

**Lance J.M. Steinhart  
Lance J.M. Steinhart, PC  
1720 Windward Concourse  
Suite 115  
Alpharetta, Georgia 30005  
Telephone: 770/232-9200  
Facsimile: 770/232/9208  
E-mail: lsteinhart@telecomcounsel.com  
Date Submitted:**

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

<b>In the Matter of the Petition</b>	)	
<b>of Lifeconnex Telecom, LLC</b>	)	
	)	<b>DOCKET NO.</b>
<b>for Authority to Compete as a</b>	)	
<b>Telecommunications Corporation</b>	)	<b>REQUEST FOR AGENCY ACTION</b>
<b>and to offer</b>	)	
<b>Public Local Exchange</b>	)	
<b>Telecommunications Services</b>	)	

Lifeconnex Telecom, LLC, ("Lifeconnex") hereby requests agency action from the Utah Public Service Commission (the "Commission") pursuant to the Commission's Rules of Practice and Procedure (Utah Admin. Code R746-100) and Section 63-46b-3 of the Utah Administrative Procedures Act. Lifeconnex petitions the Commission for authority to compete as a telecommunications corporation (as defined at Utah Code Ann. § 54-8b-2(7)) and to compete in providing public local exchange telecommunications services (as defined at Utah Code Ann. § 54-8b-2(6)) in Utah. In support of this Request for Agency Action, Lifeconnex alleges as follows:

## DESCRIPTION OF PETITIONER

1. Lifeconnex is incorporated in the State of Florida and is in good standing under the laws of that state. The Company was incorporated on August 18, 2006 as Swiftel, LLC and changed its name to Lifeconnex Telecom, LLC on April 2, 2009. The Company is authorized to do business as a foreign corporation in the State of Utah.

2. Lifeconnex Telecom, LLC has no parent company or subsidiaries.

3. Lifeconnex is a Florida Limited Liability Company with offices located at 13700 Perdido Key Drive, Unit B222, Perdido Key, Florida 32507; (850) 308-1616 (Phone); and (850) 492-5085 (Fax). The company's contact for customer complaints is Lenny Solt, Vice-President. The toll-free number for customer service is (866) 744-0946.

The name, address and telephone number (including toll free number from desired Utah service areas) electronic mailing address of the persons responsible for resolving complaints, inquires, and matters concerning rates and price lists and/or tariffs.

Angie M. Watson, President  
(866) 744-0946  
13700 Perdido Key Drive, Unit B222, Perdido Key, Florida 32507  
(850) 308-1616 (Phone)  
awatson@lifeconnex.net (E-mail)

4. Lifeconnex was formed in Florida to provide voice and data telecommunications services to residential customers. An organization chart listing all the Company employees currently working or that plan to be working in or for Utah operations, their job titles, and responsibilities is attached hereto as Exhibit 10.

5. Lifeconnex has access to the financial and capital necessary to conduct its telecommunications operations as specified herein. Lifeconnex is financially qualified to provide resold and facilities-based/UNE telecommunications services in the State. Lifeconnex has extensive experience in providing telecommunications services, and is currently authorized to provide local exchange service in Alabama, Florida, Kansas, Kentucky, Louisiana, Massachusetts, Montana, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee and Washington; and is providing such services in Alabama, Florida, Kentucky and North Carolina. Lifeconnex will rely upon existing financial, personnel and technological resources to provide the proposed local exchange services.

6. Lifeconnex is financially and technically qualified to provide public telecommunications services in the State of Utah and has complied with or will comply with all legal requirements to act as a telecommunications corporation and to provide public telecommunications services in the State of Utah.

### **JURISDICTION**

7. The Commission has jurisdiction to supervise and regulate every public utility in the State of Utah, including telephone corporations, under Utah Code Ann. Title 54 (the "Act").

## **PROPOSED UTAH SERVICES OF Lifeconnex**

8. Lifeconnex hereby petitions the Commission for the legal authority as a telecommunications corporation to provide to provide all forms of local exchange telecommunications services. Upon initiation of service in Utah, Lifeconnex Telecom, LLC, (Lifeconnex) proposes to offer local exchange services, and local services through the use of unbundled network elements. Services will be provided by utilizing the facilities of incumbent local exchange carriers ("LECs"), such as Qwest, and may provide all forms of local exchange telecommunications services including:

### Local Exchange:

- A. Local Exchange Services that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features.
- B. Switched local exchange services, including basic service, trunks, carrier access, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services.(the Lifeconnex Services").

Initially, Lifeconnex intends to offer services targeted to residential customers within the Lifeconnex Service Territory (defined in paragraph 9).

An implementation schedule pursuant to 47 U.S.C. 252(c) of the Telecommunications Act of 1996 is as follows: The Company intends to commence providing local exchange service for residential in the 3rd quarter of 2010.

9. Applicant seeks statewide authority except within exchange areas with less than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. § 54-8b-2.1 (3) and (4). Specifically, Lifeconnex seeks authority as a reseller and facilities-based provider of local exchange services in the service areas of Qwest Communications, Inc. and any other existing or future LECs providing service in Utah (the "Lifeconnex Service Territory"). As service will be provided on a statewide basis and will mirror the service areas of certified local exchange carriers, a service area map is not being submitted at this time.

The Applicant will initially be providing resold local exchange service, and will utilize unbundled network elements, to provide local service in the State of Utah. Should the Applicant decide to install facilities in the State of Utah, Applicant is willing to provide detailed maps of proposed locations of facilities including a description of the specific facilities and services to be deployed at each location when the Applicant submits its first price list prior to beginning service in Utah. Lifeconnex's proposed tariff describing its proposed local exchange services and operations, and relevant terms and conditions, will be filed hereafter.

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

10. Lifeconnex hereby petitions the Commission for the issuance of a certificate of public convenience and necessity under Utah Code Ann. § 54-4-25 ("Certificate") for the Lifeconnex Service Territory. Lifeconnex alleges as follows:

a. The entry of Lifeconnex into the public intrastate telecommunications marketplace will enhance the public convenience and necessity. Among other things, Lifeconnex's participation will:

- (1) Provide a wider private investment in the telecommunications infrastructure of the State of Utah;
- (2) Promote consumer choice by expanding the availability of innovative, high quality, reliable and competitively priced public telecommunications services; and
- (3) Increase incentives for other providers of public telecommunications services to improve their responsiveness to consumers, to enhance their productive efficiency, to accelerate product innovation and to adjust service prices continually according to market conditions.

b. The public convenience and necessity requires the issuance of a Certificate to Lifeconnex due to, among other things: (1) the significant benefits of the entry of Lifeconnex to the citizens of Utah enumerated above; (2) the continuing changes in the public demand for public telecommunications services; (3) the rapid advance of telecommunications

technology; and (4) the market position, managerial skill and technological expertise of Lifeconnex.

c. Before engaging in regulated activities in geographic areas under the jurisdiction of any local public authority, Lifeconnex will secure and submit to the Commission evidence of any required consent, franchise or permit of the local authority.

d. The proposed operations of Lifeconnex will not conflict with or adversely affect the operations of any existing certificated fixed public utility in the Lifeconnex Service Territory within the meaning of Utah Code Ann. § 54-4-25(3).

e. Lifeconnex will not encroach upon, interrupt, overburden, disrupt or otherwise adversely affect the transmission lines, switches or facilities of any existing fixed public utility within the meaning of Utah Code Ann. § 54-4-25(3).

f. The proposed activities and services of Lifeconnex are not an improper extension into the territory certificated to an existing fixed public utility within the meaning of Utah Code Ann. § 54-4-25(3).

g. The issuance of a Certificate to Lifeconnex is a first and necessary step towards implementation of Lifeconnex's offering of the Lifeconnex Services in the Lifeconnex Service Territory. Other related issues can be resolved through private negotiation, through additional proceedings before the Commission or both. However, resolution of all such issues need not delay the issuance of the Certificate to Lifeconnex.

### **REQUEST FOR EXEMPTION FROM REGULATION**

11. To the extent necessary for the Commission to issue a Certificate and to authorize Lifeconnex to provide the Lifeconnex Services in the Lifeconnex Service Territory, Lifeconnex petitions the Commission to exempt Lifeconnex, pursuant to Chapter 8b of the Act, from certain restrictions and limitations of the Act. The requested exemptions would apply solely to Lifeconnex in its capacity as a telecommunications corporation providing the Lifeconnex Services in the Lifeconnex Service Territory.<sup>1</sup> The requested exemptions include:

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<sup>1</sup> Under Utah Code Ann. § 54-8b-3(1), the Commission has authority, upon proper findings, to exempt any telecommunications corporation or any public telecommunications service from any requirement of the Act.

a. An exemption to the extent the Commission determines that the Lifeconnex Services will impermissibly conflict with the services of an existing fixed public utility, or that an exclusive territorial certificate has previously been granted to an existing service provider.

b. An exemption from the general rate making and any cost-of-service based pricing requirements relating to the sale of the Lifeconnex Services.

c. An exemption from the requirements of the Act and any rules promulgated under the Act otherwise applicable to a noncompetitive telephone corporation related to the filing of service and class of service limitations, budgeting and budget filing requirements, tariff filings, the filing of contracts, seeking approval for issuance of securities or for transactions with affiliates, reporting transfers of property, and other similar or related filing, notice and reporting requirements.

d. All CLEC Exemptions set forth in R746-349-7, for both Title 53 and Commission rules, including Uniform System of Accounts, Tariff Filings, and Exchange Maps.

The Applicant is willing to accept only those exemptions listed in Utah Administrative Rule R746-349-7.

12. In support of its petition for exemption, Lifeconnex alleges as follows:

a. In providing the Lifeconnex Services in the Lifeconnex Service Territory, Lifeconnex will be subject to effective competition within the meaning of Utah Code Ann. § 54-8b-3(4)(a). Lifeconnex will be subject to effective competition as shown, among other things, by the following:

(1) Each of the Lifeconnex Services is currently offered by incumbent service providers in the Lifeconnex Service Territory. Such incumbents have facilities in place and offer public telecommunications services in the Lifeconnex Service Territory, which are functionally equivalent to or substitutable for the Lifeconnex Services. Therefore, Lifeconnex will face effective competition when Lifeconnex offers the Lifeconnex Services.

(2) Many of the incumbent telecommunications providers in Utah have nearly a century of operating experience in the intrastate public telecommunications marketplace and have clearly demonstrated they possess the technical ability, the economic substance and have in place or can put into service adequate facilities to provide functionally equivalent or substitutable services to intrastate offerings of Lifeconnex at competitive rates, terms and conditions.

(3) Lifeconnex, with its breadth and extent of its existing and planned network operations, and its proven managerial and technological expertise, has the ability to provide to its customers services which are comparable to and competitive with services currently offered in the Lifeconnex Service Territory. Accordingly, competition is both feasible and practical.

(4) While Lifeconnex, as a new entrant in the public telecommunications services market in Utah, will initially have no market share for its services, it is a strong potential competitor for public telecommunications services.

(5) Existing providers, by definition, are not subject to economic or regulatory barriers to entry. A significant barrier to entry for new entrants in the relevant intrastate telecommunications markets Lifeconnex seeks to enter appear to be regulatory in nature and if regulatory barriers to entry are lowered or eliminated, market forces will accelerate the pace of technological advances which will benefit the public through increased choices and potentially lower cost of service.

(6) Upon the relaxation of existing regulatory barriers to entry, Lifeconnex can enter the market and compete with the incumbent telecommunications service providers. In addition, other qualified competitors will have the potential to enter the market and to compete in the providing of public telecommunications services. The entry of Lifeconnex in the marketplace will also increase competition for price and service of public telecommunications services. Competition will create an incentive for existing service providers to enhance their efficiency and to accelerate technological and service innovations. The result of such innovations will be additional and more convenient services, and greater choice in selecting services and service providers, all of which will benefit and promote the public interest. Competition will also increase system redundancies that can eliminate or mitigate the adverse effects of network failures.

(7) Lifeconnex seeks an exemption to the extent necessary to allow

Lifeconnex, as a telecommunications corporation, to provide the Lifeconnex Services in the Lifeconnex Service Territory. Granting the proposed exemptions will not in and of itself alter the regulatory status of public telecommunications services provided by other telecommunications corporations, or the status of any other telecommunications corporations.

a. Authorizing Lifeconnex to provide the Lifeconnex Services in the Lifeconnex Service Territory is in the public interest.

Currently, a significant proportion of potential customers in the Lifeconnex Service Territory are customers of an incumbent service provider. The entry of Lifeconnex will afford those customers a choice in local exchange services, which choice is not currently available. Additionally, the granting of this request is and will be in the public interest, among other reasons, because of the following:

- (1) Competition has emerged for many public telecommunications services that were previously thought to be natural monopolies;
- (2) Advancements in telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of new and competitive services;
- (3) Increased competition in public telecommunications services will encourage infrastructure development and have beneficial effects on the price, universal availability, variety, and

quality of public telecommunications services;

(4) The emergence of competition in public telecommunications services has already contributed, and can be expected to continue contributing, to the modernization of the telecommunications infrastructure;

- (5) Competition in the local market will, as in the long distance industry and the communications equipment market, bring lower prices and higher quality services;
- (6) A diversity of telecommunications carriers enhances the network reliability by providing redundant capacity, thereby lessening the impact of any network failure;
- (7) Increasing the availability of interconnection and interoperability among the facilities of telecommunications carriers will help stimulate the development of fair competition among providers;
- (8) Access to unbundled network features and functions will enhance the growth of competition and promote the diversity of services available to the public; and
- (9) Access to switched, digital telecommunications service for all segments of the population promotes the core First Amendment goals of diverse information sources and diverse means of disseminating information by enabling individuals and organizations alike to publish and otherwise make information available in electronic form.

b. Lifeconnex will not have any captive customers because all potential customers of Lifeconnex will have access to reasonably available alternative public telecommunications services.

c. Because the Lifeconnex Services will be subject to effective competition, market pressures will establish prices for the Lifeconnex Services that will not exploit customers and which, if efficiently delivered, will provide a fair return to Lifeconnex. The resulting Lifeconnex rates will be just and reasonable, and the Commission, with respect to Lifeconnex, can replace regulatory rate making, which is only a substitute for effective competition, with actual competition.

## **RELATED ISSUES**

13. Interconnection between Lifeconnex and incumbent service providers is practical and technologically feasible and there are practical and feasible means for treating related interconnection issues such as 911/E911 routing, directory assistance, 800 routing, local area number portability, custom local area signaling services ("CLASS"),<sup>2</sup> operator services and the development and operation of an open network architecture. Lifeconnex petitions the Commission for legal authority to resolve all such issues to the satisfaction of the Commission, either through private negotiation or through additional proceedings before the Commission. Specifically, Lifeconnex petitions the Commission for an order which:

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<sup>2</sup> CLASS is a generic term for features that require Signaling System 7 connectivity. The most well known feature under this umbrella is Caller Identification, commonly referred to as Caller ID.

a. Authorizes interconnection between Lifeconnex and incumbent service providers in the Lifeconnex Service Territory; and

b. Requires incumbent service providers in the Lifeconnex Service Territory to sell access, interconnection and related services to Lifeconnex on an unbundled basis.

14. Lifeconnex will participate in all existing Commission approved programs and can satisfy statutory requirements relating to the universal availability of public telecommunications services in Utah. While it is the belief of Lifeconnex that the competitive entry it has proposed in this Request for Agency Action will assist, not hinder, universal service, Lifeconnex will, nonetheless, agree to participate in any reasonable program supporting universal availability of public telecommunications services that the Commission.

15. Lifeconnex will further participate in all existing Commission approved programs and can satisfy statutory requirements relating to the provision of 911/E-911 services and Telecommunications Device for the Deaf (TDD).

16. Lifeconnex further petitions the Commission for legal authority to undertake such additional activities as are necessary or incidental to bringing into operation the Lifeconnex Services in the Lifeconnex Service Territory.

**NOW, THEREFORE,** Lifeconnex respectfully requests that the Commission:

A. Grant to Lifeconnex a Certificate authorizing Lifeconnex to compete as a telecommunications corporation offering the Lifeconnex Local Exchange Services in the Lifeconnex Service Territory.

B. As may be deemed necessary or appropriate by the Commission, issue an order under Chapter 8b of the Act granting Lifeconnex an exemption to the requirements of the Act to allow Lifeconnex:

1. To obtain a nonexclusive Certificate to compete as a telecommunications corporation offering the Lifeconnex Local Exchange Services in the Lifeconnex Service Territory;

2. To price the Lifeconnex Services at market rates; and

3. As set forth in this Request for Agency Action, to operate without the reporting, notice and filing requirements imposed by the Act and applicable Commission rules on noncompetitive telephone corporations.

C. Issue an order under authority of Chapter 8b and Section 54-4-1 of the Act:

1. Authorizing Lifeconnex to interconnect with incumbent service providers in the Lifeconnex Service Territory;

2. Requiring incumbent local exchange telecommunications services providers to offer access, interconnection and related services to Lifeconnex on an unbundled basis.

D. Issue an order authorizing Lifeconnex to undertake such additional activities as are necessary or incidental to bringing into operation the Lifeconnex Services in the Lifeconnex Service Territory.

E. Grant Lifeconnex a waiver of the \$100,000 bond requirement. Lifeconnex will not require advance payments or deposits.

**Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2009**

**By:** \_\_\_\_\_  
**Lance J.M. Steinhart**  
**Lance J.M. Steinhart, P.C.**  
**1720 Windward Concourse**  
**Suite 115**  
**Alpharetta, Georgia 30005**  
**(770) 232-9200 (Phone)**  
**(770) 232-9208 (Fax)**  
**[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com) (E-mail)**  
**Counsel for Lifeconnex Telecom, LLC**

## LIST OF EXHIBITS

1. LIFECONNEX TELECOM, LLC's BALANCE SHEET AS OF DECEMBER 31, 2008 AND PROFIT AND LOSS STATEMENT FOR JANUARY THROUGH DECEMBER 2008
2. STATEMENT REGARDING FACILITIES
3. MANAGEMENT PROFILES
4. CERTIFICATION IN OTHER JURISDICTIONS
5. PROOF OF AUTHORITY TO CONDUCT BUSINESS IN UTAH
6. 5 YEAR PROJECTION OF EXPECTED OPERATIONS
7. STATEMENT REGARDING COMPLAINTS
8. STATEMENT REGARDING WRITTEN POLICIES REGARDING SOLICITATION OF NEW CUSTOMERS AND DESCRIPTION OF EFFORTS MADE TO PREVENT UNAUTHORIZED SWITCHING OF UTAH LOCAL SERVICE
9. CHART OF ACCOUNTS
10. ORGANIZATIONAL CHART

1. LIFECONNEX TELECOM, LLC'S BALANCE SHEET AS OF DECEMBER 31,  
2008 AND PROFIT AND LOSS STATEMENT FOR JANUARY THROUGH  
DECEMBER 2008

**Lifeconnex Telecom, LLC  
13700 Perdido Key Drive, Unit B222  
Perdido Key, Florida 32507**

**VIA OVERNIGHT DELIVERY**

Utah Public Service Commission  
160 East 300 South  
Salt Lake City, UT 84145  
Att: Ms. Julie Orchard  
Commission Secretary

Re: Petition of Lifeconnex Telecom, LLC for Authority to Compete as a  
Telecommunications Corporation and to Offer Public Local Exchange  
Telecommunications Services

Dear Ms. Orchard:

Angie M. Watson, President of Lifeconnex Telecom, LLC attests to the accuracy, integrity and objectivity that the statements were prepared in accordance with generally accepted accounting principles and the applicable rules of the Commission.

Sincerely,

Angie M. Watson  
President

Enclosures

cc: Lance J.M. Steinhart, P.C.

UT CLEC Petition

## 2. STATEMENT REGARDING FACILITIES

Upon initiation of service in Utah, the company proposes to offer resold local exchange services, and local services utilizing unbundled network elements. Such services will be provided by utilizing the facilities of incumbent local exchange carriers ("LECs"). The company has no current plans to install facilities in the State of Utah.

### 3. MANAGEMENT PROFILES

See Attached

#### 4. CERTIFICATION IN OTHER JURISDICTIONS

Applicant is currently authorized in Alabama, Florida, Kansas, Kentucky, Louisiana, Massachusetts, Montana, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee and Washington. to provide local exchange and long distance services. Applicant is in the process of applying for authorization to provide competitive local exchange services in the 48 contiguous states and the District of Columbia. Applicant has not been denied authority for any of the services for which it seeks authority in this Application. Applicant is currently providing service in Alabama, Florida, Kentucky and North Carolina.

5. PROOF OF AUTHORITY TO CONDUCT BUSINESS IN UTAH

See Attached

6. 5 YEAR PROJECTION OF EXPECTED OPERATIONS

See Attached.

7. STATEMENT REGARDING COMPLAINTS

Lifeconnex Telecom, LLC, has had no formal complaints filed with the FCC or any state regulatory authority, nor have any sanctions been imposed against the company.

8. STATEMENT REGARDING WRITTEN POLICIES REGARDING SOLICITATION OF NEW CUSTOMERS AND DESCRIPTION OF EFFORTS MADE TO PREVENT UNAUTHORIZED SWITCHING OF UTAH LOCAL SERVICE

The company intends to and is willing to abide by and comply with Commission Rule 746-349-3.

The company intends to and is willing to abide by and comply with Commission Rule 746-349-3.

The company's Policy on Slamming is as follows:

Verification of orders

Lifeconnex will not submit a change order for local exchange or intrastate toll service until the change order is confirmed in accordance with one of the following procedure:

(a) Lifeconnex has obtained the customer's written authorization to submit the order which includes the following information from the customer:

- (1) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;
- (2) The decision to change; and
- (3) The customer's understanding of the change fee, if any.

### Implementing order changes

(a) Telemarketing orders. Within three business days of any telemarketing order for a change, Lifeconnex will send each new customer an information package by first class mail containing at least the following information concerning the requested change:

- (1) The information is being sent to confirm a telemarketing order placed by the customer.
- (2) The name of the customer's current telecommunications company.
- (3) A description of any terms, conditions or charges that will be incurred.
- (4) The name of the newly requested telecommunications company.
- (5) The name of the person ordering the change.
- (6) The name, address and telephone number of both the customer and Lifeconnex.
- (7) A postpaid postcard that the customer can use to deny, cancel or confirm a service order.
- (8) A clear statement that if the customer does not return the postcard, the customer's service will be switched fourteen days after the date the information package was mailed. If customers have cancelled their orders during the waiting period, Lifeconnex cannot submit the customer's order.
- (9) The name, address and telephone number of a contact point for consumer complaints.

(b) The documentation of the order shall be retained by Lifeconnex, at a minimum, for twelve months to serve as verification of the customer's authorization to change its telecommunications company. The documentation will be made available to the customer upon request.

(c) Customer initiated orders. Lifeconnex when receiving the customer initiated request for a change of local exchange and/or intrastate toll shall keep an internal memorandum or record generated at the time of the request. Such internal record shall be maintained by Lifeconnex for a minimum of twelve months to serve as verification of the customer's authorization to change telecommunications companies. The internal record will be made available to the customer upon request. Within three business days of the order, Lifeconnex will send each new customer an information package by first class mail containing at least the following information concerning the request to change.

9. CHART OF ACCOUNTS

See Attached

10. ORGANIZATIONAL CHART

No affiliates.