

**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

Application of
BCN Telecom, Inc.

for a Certificate of Public Convenience and
Necessity to Provide Facilities-Based and
Resold Local Exchange Telecommunications
Services in the State of Utah

Docket No. _____

APPLICATION

BCN Telecom, Inc. (“BCN” 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 telecommunications service in the State of Utah.

In support of its application, BCN Telecom, Inc. provides the following information:

1. GENERAL INFORMATION

Corporate Information

A. Applicant’s legal name is BCN Telecom, Inc. Applicant may be reached at its principal place of business:

BCN Telecom, Inc.
550 Hills Drive, Suite 110, 1st Floor
Bedminster, NJ 07921
Telephone: (908) 470-4700
Facsimile: (908) 470-4707
www.bcntele.com

- B.** BCN Telecom, Inc. was incorporated on April 14, 1994, under the laws of the State of New Jersey. Copies of BCN'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:

Patrick D. Crocker, Attorney
Crocker & Crocker
107 W Michigan Ave., 4th Floor
Kalamazoo, MI 49007
Telephone: (269) 381-8893
Facsimile: (269) 381-4855
E-mail: Patrick@crockerlawfirm.com

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

Kathleen Gorey
BCN Telecom, Inc.
550 Hills Drive, Suite 110, 1st Floor
Bedminster, NJ 07921
Telephone: (908) 470-4700
Facsimile: (908) 470-4707

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

Corporation Service Company
2180 South 1300 East, Suite 650
Salt Lake City, UT 84106

Customer Service Information:

BCN's toll-free number for customer inquiries for (800) 768-2852.

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. BCN does not plan to collect customer

deposits or offer any prepaid services in Utah. BCN hereby requests a waiver of this bond requirement.

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

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

BCN intends to offer its services to business and residential customers.

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

To the extent BCN 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, BCN does seek statewide authority so that it may expand into other services as market conditions warrant and as additional service areas become open to competition.

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

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

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

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).

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

BCN will provide access to local exchange, 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

BCN 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

BCN 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 Bedminster, New Jersey. 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

BCN'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 BCN’s business operations, BCN respectfully requests that this information be treated confidentially and not be released to any member of the public absent BCN’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. BCN has been providing local and long distance services in several jurisdictions since 1994.

(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, BCN 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 BCN’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. BCN 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 BCN'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

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

BCN 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. BCN 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 BCN'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.

BCN 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"). BCN 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

BCN 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 solicitation and authorization for preferred carrier changes.

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

Respectfully submitted,

Richard M Boudria, President
BCN Telecom, Inc.

Dated: _____

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	