined in accordance with Section 4.7 hereof. If such Shares are not purchased by the Founding Stockholder, they shall be offered in the same manner to the Corporation. Within thirty days after the expiration of the Founding Stockholder's thirty-day period, the Corporation may elect to purchase all of the Shares so offered at a purchase price per Share determined in accordance with Section 4.7 hereof. Failure of the Founding Stockholder and the Corporation to elect to purchase the Shares under this Section 4.4 shall not affect their rights to purchase the same Shares under Section 4.2 in the event of a proposed sale, assignment, transfer, or other disposition by or to any receiver, petitioner, assignee, transferee or other person obtaining an interest in the Shares.
- 4.5 **Prohibition on Encumbrances.** No Stockholder may pledge, hypothecate or otherwise encumber his Shares.
- 4.6 **Violation of Restrictions.** If any transfer of Shares is made or attempted contrary to the provisions of this Agreement or if any Shares are not

offered as required by these provisions, the Founding Stockholder and the Corporation shall have the right to purchase the Shares from the owner thereof or his transferee at any time before or after the transfer, as hereinafter provided. In addition to any other legal or equitable remedies, the Founding Stockholder and the Corporation may enforce this right by actions for specific performance (to the extent permitted by law). The Corporation may also refuse to recognize any such transferee or Stockholder as one of its stockholders for any purpose, including without limitation for purposes of dividend and voting rights, until all applicable provisions of these restrictions have been complied with.

4.7 Purchase Price.

4.7.1 Except with respect to purchases made under Section 4.2, the purchase price of each Share purchased hereunder shall be the fair market value per Share determined by appraisal as follows. Within thirty days after the election to purchase pursuant to Section 4.3 or 4.4, the Founding Stockholder or the Corporation, as the case may be, shall appoint an appraiser, the Stockholder whose Shares are being purchased (or his legally appointed representatives) shall appoint a second appraiser, and the two appraisers so appointed shall appoint a third appraiser, or if any party or the appraisers fail to act within such period, any unappointed appraiser or appraisers shall be appointed by the American Arbitration Association, Boston, Massachusetts, upon application of any party or appraiser. Each appraiser shall independently determine the value of the shares of the Stockholder whose Shares are being purchased as of a convenient date selected by the three appraisers. The fair market value of the Shares shall be the average of the two closest appraised values, and such determination shall be final and binding upon all interested persons. The Corporation shall promptly furnish to the appraisers such information concerning its financial condition, earnings, capitalization, business prospects and sales of its capital stock as they may reasonably request. The appraisers shall promptly notify in writing the Founding Stockholder, the Corporation and the Stockholder whose Shares are being purchased (or his legally appointed representatives) of the appraisers' final determination of value. The parties shall each bear the fees and expenses of the appraiser appointed by or for each of them, and the fees and expenses of the third appraiser shall be borne one-half by the Stockholder whose Shares are being purchased (or his legally appointed representatives) and one-half by the purchaser of the Shares.

4.8 Tenders. The Stockholder whose Shares are being purchased pursuant to Section 4.3 or 4.4 (or his legally appointed representatives) shall tender all Shares being purchased hereunder to the Founding Stockholder or the

Corporation, or to one or more assignees designated by the purchaser, at the principal office of the Corporation at a reasonable date and time specified by it (in any event within thirty days of the purchaser's election), by delivery of certificates representing such Shares endorsed in blank and in proper form for transfer against payment of the purchase price in cash or by certified or bank checks.

4.9 Waiver; Disposition of Shares. From time to time the Corporation may waive its rights hereunder either generally or with respect to one or more specified transfers which have been proposed, attempted or made. All action to be taken by the Corporation hereunder shall be taken by vote of a majority of its Directors then in office. Any Shares which the Corporation has elected to purchase hereunder may be disposed of by its Board of Directors in such manner as it deems appropriate, with or without further restrictions on the transfer thereof.

4.10 Subchapter S Restrictions. If the Corporation has elected to be an S corporation pursuant to Section 1362 of the Internal Revenue Code of 1986, as amended, then as long as such an election is in effect no Shares may be sold, assigned, pledged or otherwise transferred to any person or entity if the transfer would cause the termination of such election.

*FIFTH:* The name and mailing address of the sole incorporator is as follows.

<u>Name</u>	<u>Mailing Address</u>
Anne T. Leland	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. One Financial Center Boston, MA 02111

*SIXTH:* The Corporation is to have perpetual existence.

*SEVENTH:* For the management of the business and for the conduct of the affairs of the Corporation, and in further definition and not in limitation of the powers of the Corporation and of its directors and of its stockholders or any class thereof, as the case may be, conferred by the State of Delaware, it is further provided that:

A. The management of the business and the conduct of the affairs of the Corporation shall be vested in its Board of Directors. The number of directors which shall constitute the whole Board of Directors shall be fixed by, or in the manner provided in, the By-Laws. The phrase "whole Board" and the phrase "total number of directors" shall be deemed to have the same meaning, to wit, the total number of directors which the Corporation would have if there were no vacancies. No election of directors need be by written ballot.

B. After the original or other By-Laws of the Corporation have been adopted, amended or repealed, as the case may be, in accordance with the provisions of Section 109 of the General Corporation Law of the State of Delaware, and, after the Corporation has received any payment for any of its stock, the power to adopt, amend, or repeal the By-Laws of the Corporation may be exercised by the Board of Directors of the Corporation.

C. The books of the Corporation may be kept at such place within or without the State of Delaware as the By-Laws of the Corporation may provide or as may be designated from time to time by the Board of Directors of the Corporation.

*EIGHTH:* Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of Section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of Section 279 of Title 8 of the Delaware Code, order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.


*NINTH:* The Corporation shall, to the fullest extent permitted by the provisions of Section 145 of the General Corporation Law of the State of Delaware, as the same may be amended and supplemented from time to time, indemnify any and all persons whom it shall have power to indemnify under said section from and against any and all of the expenses, liabilities or other matters referred to in or covered by said section as amended or supplemented (or any successor), and the indemnification provided for herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any By-Law, agreement, vote of stockholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

*TENTH:* No director of this Corporation shall be liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director except to the extent that exculpation from liability is not permitted under the General Corporation Law of the State of Delaware as in effect at the time such liability is determined. No amendment or repeal of this Article shall apply to or have any effect on the liability or alleged liability of any director of the Corporation for or with respect to any acts or omissions of such director occurring prior

to such amendment or repeal. If the General Corporation Law of the State of Delaware is amended after approval by the stockholders of this Article to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the Corporation shall be eliminated or limited to the fullest extent permitted by the General Corporation Law of the State of Delaware, as so amended.

*ELEVENTH:* From time to time any of the provisions of this Certificate of Incorporation may be amended, altered or repealed, and other provisions authorized by the laws of the State of Delaware at the time in force may be added or inserted in the manner and at the time prescribed by said laws, and all rights at any time conferred upon the stockholders of the Corporation by this Certificate of Incorporation are granted subject to the provisions of this Article.

I, the undersigned, being the sole incorporator, for the purpose of forming a Corporation under the laws of the State of Delaware, do make, file and record this Certificate of Incorporation, to certify that the facts herein stated are true, and accordingly have hereto set my hand this 1st day of August, 1995.

  
Anne T. Leland

**EXHIBIT D – CERTIFICATE OF FOREIGN AUTHORITY**

**See attached**

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING OF ---

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC.

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC. , a Delaware corporation, authorized to transact business in the State of North Dakota on September 10, 1999, 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

TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC

Issued: August 13, 2004

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

Alvin A. Jaeger  
Secretary of State

**EXHIBIT E – FINANCIAL STATEMENTS**

**See attached**



Trans National Communications International, Inc  
 Balance Sheets  
 December 31  
 (in thousands)

	<i>2003</i>	<i>2002</i> <i>(As Restated)</i>
<b>Assets</b>		
Current Assets		
Cash And Cash Equivalents	\$167	\$303
Accounts Receivable, Net	3,170	4,753
Other Current Assets	289	238
	<hr/>	<hr/>
<b>Total Current Assets</b>	3,626	5,294
Fixed Assets, Net	594	657
Due From Affiliated Company	1,200	242
Other Assets, Net	511	656
	<hr/>	<hr/>
<b>Total Assets</b>	<u>\$5,931</u>	<u>\$6,849</u>
<b>Liabilities And Shareholders' Equity</b>		
Current Liabilities		
Accounts Payable And Accrued Expenses	\$5,632	\$6,190
Current Portion Of Loan Payable	35	40
	<hr/>	<hr/>
<b>Total Current Liabilities</b>	5,667	6,230
Loan Payable	13	48
	<hr/>	<hr/>
<b>Total Liabilities</b>	5,680	6,278
Shareholders' Equity		
Common Stock \$0.01 Par Value, 10,000 Shares Authorized, 4,473 Issued And Outstanding, and Capital In Excess Of Par	3,235	2,235
Accumulated Deficit	(2,984)	(1,664)
	<hr/>	<hr/>
	251	571
	<hr/>	<hr/>
<b>Total Liabilities And Shareholders' Equity</b>	<u>\$5,931</u>	<u>\$6,849</u>

Trans National Communications International, Inc  
 Statements of Operations  
 Year Ended December 31  
 (in thousands)

	<i>2003</i>	<i>2002</i> <i>(As Restated)</i>
Revenue	\$43,154	\$37,393
Direct Costs	<u>(35,147)</u>	<u>(30,037)</u>
	8,007	7,356
Selling, General And Administrative Expenses	<u>(6,245)</u>	<u>(5,722)</u>
Income From Operations Before Depreciation And Amortization	1,762	1,634
Depreciation And Amortization	<u>(1,175)</u>	<u>(1,338)</u>
Income From Operations	587	296
Other Income/(Expenses)		
Incentive Compensation Plans	0	(53)
Interest Expense	(313)	(288)
Interest Income	<u>0</u>	<u>2</u>
Net Income/(Loss) Before Discontinued Operations	274	(43)
Discontinued Operations	<u>(1,594)</u>	<u>384</u>
Net Income/(Loss)	<u><u>(\$1,320)</u></u>	<u><u>\$341</u></u>

**Trans National Communications International, Inc.**  
**Statements of Cash Flows**  
**Years Ended December 31**  
**(in thousands)**

	<i>2003</i>	<i>2002</i> <i>(As Restated)</i>
<b>Operating Activities:</b>		
Net Income/(Loss)	<u>(\$1,320)</u>	<u>\$341</u>
Reconciliation To Cash Flow		
Depreciation And Amortization	1,175	1,338
Change In		
Accounts Receivable	1,583	(1,474)
Other Current Assets	(51)	(116)
Accounts Payable And Accrued Expenses	(558)	(212)
Due From Affiliated Company	<u>42</u>	<u>48</u>
Total Adjustments	<u>2,191</u>	<u>(416)</u>
Net Cash Provided By/(Used In) Operating Activities	<u>871</u>	<u>(75)</u>
<b>Cash Flows From Investing Activities</b>		
Purchase Of Fixed Assets	(253)	(264)
Other Assets	<u>(714)</u>	<u>(844)</u>
Net Cash Used In Investing Activities	<u>(967)</u>	<u>(1,108)</u>
<b>Cash Flows From Financing Activities:</b>		
Proceeds from Capital Contributions	1,000	0
Due From Affiliated Company	(1,000)	0
Borrowings	0	130
Loan Repayments	<u>(40)</u>	<u>(173)</u>
Net Cash Used In Financing Activities	<u>(40)</u>	<u>(43)</u>
Net Decrease In Cash And Cash Equivalents	(136)	(1,226)
Cash And Cash Equivalents, Beginning	<u>303</u>	<u>1,529</u>
Cash And Cash Equivalents, Ending	<u><u>\$167</u></u>	<u><u>\$303</u></u>

**Trans National Communications International, Inc**  
**Balance Sheet**  
**December 31**  
**(in thousands)**

	2001	2000
<b>Assets</b>		
Current Assets		
Cash and Cash Equivalents	\$1,529	\$971
Accounts Receivable, Net	3,279	1,985
Other Current Assets	122	225
	<hr/>	<hr/>
<b>Total Current Assets</b>	4,930	3,181
Fixed Assets, Net	693	685
Due From Affiliated Company	290	242
Other Assets, Net	851	241
	<hr/>	<hr/>
<b>Total Assets</b>	<u>\$6,764</u>	<u>\$4,349</u>
<b>Liabilities And Shareholders' Equity</b>		
Current Liabilities		
Accounts Payable And Accrued Expenses	\$6,403	\$3,675
Current Portion Of Loan Payable	131	157
	<hr/>	<hr/>
<b>Total Current Liabilities</b>	6,534	3,832
Loan Payable	-	131
Other Long Term Liabilities	-	132
	<hr/>	<hr/>
<b>Total Liabilities</b>	6,534	4,095
Shareholders' Equity		
Common Stock \$0.01 Par Value, 10,000 Shares Authorized, 4,473 Issued And Outstanding, And Capital In Excess Of Par	2,235	2,235
Accumulated Deficit	(2,005)	(1,981)
	<hr/>	<hr/>
	230	254
	<hr/>	<hr/>
<b>Total Liabilities And Shareholders' Equity</b>	<u>\$6,764</u>	<u>\$4,349</u>

**Trans National Communications International, Inc.**  
**Statement of Operations**  
**Year Ended December 31**  
**(in thousands)**

	<i>2001</i>	<i>2000</i>
Revenue	\$24,511	\$19,531
Direct Costs	<u>(17,659)</u>	<u>(14,526)</u>
	6,852	5,005
Selling, General And Administrative Expenses	<u>(5,442)</u>	<u>(4,016)</u>
Income From Operations Before Depreciation And Amortization	1,410	989
Depreciation And Amortization	<u>(932)</u>	<u>(490)</u>
Income From Operations	478	499
Other Income/(Expenses)		
Incentive Compensation Plan Benefit/(Expense)	131	(142)
Interest Expense	(174)	(59)
Interest Income	<u>10</u>	<u>75</u>
Net Income Before Extraordinary Item	445	373
Extraordinary Item	<u>(469)</u>	<u>0</u>
Net Income/(Loss)	<u><u>(\$24)</u></u>	<u><u>\$373</u></u>

**Statement of Changes in Shareholders' Equity**  
**(in thousands)**

	<u>Common Stock</u>		<u>Capital</u>	
	<u>Shares</u>	<u>Value</u>	<u>In Excess</u>	<u>Accumulated</u>
			<u>Of Par</u>	<u>Deficit</u>
Balance At December 31, 1999	4	\$0	\$2,235	(\$2,354)
Net Income				373
Balance At December 3, 2000	<u>4</u>	<u>\$0</u>	<u>\$2,235</u>	<u>(\$1,981)</u>
Net Loss				(24)
Balance At December 3, 2001	<u><u>4</u></u>	<u><u>\$0</u></u>	<u><u>\$2,235</u></u>	<u><u>(\$2,005)</u></u>

**Trans National Communications International, Inc.**  
**Statement of Cash Flows**  
**Year Ended December 31**  
**(in thousands)**

	2001	2000
<b>Operating Activities.</b>		
Net Income/(Loss)	(\$24)	\$373
Reconciliation To Cash Flow		
Depreciation And Amortization	932	490
Change In		
Accounts Receivable	(1,294)	820
Other Current Assets	103	(207)
Accounts Payable And Accrued Expenses	2,728	(1,743)
Due From Affiliated Company	(48)	252
Other Long Term Liabilities	(132)	61
Total Adjustments	2,289	(327)
Net Cash Provided By Operating Activities	2,265	46
<b>Cash Flows From Investing Activities:</b>		
Purchase Of Fixed Assets	(263)	(366)
Other Assets	(1,287)	(284)
Net Cash Used In Investing Activities	(1,550)	(650)
<b>Cash Flows From Financing Activities:</b>		
Loan Repayments	(157)	(37)
Net Increase/(Decrease) In Cash And Cash Equivalents	558	(641)
Cash And Cash Equivalents, Beginning	971	1,612
Cash And Cash Equivalents, Ending	\$1,529	\$971

PU-04-627

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A Signature <input checked="" type="checkbox"/> <i>Greg Dardick</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Crick Robinson            Inc - O Inc            2 Charlesgate West            Boston MA 02215</i>	B Received by (Printed Name) <i>Greg Dardick</i>	C Date of Delivery <i>12/6</i>
	D Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below. <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7003 2260 0001 3517 9213	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

PU-04-627

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A Signature <input checked="" type="checkbox"/> <i>Samson Tafe</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Crick Robinson            Inc - O Inc            2 Charlesgate West            Boston MA 02215</i>	B Received by (Printed Name)	C Date of Delivery <i>12/6</i>
	D Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below. <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7003 2260 0001 3517 9435	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		