

BEFORE THE
UTAH PUBLIC SERVICE COMMISSION

Application of)
Access Point, Inc.)
) Docket No. _____
For a Certificate of Public Convenience and)
Necessity to Provide Resold and Facilities-Based)
Local Exchange Services within the State of Utah)

APPLICATION

Access Point, Inc. ("Access Point " or "Applicant"), by its undersigned officer and pursuant to Chapter 8b of Title 54 of the Utah Code; the Commission's Rules of Practice and Procedure, Utah Admin. Code § 746-100 et seq.; and the federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., hereby applies to the Utah Public Service Commission for a certificate of public convenience and necessity authorizing Applicant to operate as a provider of resold and facilities-based local exchange telecommunications services in the State of Utah.

In support of its application, Access Point, Inc. provides the following information:

1. General Information

Corporate Information

A. Applicant's legal name is Access Point, Inc. Applicant may be reached at its principal place of business:

Access Point, Inc.
1100 Crescent Green, Suite 109
Cary, North Carolina 27518
Telephone: (919) 851-4838
Facsimile: (919) 851-5422

- B.** Access Point was incorporated on April 6, 1996, under the laws of the State of North Carolina. Copies of Access Point's certificate of formation and its certificate of good standing as a foreign corporation in Utah are attached hereto as Exhibit A.

Contact Information

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

Thomas M. Forte
Consultant to Access Point, Inc.
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
Maitland, Florida 32751
Telephone: (407) 740 - 3001
Facsimile: (407) 740 - 0613
E-mail: tforte@tminc.com

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

Jason Brown
Access Point, Inc.
1100 Crescent Green, Suite 109
Cary, North Carolina 27518
Telephone: (919) 851 - 4838
Facsimile: (919) 851 - 5422
E-mail: jason.brown@accesspointinc.com

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

TCS Corporate Services, Inc.
500 West 3900 South, Suite 2b
Salt Lake City, UT 84107

Customer Service Information

Access Point's toll-free number for customer inquiries is (800) 957 - 6468.

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. Access Point does not plan to collect customer deposits or offer any prepaid services in Utah. Access Point hereby requests a waiver of this bond requirement.

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

Access Point does not currently own property in the State of Utah and does not plan to construct any facilities in the state. Access Point 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

Access Point seeks authority to provide all manner of resold and facilities-based local exchange and switched access services. The Company intends to offer private line and basic local exchange business services within Utah.

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

Access Point initially proposes to offer basic local exchange services targeted at business customers throughout the state leveraging associations with these customers in other certificated states. The company also plans on offering residential services and xDSL related services as well.

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

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

Access Point's initial focus will be in the service territory of Qwest Corporation.

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

Access Point 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

Access Point has no timetable established for the commencement of local services, whether resold or facilities-based. The company has a very limited market segment it will offer services to, as was mentioned in Section 4(a), therefore no concrete timetable has been established.

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

Access Point 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 North Carolina. Descriptions of the extensive telecommunications and managerial experience of Access Point'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

Access Point'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

The company is providing, in Exhibit D, the year-end 2005 and 2006 Financial Statements and Annual Report, in support of Access Point's financial ability to provide local exchange services. The Company had filed for bankruptcy in 2000 but emerged from that proceeding in 2001. Access Point is financially qualified to provide local exchange services in Utah.

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

The company is providing, in Exhibit D, the year-end 2005 and 2006 Financial Statements and Annual Report, in support of Access Point's financial ability to provide local exchange services.

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

Please see the management letters in the 2005 and Annual Report as well as the auditor's statement in both documents.

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

Applicant is not a start-up company.

(d) R746-349-3(A)(10)(d) Parent company financials

Not applicable.

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

(a) R746-349-3(A)(11)(a) Positive net worth

The company is providing, in Exhibit D, the year-end 2005 and 2006 Financial Statements and Annual Report, in support of Access Point's financial ability to provide local exchange services.

(b) R746-349-3(A)(11)(b) Income and cash flow statements

The company is providing, in Exhibit D, the year-end 2005 and 2006 Financial Statements and Annual Report, in support of Access Point's financial ability to provide local exchange services.

(c) R746-349-3(A)(11)(c) Proof of bond

Not applicable. 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) Pro-forma income and cash flow statements

The Company has a very limited target Customer market within Utah and cannot anticipate when sales will occur therefore they have not undertaken a pro-forma income and cash flow statement.

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

(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) R746-349-3(A)(12)(c) Detailed Maps of Facilities Locations

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

13. R746-349-3(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 Access Point'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. (See response to 4(a) of this application for a definition of a target market customer).

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

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

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

Access Point is a non-dominant telecommunications company that has been providing interexchange long distance telecommunications services to business and residential customers in 48 states. See Exhibit F for a complete listing of the certification status of Access Point. The company has an application for local service pending in Indiana and plans on filing local applications in various other states prior to the end of the second quarter of 2008.

(a) R746-349-3(A)(14)(a) Proof of Certification

Please see Exhibit F.

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

Please see Exhibit B.

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

Approval of Access Point'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

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

Access Point has never had sanctions imposed against it for unauthorized switching. The Company has however has had its Authority to Conduct Business (Secretary of State Authorizations) revoked in Illinois and Nebraska. The Company has rectified those issues and has received reinstatement in these two states. Internal policies have been adjusted in an effort to make sure that these issues do not happen again.

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

(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. As was detailed in 4(a) above, 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.

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

Respectfully submitted,

Richard E. Brown
President/CEO
Access Point, Inc.

Dated: _____

LIST OF EXHIBITS

EXHIBIT A Certificate of Formation and Certificate of Good Standing in Utah

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

VERIFICATION

EXHIBIT A

Access Point, Inc.

Certificate of Formation and
Certificate of Good Standing in Utah

EXHIBIT B

Access Point, Inc.

Managerial and Technical Qualifications

EXHIBIT C

Access Point, Inc.
Chart of Accounts

EXHIBIT D

Access Point, Inc. Financial Statements

The company is providing the year-end 2005 and Financial Statements and Annual Report of its parent company, Access Point, Inc., in support of the company's financial ability to provide local exchange services.

Access Point, Inc. is currently not under the protection of the federal bankruptcy system. The applicant did file for bankruptcy in 2000 but emerged from bankruptcy in 2001.

EXHIBIT E

Access Point, Inc.

Five-Year Projection of Expected Operations

The Company has a very limited target Customer market within Utah and cannot anticipate when sales will occur therefore they have not undertaken a pro-forma income and cash flow statement.

EXHIBIT F

Access Point, Inc.

Evidence of Certification in Other Jurisdictions

Access Point has had their certificate revoked in Nebraska and Illinois due to not filing their annual financial statements, but have reconciled this problem internally and these certificates have been reinstated.

ACCESS POINT, INC.
CERTIFICATION STATUS

<u>States Authorized to Provide Service</u>	<u>Services Provided</u>
Alabama	Local and Interexchange
Arizona	Interexchange
Arkansas	Interexchange
California	Local and Interexchange
Colorado	Interexchange
Connecticut	Local and Interexchange
Delaware	Local and Interexchange
District of Columbia	Local
Florida	Local and Interexchange
Georgia	Local and Interexchange
Idaho	Interexchange
Illinois	Local and Interexchange
Indiana	Interexchange
Iowa	Interexchange (No Certification Required)
Kansas	Local and Interexchange
Kentucky	Local and Interexchange
Louisiana	Local and Interexchange
Maine	Local and Interexchange
Maryland	Local and Interexchange
Massachusetts	Local and Interexchange
Michigan	Interexchange
Minnesota	Interexchange
Mississippi	Local and Interexchange
Missouri	Interexchange
Montana	Interexchange
Nebraska	Interexchange
Nevada	Interexchange
New Hampshire	Local and Interexchange
New Jersey	Local and Interexchange
New Mexico	Interexchange
New York	Local and Interexchange
North Carolina	Interexchange
North Dakota	Interexchange
Ohio	Interexchange
Oklahoma	Interexchange
Oregon	Interexchange
Pennsylvania	Local and Interexchange
Rhode Island	Local and Interexchange
South Carolina	Local and Interexchange
South Dakota	Interexchange
Tennessee	Local and Interexchange
Texas	Local and Interexchange
Utah	Interexchange (No Certification Required)
Vermont	Local and Interexchange
Virginia	Local (Certificated as Access Point of Virginia, Inc.)
Washington	Interexchange
West Virginia	Local and Interexchange
Wisconsin	Interexchange
Wyoming	Interexchange

