

**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

Application of
Vitcom, LLC

for a Certificate of Public Convenience and
Necessity to Provide Facilities-Based and Docket No. _____
Resold Local Exchange and Interexchange
Telecommunications Services in the State
of Utah

APPLICATION

Vitcom LLC (“VITCOM” or “Applicant” or “Company”), by its undersigned counsel and pursuant to Chapter 8b of Title 54 of the Utah Code, Utah Admin. Code §§ 746-100 *et seq.*, and the rules and regulations of the Utah Public Service Commission (“Commission”), hereby applies for a Certificate of Public Convenience and Necessity to authorize it to provide facilities-based and resold local exchange and interexchange telecommunications service in the State of Utah.

In support of its application, Vitcom LLC provides the following information:

1. GENERAL INFORMATION

Corporate Information

- A. Applicant’s legal name is Vitcom LLC Applicant may be reached at its principal place of business:

Vitcom LLC
1428 36th St., Suite 203A
Brooklyn, NY 11218
(212) 571-4000
Zalmen@vitcom.net

B. Vitcom LLC was incorporated on June 30, 1993, under the laws of the State of Illinois. Copies of VITCOM's Articles of Incorporation and authority to transact business as a foreign corporation are attached hereto as **Exhibit A**

Contact Information:

Correspondence or communications pertaining to this Application should be directed to:

Mordy Gross
221 Pine St
Lakewood, NJ 08701
mordygross@gmail.com
(484) 680-0768

Questions concerning the ongoing operations of Applicant following certification should be directed to:

Zalmen Ashkenazi, President
Vitcom LLC
1428 36th St, Suite 203A
(212) 571-4000
Direct (718) 689-1301
Zalmen@vitcom.net

Applicant's registered agent in the State of Utah is:

InCorp Services, Inc.
5278 S Pinemont Dr, Ste A250
Murray, UT 84123

Customer Service Information:

VITCOM's toll-free number for customer inquiries for the State of Utah is (877) 766-1199

2. R746-349-3(A)(2) Proof of bond in the amount of \$100,000

This bond is intended to provide security for customer deposits or other liabilities to telecommunications customers of the Applicant. VITCOM does not plan to collect customer deposits or offer any prepaid services in Utah. VITCOM hereby requests a waiver of this bond requirement.

3. R746-349-3(A)(3) Construction or Acquisition of Facilities

VITCOM does not currently own property in the State of Utah and does not plan to construct any facilities in the state. VITCOM will provide local exchange services through resale or unbundled interconnection with the Incumbent Local Exchange Carrier (“ILEC”).

4. R746-349-3(A)(4) Services to be offered.

(a) R746-349-3(A)(4)(a) Classes of customers

VITCOM intends to offer its services to business customers. VITCOM does not plan to serve residential customers, but may do so in the future as market conditions warrant.

(b) R746-349-3(A)(4)(b) Location of service

VITCOM seeks authority to offer interexchange telecommunications statewide. To the extent VITCOM provides basic local exchange service, it will initially do so in the areas served by Qwest and does not plan to provide service in areas of any small or rural local exchange carriers having fewer than 5,000 access lines.¹ However, VITCOM does seek statewide authority so that it may expand into other services as market

¹ At this time, Applicant does not seek to terminate any exemption held by a rural telephone company pursuant to 47 U.S.C. § 251(f).

conditions warrant and as additional service areas become open to competition.

(c) R746-349-3(A)(4)(c) Services Offered

VITCOM seeks authority to provide all forms of facilities-based and resold local exchange, access, and interexchange telecommunications services to and from all points in the State of Utah that are currently or become open to competition.

VITCOM seeks the full range of resold and facilities-based local exchange, access and interexchange authority so that it can have flexibility in provisioning services in the future.

5. R746-349-3(A)(5) Access to standard services

VITCOM will provide access to local exchange, toll, operator services, directory assistance, directory listings, and emergency services such as 911 and E911 either through facilities-based interconnection or resale services purchased directly from the ILEC.

6. R746-349-3(A)(6) Implementation schedule

VITCOM intends to initiate its operations in Utah upon receipt of authority and execution of an interconnection agreement with Qwest.

7. **R746-349-3(A)(7) Professional experience and education of managerial personnel and personnel responsible for Utah operations**

VITCOM does not plan to operate an office within Utah. Responsibility for Utah operations will be handled by Applicant's current management team from its headquarters in Brooklyn, NY. Descriptions of the extensive telecommunications and managerial experience of Applicant's key personnel are attached hereto as **Exhibit B**.

8. **R746-349-3(A)(8) Organization Chart**

Please see Exhibit B for managerial team responsible for Utah operations.

9. **R746-349-3(A)(9) Chart of Accounts**

VITCOM's chart of accounts including account numbers, names and brief descriptions is attached hereto as **Exhibit C**.

10. **R746-349-3(A)(10) Financial Statements**

Attached as **Exhibit D** are the most recent balance sheet and income statements, which demonstrate that the Applicant has sufficient resources to initiate operations and provide the services for which it seeks authority. Please note that the information provided in **Exhibit D** is proprietary and has been attached in a sealed envelope marked "**Confidential – Subject to Public Service Commission of Utah Rule R746-100-16.**" As it contains sensitive information regarding VITCOM's business operations, VITCOM respectfully requests that this information be treated confidentially and not be released to any member of the public absent VITCOM's prior written permission.

(a) **R746-349-3(A)(10)(a) Balance Sheet, Income Statement and Cash Flow Statement**

Attached hereto as **Exhibit D**.

(b) **R746-349-3(A)(10)(b) Letter from Management**

Not applicable.

(c) **R746-349-3(A)(10)(c) Start-up Company**

Not applicable. VITCOM has been providing local and long distance services in several jurisdictions since 2006.

(d) **R746-349-3(A)(10)(d) Parent Company Financials**

Not applicable.

11. R746-349-3(A)(11) Additional Financial Information

(a) **R746-349-3(A)(11)(a) Positive Net Worth**

As indicated in the financial statements in Exhibit D, VITCOM has a positive net worth.

(b) **R746-349-3(A)(11)(b) Income and Cash Flow**

Paragraph 12, below, provides evidence of a sufficient projected and verifiable cash flow to meet cash needs as shown in VITCOM's five year projection of expected operations.

(c) **R746-349-3(A)(11)(c) Proof of Bond**

Applicant requests a waiver as the company does not solicit customer deposits or offer any prepaid telecommunications services.

12. R746-349-3(A)(12) Five-year Projection

(a) **R746-349-3(A)(12)(a) Proforma Income and Cash Flow Statements**

See **Exhibit E** for financial projections.

(b) R746-349-3(A)(12)(b). Technical Description

Not applicable. The Company intends to provide service through the use of resold and facilities-based interconnection services.

(c) R746-349(A)(12)(c). Maps of Facilities Locations

Not applicable. VITCOM does not have physical facilities nor does it plan to construct such facilities in Utah.

13. R746-349-3(A)(13). Implementation schedule

The Company will enter into negotiations with Qwest Communications for a region wide interconnection/commercial agreement as soon as the Commission approves VITCOM's Application to operate as a local exchange telecommunications service provider in the State of Utah. The Company intends to offer service in Utah upon a valid request from customers in its target market.

14. R746-349-3(A)(14) Technical and managerial abilities

VITCOM's officers have the necessary managerial and technical resources and qualifications necessary to execute its business plan and to provide its proposed telecommunications services. VITCOM's management team has extensive experience in the telecommunications industry. Biographies of VITCOM's key personnel are attached hereto as **Exhibit B**.

VITCOM will initially utilize resold services and combinations of network elements provided by the underlying carrier(s). Underlying carriers will perform switching, routing and call completion functions.

See **Exhibit F** for a listing of states where Applicant has received authority to provide intrastate facilities-based and resold local exchange services and interexchange services and where the Applicant has applications currently pending. VITCOM has never been denied authority in any state.

(a) R746-649-3(A)(14)(a) Proof of Certification

Please see **Exhibit F**.

(b) R746-349-3(A)(14)(b) Experience

Not applicable

15. R746-349-3(A)(15) Public Interest

Approval of VITCOM's Application will serve the public interest by creating greater competition in the local exchange marketplace. The public convenience and necessity, therefore, will be served by the issuance of a Certificate of Public Convenience and Necessity to Applicant authorizing it to provide the services described in this Application.

16. R746-349-3(A)(16) Proof of Authority to Conduct Business in Utah

Please see **Exhibit A**.

17. R746-349-3(A)(17) Unauthorized switching, solicitation of new customers and prevention of unauthorized switching.

VITCOM will comply with Utah law and the Federal Communications Commission's ("FCC's) regulations regarding how interexchange carriers may change a consumer's Primary Interexchange Carrier ("PIC"). VITCOM will also

comply with the FCC's regulations regarding how carriers may change a consumer's primary local exchange provider.

(a) R746-349-3(A)(17)(a) Sanctions

VITCOM has never had sanctions imposed against it for unauthorized switching.

(b) R746-349-3(A)(17)(b)

Not applicable.

(c) R746-349-3(A)(17)(c)

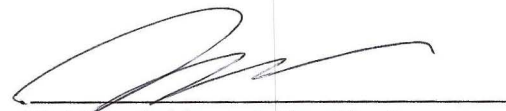
Not applicable.

18. R746-349-3(A)(18) Applicant's written policies

Applicant utilizes company sales representatives to market its services. The Company's marketing plan for Utah will be limited in nature. As such, the Company's exposure to unauthorized switching of customers is almost non-existent. The Company will comply with all FCC and state requirements regarding solititation and authorization for preferred carrier changes.

WHEREFORE, Vitcom LLC, respectfully requests that the Utah Public Service Commission issue a Certificate of Public Convenience and Necessity authorizing Vitcom LLC to provide resold and facilities-based local exchange telecommunications services in the State of Utah.

Respectfully submitted,


Zalmen Ashkenazi, President
Vitcom LLC

Dated: 8/11/14

LIST OF EXHIBITS

EXHIBIT A	Articles of Incorporation Authority to Transact Business
EXHIBIT B	Managerial and Technical Qualifications
EXHIBIT C	Chart of Accounts
EXHIBIT D	Financial Statements
EXHIBIT E	Five-Year Projection of Expected Operations
EXHIBIT F	Evidence of Certification in Other Jurisdictions
EXHIBIT G	Proposed Tariff
VERIFICATION	



Application for Authority to Transact Business

Vitcom Limited Liability Company
Exact Name of Foreign Limited Liability Company

1. This limited liability company of the state or country of **NY**, hereby applies for authority to transact business in the state of Utah.
2. Date of formation or organization **04/25/06** and duration period of **perpetual**.
3. The street address of the registered office in the State of Utah, and the name of the registered agent for service of process at the registered office, (the agent shall be a person residing or authorized to do business in the State of Utah). ***The signature of the authorized signer represents the irrevocable written consent of the foreign limited liability company that actions may be commenced against it in the proper court of any county where there is proper venue by the service of process on its registered agent, and if the agent has resigned, the agents authority has been revoked or the agent cannot be found, then on the director of the division, and stipulating and agreeing that this service shall be taken and held, in all courts, to be as valid and binding as if service had been made upon the members of the foreign limited liability company.

Incorp Services, inc.	5278 s Pinemont Dr Suite a250	Murray	UT	84123
Registered Agent Name	Street Address	City	State	Zip

Signature of Registered Agent **(Required)**

4. Principal place of business:

1428 36TH ST SUITE 203A	BROOKLYN	NY	11218
Street Address	City	State	Zip

5. The nature of the business or purpose(s) to be conducted or promoted in Utah Telecommunications services

6. Clear indication of who is managing the company is required.

Is this foreign limited liability company manager-managed? Yes

If YES, you must list the name and business or residence street address of each manager.

Manager	Name	Address	City/State	Zip
	Zalmen Ashkenazi	1428 36TH ST SUITE 203A	BROOKLYN / NY	11218

Is this foreign limited liability company member-managed? No

If YES, you must list the name and business or residence street address of each member.

Name	Address	City/State	Zip
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7. The date the limited liability company intends to first transact business in Utah: 10/25/14

8. A Certificate of Good Standing/Existence from the state of organization dated no earlier than ninety (90) days prior to filing with the Division is attached hereto.

Under penalties of perjury, I declare as a manager or member with management authority of this limited liability company having authority to sign hereto, that this application for authority to transact business has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

By: Zalmen Ashkenazi	Zalmen Ashkenazi Power Of Attorney
Limited Liability Company Authorized Signer Signature	Typed Name & Title



*State of New York }
Department of State } ss:*

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

June 7, 2006



A handwritten signature in black ink, appearing to read "R. J. ...".

Special Deputy Secretary of State

New York State
Department of State
Division of Corporations, State Records
and Uniform Commercial Code
41 State Street
Albany, NY 12231
www.dos.state.ny.us

f 060425000 764

(This form must be printed or typed in black ink)

ARTICLES OF ORGANIZATION
OF

Vitcom LLC

(Insert name of Limited Liability Company)


Under Section 203 of the Limited Liability Company Law

FIRST The name of the limited liability company is _____
Vitcom LLC

SECOND The county within this state in which the office of the limited liability company is to
be located is Kings

THIRD The Secretary of State is designated as agent of the limited liability company upon
whom process against it may be served. The address within or without this state to which the
Secretary of State shall mail a copy of any process against the limited liability company served upon
him or her is:

6005 14th Avenue, Brooklyn, New York 11219



(signature of organizer)

Lance J. M. Steinhart, Esq.

(print or type name of organizer)

L 060425000764

ARTICLES OF ORGANIZATION
OF

Vitcom LLC

(Insert name of Limited Liability Company)

Under Section 203 of the Limited Liability Company Law

Filed by: Angela Janssen
(Name)

1720 Windward Concourse Sute 250
(Mailing address)

Alpharetta GA 30005
(City, State and ZIP code)

NOTE: • This form was prepared by the New York State Department of State for filing articles of organization for a domestic limited liability company. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$200 filing fee made payable to the Department of State.

FILED
2006 APR 25 PM 3:02

2006 APR 25 PM 12:03

STATE OF NEW YORK
DEPARTMENT OF STATE

APR 25 2006

FILED
TAXS
BY

[Signature]

Zalmen Ashkenazi

Zalmen@vitcom.net

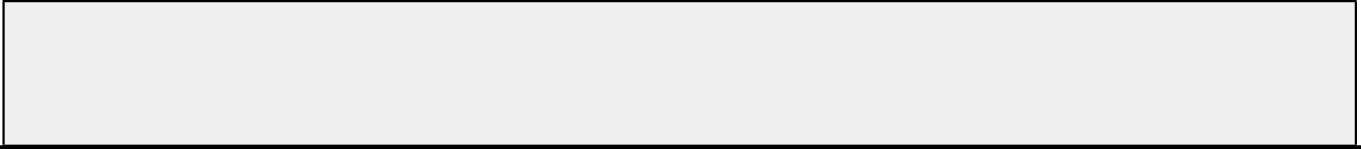
President,

- Industry recognized professional with 22 years of experience in telecommunications focusing on revenue assurance, cost optimization and profitability.
- Respected leader of technical teams, back office operations and corporate communications departments. Design and orchestrate network deployment that effectively promotes product growth and profitability.
- Expert in the technical, conceptual and content development of network planning. Proven ability to drive and deliver planned deployment of network interconnects.

Skills

- Network Planning and forecast
- Creative Team Leadership
- Contract Negotiations
- Best cost routing
- New Product Planning & execution
- Technical Development of Training Materials
- Cost audit and analysis

Recent Accomplishments



Professional Experience

Tandem Transit LLC– Brooklyn, NY

CTO , 11/2009 to 12/2013

Directly responsible for defining and executing detailed regular cost and performance analysis and recommendation along the optimization process chain, the functional service units and vendor types.

Selected Accomplishments:

- Identified the network frameworks and requirements, defined and aligned requirements with the corporate efforts and oversaw the system related realization and implementation. Responsible for forecast, negotiation and deployment of Interconnect Networks with other Tandem carriers to establish a facility-based network.
- Deployed a full redundant VoIP network to operate as a TANDEM nationwide.
- Proactively drove the improvement of efficiency and effectiveness of internal provisioning process to deliver timely and fulfill customers' expectation.
- Leveraged strengths in cost-effective network re-design and vendor negotiations to end each year an average of 15% under-budget (without compromising business growth goals). Work directly with finance for monthly Cost of Goods Sold & Margin reporting.

XCHANGE TELECOM CORP – Brooklyn, NY

Vice President, Network Operations, 9/2005 to 11/2009

Developed and implemented plans for UNE-L and CLEC facilities based, for cost reductions, revenue assurance and profitability.

- Audited and groomed voice network to optimize and cut cost by approximately 40%.
- Implemented best cost routing for quality and cost reduction.
- Implemented process and policy surrounding pricing. Responsible for all tariff filings.
- Responsible for all products margin reporting to demonstrate profitability of the various business units. Provided guidance to maximize profitability.
- Build and developed the migration for resale to facilities based.

Vitcom Corporation – New York, NY

CEO , 6/1996 to 6/2003

Advanced through a series of promotions, primarily responsible for company's profitability through detailed product margin reporting, pricing analysis, least cost routing, network planning and contract negotiations.

- Planned and deployed First Voice Over IP network nationwide serviced through 6 switches in the United States. Responsible for least cost routing in a 14-switches fully ubiquitous network (6 in USA, 1 in Canada, 7 in Europe).
- Accountable for all audits/verification of vendor invoices including filing disputes and handling dispute resolutions & settlements.
- Provided detailed margin reporting. All Business units were held responsible for profitable contribution to the growth of the company. The monthly management margin report was an instrumental tool utilized for operations. It provided a comprehensive view of entire business operations.

Boro Tel – New York, NY

President , 2/1992 to 5/1996

Built and developed Payphone Coin operated phones, throughout the city of New York

- Managed a team of installers and repair crew of over 1000 payphones.
- Install over 1000 phones in a period of 16 months.
- Sold with great success

Technology

Software: Equinox, Routing Translation DMS250, DMS500, MetaSwitch, MS Office (Word, Access, Excel, PowerPoint), SMS/800 Database, HP-12C

Education

Untied Talmudical academy – Monroe , NY



30 Avenida D, 14-45
Ciudad de Plata II, Zona 7
Guatemala, Guatemala

Mobil +011 (502) 2473 8903
E-mail juan@vitcom.net

Juan Carlos Quan

Objective

Senior Management Position in an Industry where I can contribute with my wide experience in sales, consulting, business development in emerging markets and profit developing strategies.

Professional experience

2013 – To date **Vitcom Corp** Florida

Chief Financial Officer

- Responsible for the Accounting department
- Set up Treasury, budgeting and Cash flow

2009 – To date **TandemTransit LLC** New York

Chief Financial Officer

- Responsible for the Accounting department
- Set up Treasury, budgeting and Cash flow

2005 – 2009 **Fusion Telecom (VoIP Division)** Fort Lauderdale, Florida

Regional Director Latin America, VoIP Division

- Developed and manage Sales and Support channels through models of profit sharing deals, Joint Ventures and Services for Cable operators, ISPs, Private Labels, Resellers and Direct Sales.
- Created VoIP services business models for sales to Ex Pats, Residential, SoHo, Corporate, Call shops, With solutions from Softphones, ATAs and specialized billing services.
- Implemented Call Center VoIP services with an array of solutions from Sip Trunking, Hosted IP PBX and Asterisk options among others, with specialized Call Center requirement features.
- Organized the Latin America division for Sales and Support channels
- Obtained a full Telecommunications License in the Dominican Republic

2004 – 2005 **Fusion Telecom (Carrier Division)** Fort Lauderdale, Florida

Manager Latin America, Business Dev. Carrier Division

- Negotiated Interconnection contracts for Central America, Mexico and Cuba
- Created a business model for corporate sales for VoIP services

2000 – 2004 **Vitcom Corporation** Miami, Florida

Central America and Caribbean Business Development Manager

- Negotiated Interconnection contracts in El Salvador, Guatemala, Nicaragua, Mexico and Cuba
- Negotiated, Implemented and managed POPs in El Salvador, Guatemala, Honduras, Mexico, Haiti, Jamaica, Colombia, Panama
- Personally generated sales of over US\$ 20 Million with profits of over US\$ 4 Million

1996 – 2000 **Omega Group** San Salvador, El Salvador

Chief Operating Officer

Holding company for Computer Sales and services stores in 3 countries

- Responsible for overall market strategy, as well as financial operations of the group.
- Responsible for international operations in Honduras, Guatemala and El Salvador
- Sales of US\$ 11 Million per year

1984 – 1996 **Omega Electrónica** San Salvador, El Salvador

General Manager

Company dedicated to the sale of computer hardware, software, service contracts and training.

- Founder of the company
- Created specialized divisions for Networking, Microsoft Certified Training, Government Sales, Retail and Corporate Sales Divisions (75 employees)
- Negotiated distribution for IBM, Compaq, Acer, Microsoft, Novell
- Sales of US\$ 7 Million per year

1983 – 1984 **Omega Electrónica** Guatemala, Guatemala

Sales Manager

- Co-founder of the company
- Responsible for sales of Personal Computers division

1982 -1983 **Omega Data Center** Guatemala, Guatemala

Sales Manager

- Co-Founder of the company
- Responsible for sales of Data Processing Services

Education

1978-1982 **University Of Southern Mississippi** Hattiesburg, MS

BS Business Administration

Vitcom LLC
Balance Sheet
 As of December 31, 2013

	Dec 31, 13
ASSETS	
Current Assets	
Checking/Savings	
6065	-104.50
Capitalone Vitcom Checking 6820	1,108.87
Clearing Account	-100.65
Tandem 6043	-2,587.53
Vitcom (Savings)CapitalOne 7906	20,042.22
Vitcom Chase 0074	-9,801.84
Total Checking/Savings	8,556.57
Accounts Receivable	
Accounts Receivable	76,311.34
Total Accounts Receivable	76,311.34
Other Current Assets	
Undeposited Funds	100.65
Total Other Current Assets	100.65
Total Current Assets	84,968.56
Fixed Assets	
Furniture and Equipment	11,680.29
Termination equipment	113,390.00
Total Fixed Assets	125,070.29
TOTAL ASSETS	210,038.85
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	39,568.17
Total Accounts Payable	39,568.17
Other Current Liabilities	
Loan Payable	47,024.34
Total Other Current Liabilities	47,024.34
Total Current Liabilities	86,592.51
Total Liabilities	86,592.51
Equity	
Opening Balance Equity	
VNS Switch	113,390.00
Opening Balance Equity - Other	-2.36
Total Opening Balance Equity	113,387.64
Retained Earnings	-18.00
Net Income	10,076.70
Total Equity	123,446.34
TOTAL LIABILITIES & EQUITY	210,038.85

Vitcom LLC
Profit & Loss
January through December 2013

	<u>Jan - Dec 13</u>
Ordinary Income/Expense	
Income	
Sales	48,056.35
Tandem Transport	22,496.89
Total Income	<u>70,553.24</u>
Gross Profit	70,553.24
Expense	
Bandwith	2,368.32
Bank Service Charges	1,241.46
Billing company	500.00
Computer and Internet Expenses	
Website	290.91
Total Computer and Internet Expenses	<u>290.91</u>
Financial Expense	
Disputes Taxes and Fees	0.00
Late Payment Fees	856.22
Total Financial Expense	856.22
Interest Income	-42.22
IT	87.06
Misc	344.51
Network Expense	3,180.00
Office Expense	
Blackberry	19.53
Office Expense - Other	1,603.31
Total Office Expense	<u>1,622.84</u>
Office Supplies	139.95
Professional Fees	5,890.00
salarie	1,434.00
Taxes	759.62
Termination Cost	
Stratics	1,583.00
Termination Cost Cogent	9,454.86
Termination Cost - Other	28,477.46
Total Termination Cost	<u>39,515.32</u>
Verify deposit	1.00
Zalmen	2,287.55
Total Expense	<u>60,476.54</u>
Net Ordinary Income	<u>10,076.70</u>
Net Income	<u><u>10,076.70</u></u>

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

WILLIAM M. FLYNN
Chairman
PATRICIA L. ACAMPORA
MAUREEN F. HARRIS
ROBERT E. CURRY JR.
CHERYL A. BULEY



DAWN JABLONSKI RYMAN
General Counsel

JACLYN A. BRILLING
Secretary

July 24, 2006

Mr. Lance J.M. Steinhart
Vitcom LLC
1720 Windward Concourse
Suite 250
Alpharetta, Georgia 30005

Re: Case 06-C-0554 -- Vitcom, LLC

Dear Mr. Steinhart:

The application, by Vitcom, LLC on May 2, 2006 for a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service, with authority to provide local exchange service, is hereby approved. This approval is based upon the accuracy of the information provided in the company's application and may be revoked if the application is found to contain false or misleading information, for failure to file or maintain current tariffs, or for violation of Commission rules and regulations.

The company's tariffs, P.S.C. No. 1 and 2 – Telephone, are also approved.

The company is not authorized to use its own operators to handle 0- (emergency or non-emergency) calls. Such calls must be routed to another telephone company or operator services provider authorized to handle such calls, until such time as an amended Certificate of Public Convenience and Necessity is obtained pursuant to Part 649.6 of the Commission's rules.

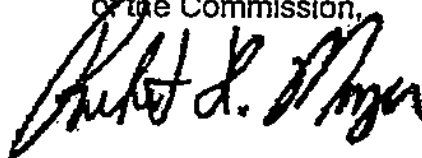
The company must obtain any required consents of municipal authorities before commencing construction of telephone lines. It must also comply with applicable federal laws, New York State Public Service Law and related statutes, and the Commission's rules and regulations.

The following reporting requirements also apply:

- Service Outage Reports. Major service outages should be reported to Department Staff by telephone when they occur. See Enclosure 1 for specific instructions.
- Operating Revenues. These reports are due March 31 each year. The company will be notified in writing each year of the required content and format of these reports.
- Service Quality Reports. These reports are due on the 10th of each month, commencing when the company actually has local exchange lines in service. See Enclosure 2 for further information and instructions.

If you have any questions, please contact Linda Maselli at (518) 473-4053.

By direction and delegation
of the Commission,



Robert H. Mayer
Director
Office of Telecommunications

Enclosures 1, 2
cc: Maria LeBoeuf
Greg Pattenaude
Central Operations (2)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide
local telecommunications service by Vitcom,
LLC.

DOCKET NO. 130268-TX
ORDER NO. PSC-14-0091-PAA-TX
ISSUED: February 5, 2014

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE OF AUTHORITY

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Vitcom, LLC (Vitcom) applied for a Certificate of Authority to provide Telecommunications service, pursuant to Section 364.335, Florida Statutes. Upon review of the application, it appears that Vitcom has sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to Vitcom Certificate of Authority No. 8856, which authorizes Vitcom to provide telecommunications service throughout the State of Florida.

Telecommunications service providers are required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAF) if the certificate was active during any portion of the calendar year. A RAF Return notice will be mailed each December to Vitcom for payment by January 30th. Neither the cancellation of its certificate nor the failure to receive a RAF Return notice shall relieve Vitcom from its obligation to pay its RAF.

If this Order becomes final and effective, it will serve as Vitcom's certificate. Vitcom shall retain this Order as proof of its certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.336, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Vitcom, LLC's application for a Certificate of Authority is hereby granted. It is further

ORDERED that Vitcom, LLC is awarded Certificate of Authority No. 8856, which authorizes Vitcom, LLC, to provide telecommunications service throughout the State of Florida, subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as Vitcom, LLC's certificate and shall be retained by Vitcom, LLC, as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of February, 2014.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SMH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 26, 2014.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.



Agenda Date: 3/19/14
Agenda Item: IC

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF VITCOM, LLC)
FOR AUTHORITY TO PROVIDE LOCAL EXCHANGE)
AND INTEREXCHANGE TELECOMMUNICATIONS)
SERVICES THROUGHOUT THE STATE OF NEW)
JERSEY) DOCKET NO. TE14010054

Parties of Record:

Mordy Gross, Esq., for Petitioner
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

Pursuant to N.J.S.A. 48:2-1 et seq. and Section 253 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., and by letter dated January 15, 2014, Vitcom, LLC ("Petitioner" or "VITCOM") filed a verified Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide both resold and facilities-based Unbundled Network Elements ("UNEs") local exchange and interexchange telecommunications services throughout the State of New Jersey. Petitioner has submitted its financial information under seal and has filed a sworn affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality, N.J.A.C. 14:1-12 et seq. and in compliance with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

VITCOM is a limited liability company organized under the laws of the State of New York. VITCOM's principal owners also own and operate Tandem Transit, a wholly owned subsidiary which provides Tandem Services for Voice over Internet Protocol ("VoIP") enabled carriers. VITCOM's principal offices are located at 1428 36th Street, Suite 224A, Brooklyn, New York 11218.

Petitioner has submitted copies of its Articles of Organization from the State of New York and its New Jersey Certificate of Authority to operate as a Foreign Limited Liability Company. Petitioner is currently authorized to provide telecommunications services in the State of New York and has filed an application to provide telecommunications services in the State of Florida. Petitioner states that it has not been denied authority to provide telecommunications services, its authority has not been revoked in any jurisdiction, and it has not been the subject of any civil or criminal

proceedings. Petitioner intends to enter into an interconnection agreement with Incumbent Local Exchange Carriers ("ILECs") upon approval of its petition.

Petitioner seeks authority to provide both resold and facilities-based UNEs local exchange and interexchange telecommunications services to business and residential customers in the State of New Jersey. Petitioner will initially provide services by resale and by purchasing UNEs from ILECs. Its services will include, but are not limited to, local exchange services including local dial tone and custom calling features that will enable customers to originate and terminate local calls in the local calling area served by the petitioner as well as other local exchange carriers; Switched local exchange services such as flat-rates and measure-rated local services; vertical, Direct Inward and Outward Dialed trunks; carrier access; public and semi-public coin telephone services; any other switched local services that currently exist or will exist in the future. The company's service will also include non-switched local services such as private lines; Centrex and/or Centrex-like services that currently exist or will exist in the future; Digital subscriber lines; integrated services digital network and other high capacity line services; VoIP Services; Interexchange switched and dedicated services such as outbound dialing; toll free inbound dialing; Prepaid and Postpaid calling cards; Directory Assistance; Frame Relay; and other data services.

Petitioner may construct its own transmission and switching facilities utilizing, fiber optics, microwave, copper cables, carrier, digital, analog, and other technologies. Petitioner intends to utilize its Class 5 switch currently located in Manhattan and intends to collocate telecommunications equipment in central offices in New Jersey. Petitioner states that remote vehicles and other switches may subsequently be installed in other areas. Its facilities may be used for both switched and private line traffic and shall include the provision of business switched local exchange services. Its facilities may be used separately or in conjunction with similar facilities provided by or obtained from other entities. Petitioner maintains a toll-free number for customer service inquiries. Petitioner will file an initial tariff with the Board.

Petitioner requests a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which require that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts ("USOA"), respectively. Petitioner, instead, requests permission to maintain its books and records in accordance with Generally Accepted Accounting Principles and to keep all books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at Petitioner's corporate offices located in Brooklyn, New York.

By letter dated January 27, 2014, the Division of Rate Counsel ("Rate Counsel") submitted comments with the Board stating that, based on its review, "Rate Counsel is satisfied that the Petition meets the regulatory requirements and is consistent with the public interest, convenience, and necessity." Id. at 1-2. Accordingly, Rate Counsel does not oppose a grant of authority, approval, or other requests sought in the verified Petition.

DISCUSSION

On February 8, 1996, the Federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. § 151 et seq., was signed into law, removing barriers to competition by providing that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." 47 U.S.C. § 253(a).

Any grant of authority is subject to the right of the Board as the state regulatory authority to impose requirements necessary to protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. 47 U.S.C. § 253(c).

In considering this Petition, the Board recognizes its obligation not to prohibit entry into intrastate telecommunications markets of qualified applicants. 47 U.S.C. § 253(a). The Board also considers the New Jersey State Legislature's declaration that it is the policy of the State to provide diversity in the supply of telecommunications services and the Legislature's findings that "competition will promote efficiency, reduce regulatory delay, and foster productivity and innovation" and "produce a wider selection of services at competitive market-based prices." N.J.S.A. 48:2-21.16(a)(4); N.J.S.A. 48:2-21.16(b)(1) and (3).

Therefore, having reviewed VITCOM's Petition and the information supplied in support thereof, the Board **FINDS** that the Petitioner is in compliance with the Board's filing requirements to provide telecommunications services in New Jersey. Accordingly, the Board **HEREBY AUTHORIZES** the Petitioner to provide local exchange and interexchange telecommunications services throughout the State of New Jersey. Pursuant to N.J.A.C. 14:3-1.3(a), the Board notes that the Petitioner will not be permitted to provide telecommunications services until a tariff is filed with the Board. Additionally, Petitioner is not relieved from its responsibility to file an Annual Report and a Statement of Gross Intrastate Revenues from Operations form for the preceding calendar year.

Furthermore, the Board **FINDS** that in accordance with N.J.S.A. 48:2-59 and 48:2-60 and N.J.S.A. 52:27EE-52, the Petitioner is subject to an annual assessment by both the Board and the Division of Rate Counsel, respectively.

The Board **HEREBY ORDERS**:

- 1) Petitioner shall file its tariff with the Board.
- 2) Pursuant to N.J.S.A. 48:2-16(2)(b) and N.J.A.C. 14:3-6.3, Petitioner shall file an annual report as of December 31 of each year, which is due on or before March 31 of the following year. Pursuant to N.J.S.A. 48:2-16.3, if Petitioner fails to file an annual report by the due date, Petitioner shall be subject to a penalty of \$5.00 for each day thereafter until such report is filed.
- 3) Pursuant to N.J.S.A. 48:2-62, Petitioner shall file a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before June 1 of the following year.

On or before February 1 of each year, the Petitioner will receive from the Division of Audits an annual report package and a Statement of Gross Intrastate Revenues from Operations form for the preceding calendar year. The purpose of these documents is to report the Petitioner's financial information and gross intrastate revenues from operations as of December 31 of each year. The annual report and a statement of gross intrastate revenues from operations form are due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive these documents, it is Petitioner's responsibility to obtain them from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports.

Regarding the Petitioner's request for waivers of the Board rules, the Board **FINDS** that the Petitioner has demonstrated good cause why the Board should grant relief from its requirements

that the Petitioner maintain its books and records in accordance with USOA and within New Jersey. Therefore, subject to the Petitioner's continuing responsibility to provide the Board books and records upon 48 hours' notice, and in the manner requested, and to pay to the Board all expenses or charges incurred by the Board for any investigation or examination of these books and records, the Board **APPROVES** the Petitioner's request for the exemptions from maintaining its books and records in accordance with USOA and in New Jersey.

This Order shall be effective March 28, 2014.

DATED: 3/19/2014

BOARD OF PUBLIC UTILITIES
BY:



DIANNE SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

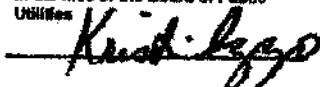

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



IN THE MATTER OF THE PETITION OF VITCOM, LLC FOR AUTHORITY TO PROVIDE
LOCAL EXCHANGE AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE STATE OF NEW JERSEY
DOCKET NO. TE14010054

SERVICE LIST

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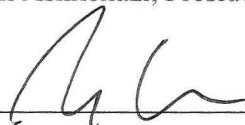
VERTIFICATION

Zalmen Ashkenazi, President of Vitcom LLC being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

Vitcom LLC

By: 
Zalmen Ashkenazi
President

The foregoing instrument was acknowledged before me this 8 day of August, 2014 by Zalmen Ashkenazi, President of Vitcom LLC



Notary Public

MORDECHAI GROSS
ATTORNEY & COUNSELOR AT LAW
NO. 02GR6221050
Qualified in Kings County
Commision Expires April 26, 2018