

**BEFORE THE
UTAH PUBLIC SERVICE COMMISSION**

Application of)
Broadview Networks, Inc.)
)
For a Certificate of Public Convenience) **Docket No.** _____
And Necessity to Provide Resold and)
Facilities-Based Local Exchange Services)
Within the State of Utah)

APPLICATION

Broadview Networks, Inc. (“Broadview”), 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, Broadview provides the following information:

1. General Information

Corporate Information

- A. Applicant’s legal name is Broadview Networks, Inc. Applicant may be reached at its principal place of business

800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Telephone: (914) 922-7000
Facsimile: (914) 922-7001

- B. Broadview was incorporated on June 5, 1991, under the laws of the State of New York. Copies of Broadview’s Articles of Incorporation 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:

Catherine M. Hannan, Regulatory Counsel
Broadview Networks, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Telephone: (240) 461-0412
Facsimile: (914) 287-0223
E-mail: channan@broadviewtel.com

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

Steven J. Bogdan, Director of Regulatory
Broadview Networks, Inc.
2100 Renaissance Boulevard
King of Prussia, PA 19406
Telephone: (610) 755-4877
Facsimile: (267) 537-0074
E-mail: sbogdan@broadviewnet.com

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

C T Corporation System
136 East South Temple, Suite 2100
Salt Lake City, UT 84111

Customer Service Information

Broadview's toll-free number for customer inquiries is (800) 276-2384.

2. R746-349-3(A)(2) \$100,000 Bond Requirement

Attached hereto, as Exhibit B, is Broadview's most recently filed SEC Form 10-Q (filed August 7, 2009). This Exhibit contains all relevant financial data pertaining to the Company and demonstrates that adequate provisions exist to protect customer deposits or other customer and state fund liabilities with need for posting of a \$100,000 bond. Accordingly, Broadview

respectfully requests a waiver of the bonding requirement which would otherwise be imposed by R746-349-3.

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

Broadview does not currently own property in the State of Utah and does not plan to construct any facilities in the state. Broadview intends to offer a broad range of local telecommunications services through the use of its own facilities, resold facilities and through a combination of these provisioning methods. Broadview will not be installing any facilities other than equipment to be installed in existing buildings or structures for the purpose of providing local exchange telecommunications services in Utah. This equipment may eventually include switches; no business decision has yet been made as to the location of any such switching equipment.

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

Broadview seeks authority to provide all manner of resold and facilities-based local exchange and switched access services.

(a) R746-349-(A)(4)(a) Class of Customers

Broadview's primary focus will be upon the provision of local exchange telecommunications services to small- to medium-sized business customers; Applicant's services will, however, also be available to residential customers.

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

Broadview's initial focus will be in the service territory of Qwest Corporation, and in particular, the Salt Lake City area.

5. R746-349-(A)(5) Access to Standard Services

Broadview 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-(A)(6) Implementation Schedule

Broadview intends to initiate its local exchange telecommunications services offering in Utah upon receipt of the requested Certificate of Public Convenience and Necessity.

7. R746-349-(A)(7) Professional Experience and Education of Managerial Personnel and Personnel Responsible for Utah Operations

Responsibility for Utah operations will be handled by Applicant's current management team from Broadview's main headquarters in Rye Brook, New York. Professional biographies of Broadview's senior management team are attached as Exhibit C.

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

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

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

Broadview has historically maintained its financial records in accordance with Generally Accepted Accounting Principles and does not organize its accounts in accordance with the Uniform System of Accounts. The obligation to do so with respect to only the company's Utah intrastate operations would pose an undue burden upon the company; accordingly, Applicant seeks permission to continue maintaining records in accordance with GAAP rather than USOA.

Applicant's records provide an equivalent portrayal of operating results and financial conditions as the USOA. Broadview's accounting system utilizes accounts and sub-accounts as required by GAAP and utilizes a standard system of accounts consistent with the use of GAAP. Accordingly, Broadview respectfully requests that the requirement for a chart of accounts be

waived, or in the alternative, that the Commission accept the use of SEC approved GAAP accounting as a reasonable substitute.

10. R476-349-3(A)(10) Financial Statements

Please see Exhibit B.

11. R476-349-3(A)(11) Additional Financial Statements

Additional financial information concerning Applicant, if required, is publicly available at <http://www.sec.gov/edgar/searchedgar/webusers.htm>.

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

(a) R746-349-3(A)(12)(a) Pro-forma Income and Cash Flow Statements

Because Applicant uses consolidated financial statements with its parent, Broadview Networks Holdings, Inc., an entity subject to the filing requirements of the Securities and Exchange Commission, Applicant does not generate pro-forma accounting statements.

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

Not applicable. Applicant 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. Broadview does not have physical facilities, nor does it plan to construct facilities in Utah.

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

Applicant intends to commence negotiations with Qwest Communications for an interconnection/commercial agreement immediately upon docketing of the instant Application to operate as a local exchange telecommunications service provider in the State of Utah.

14. R746-349-3(A)(14) Technical and Managerial Abilities

Broadview has extensive experience in the provision of local and long distance telecommunications services to business and residential consumers. Please see Exhibit C for information concerning telecommunications technical and managerial experience of key management personnel.

(a) R746-349-3(A)(14)(a) Certifications

Please see Exhibit D.

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

Please see Exhibit C.

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

Both the Utah Legislature and the United States Congress have determined that it is in the public interest to promote competition in the provision of telecommunications services. By granting this Application, the Commission will continue its well-established policy of promoting competition in the telecommunications marketplace. Grant of Broadview's Application to provide facilities and non-facilities-based local exchange services in Utah is in the public interest and will serve the public convenience and necessity. Broadview's proposed services will increase the competitive choices available to Utah consumers. Enhanced competition in telecommunications services, in turn, will further stimulate economic development with the service area. Furthermore, increased competition has been shown to create incentives for all carriers, including incumbent providers, to offer lower prices, to introduce new and innovative services and to provide more responsive customer service.

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

Applicant adheres to all federal and state specific anti-slamming rules, including independent third-party verification of customer preferred carrier changes. Customers will not have their services switched to Broadview's services without a written letter of authorization for new service and changes in service. Broadview will also employ third party verification for all customers who seek to change their presubscribed carrier to Broadview. All affected Broadview employees are aware of these procedures and will be immediately disciplined if the procedures are not followed.

Like all telecommunications carriers, Applicant has occasionally been the subject of consumer complaints lodged against it with various state commissions; these complaints have for the most part been informal and have concerned matters such as service quality and/or billing issues. All have been resolved to the customers' satisfaction. Applicant has not had an application for authority to provide telecommunications services denied by any jurisdiction. However, as a result of the inadvertent failure to remain timely with respect to all filing obligations under the Illinois Business Corporation Act of 1983, Broadview's foreign corporation authority in Illinois was revoked, leading to the cancellation of its authority to provide telecommunications services in the State of Illinois. (*see* Order, Docket No. 02-0311, May 8, 2002). Because of an internal restructuring of a number of Applicant's office locations in New York, New Jersey and Pennsylvania during the Spring of 2002, Applicant unfortunately did not become aware of this circumstance until after the revocation of its grant of authority. Applicant is now current in the filing of annual and other reports, has regained its authority to conduct business as a foreign corporation in the State of Illinois and has reinstated its authority to

provide Illinois intrastate, interexchange toll telecommunications services (*see* Case No. 07-7552, Order granting authority issued June 25, 2008).

Following the above event, Applicant instituted safeguards to ensure its future compliance with all Secretary of State and public utility commission reporting obligations. Specifically, Applicant has established internal procedures, including the hiring and training of individuals whose primary job responsibility relates directly to monitoring the status of Applicant's operating authority, responding promptly to any and all state Commission inquiries and/or data requests, and timely submitting all reports and information as required to maintain Applicant's operating authority in all jurisdictions on a going-forward basis.

18. R746-349-3(A)(18) Applicant's Written Policies

Broadview protects the public from unauthorized PIC changes by utilizing a written contract, including a Letter of Agency, which is executed by each customer at the time of service initiation or a change in service.

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

Respectfully submitted,

Charles C. Hunter
Executive Vice President and General Counsel

Dated:

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiary, Broadview Networks, Inc. (“Broadview”); that I am authorized to and do make this Verification for it; that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief, and that I expect Broadview to be able to prove the same at any hearing hereof; and that Broadview understands that, if the contents of the Application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the notice has been properly granted.

Charles C. Hunter

Subscribed and sworn before me this ____ day of _____, 2009.

Notary Public

My Commission expires: