

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN THE MATTER OF THE APPLICATION OF )**  
**XYN COMMUNICATIONS OF UTAH, LLC )**  
**FOR A CERTIFICATE OF PUBLIC CONVENIENCE ) DOCKET NO. \_\_\_\_\_**  
**AND NECESSITY TO PROVIDE FACILITIES-BASED, )**  
**RESOLD LOCAL EXCHANGE AND ACCESS )**  
**TELECOMMUNICATIONS SERVICES IN THE )**  
**STATE OF UTAH )**

**I. INTRODUCTION**

XYN Communications of Utah, LLC (“XYN” or “Applicant”), pursuant to Utah R749-349 hereby respectfully submits to the Utah Public Service Commission (the “Commission”) an application for authority to offer facilities-based, resold local and access telecommunications services in the non-rural wire centers in the State of Utah. XYN seeks a Certificate of Public Convenience and Necessity (“CPCN”) to provide these services in the Proposed Service Area. XYN intends to provide residential and business retail and wholesale telecommunications and access services using its own network infrastructure as well as those of their underlying carrier(s).

**II. GENERAL COMPANY INFORMATION**

In support of this Application for authority to provide local exchange telecommunications in the Proposed Service Area, XYN states the following:

1. XYN is a Utah domestic limited liability company with its principal place of business located at 8275 S. Eastern Avenue, Suite 200, Las Vegas, NV 89123. A copy of XYN’s Certificate of Authority to transact business in the State of Utah is attached as Exhibit A. XYN’s Utah Business Entity Number is 9700967-0160.

2. The contact person for this filing is:

Leon Nowalsky, Esq.

Nowalsky & Gothard, APLLC

1420 Veterans Blvd.

Metairie, LA 70005

Phone (504) 832-1984

Email: [lnowalsky@nbglaw.com](mailto:lnowalsky@nbglaw.com)

3. The regulatory contact person for XYN is:

Shawn Sims, Manager

XYN Communications of Utah, LLC

8275 S. Eastern Avenue, Suite 200

Las Vegas, NV 89123

Phone (888) 599-6996

4. The complaint contact is:

Shawn Sims, Manager

XYN Communications of Utah, LLC

8275 S. Eastern Avenue, Suite 200

Las Vegas, NV 89123

Phone (888) 599-6996

### **III. FINANCIAL AND TECHNICAL QUALIFICATIONS**

XYN possesses the technical, managerial and financial resources to provide competitive local exchange telecommunications to serve the public interest, by giving Utah customers more choices in selecting their telecommunications service provider. Attached as Exhibit B is a Public

Copy of the financial statements of XYN's parent company, XYN Holdings, Inc. A confidential version of this Exhibit has been provided under seal inside a separate sealed envelope. Treatment. Attached as Exhibit C are projected financials. Also enclosed are the resumes of management and key personnel as Exhibit D. XYN is applying for facilities-based local exchange services in the following states: Arizona, Colorado, South Dakota, Nebraska, Oklahoma and Nevada.

#### **IV. DEPOSITS AND BONDS**

XYN does not intend to collect deposits from its retail customers. XYN may require a deposit from a wholesale carrier customer. XYN respectfully requests a waiver from R746-349-3(2) requiring a bond of \$100,000 as it will not collect deposits from retail customers. In the event the company intends to begin collecting deposits, a bond will be obtained and submitted to the Commission.

#### **V. FACILITIES**

XYN will use a combination of its own facilities and those of other carriers to provision its service. The type and location of facilities in Utah will be determined at a later date depending on the number of customers in Utah.

#### **VI. SERVICE AREA AND TYPE OF SERVICE**

XYN is requesting the service area currently being served by CenturyLink/Qwest. XYN does not intend to provide services in any area considered rural or within an area of an incumbent with less than 30,000 lines.

XYN business plan includes telecommunications service to primarily business customers in non-rural areas. XYN intends to market services to the general public.

In accordance with R746-349-3(5) XYN intends to provide directory assistance, directory listings and emergency 911 and E911 service either directly or through their underlying carrier(s).

XYN will begin the process of obtaining numbering resources within the State of Utah once this Application is approved by the Commission.

## **VII. COMPLAINTS AND POLICIES**

XYN currently has no complaints nor are they under investigation for unauthorized switching (slamming) or other illegal activities. XYN has never been sanctioned for any of these activities.

XYN has a written Letter of Agency which is used to solicit new customers.

## **VIII. CONCLUSION**

XYN possesses the technical and managerial ability and the necessary financial resources to provide competitive local exchange telecommunications services that will serve the public interest by providing Utah customers with additional options in choosing their telecommunications service provider.

WHEREFORE, XYN respectfully requests that the Commission issue an Order approving this Application by issuing a Certificate of Public Convenience and Necessity provide local exchange telecommunications services in the Proposed Area.

Respectfully submitted:

Leon Nowalsky  
Nowalsky & Gothard, APLLC  
1420 Veterans Blvd.  
Metairie, LA 70005  
Phone (504) 832-1984  
Fax (504) 831-0892

**VERIFICATION OF APPLICANT**

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

Shawn Sims, being of proper age and duly sworn, states that he is Manager of XYN Communications of Utah, LLC, that he has read the foregoing application, that he is familiar with the contents thereof, and that the statements contained therein and in all attachments thereto are true and correct to the best of his knowledge and belief.

\_\_\_\_\_  
Shawn Sims, Manager  
XYN Communications of Utah, LLC  
8275 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89123

Signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

My Commission Expires:

EXHIBIT A

CERTIFICATE OF AUTHORITY

EXHIBIT B

FINANCIAL STATEMENTS

(NON-CONFIDENTIAL-REDACTED VERSION)

Enclosures:

GAAP Attestation – XYN Holdings, LLC  
XYN Holdings, LLC Balance Sheet Dated February 29, 2016  
2014 & 2015 Federal Tax Returns – XYN Holdings International, Inc.

EXHIBIT B

FINANCIAL STATEMENTS

(CONFIDENTIAL VERSION- NOT FOR PUBLIC VIEW)

Enclosures:

GAAP Attestation – XYN Holdings, LLC  
XYN Holdings, LLC Balance Sheet Dated February 29, 2016  
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EXHIBIT C

UTAH REVENUE PROJECTIONS

EXHIBIT D  
RESUMES OF MANAGEMENT