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2010 AUG 19 AM 8:14

IDAHO PUBLIC  
UTILITIES COMMISSION

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1919 Pennsylvania Avenue NW  
Washington, DC 20006-3402

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robertmorgan@dwt.com

August 18, 2010

**Via Federal Express**

Ms. Jean Jewell  
Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, Idaho 83702

MOB-T-10-01

**Re: Mobilitie, LLC Application for Certification to Provide Non-switched Local Transport Services**

Dear Ms. Jewell:

Attached please find an original plus three (3) copies of Mobilitie, LLC's ("Mobilitie") Application for Certification to provide non-switched local transport services within the State of Idaho ("Application"). The company has no customers at this time in Idaho, and this is a new filing. Also please find the attached Written Statement of Confidentiality ("Statement") requesting confidential treatment of Mobilitie's financial information, which constitutes **CONFIDENTIAL Exhibit 4** of the Application and is included here under separate seal.

Please acknowledge receipt of this Application and Statement by date-stamping the extra copy of the filing marked stamp and return and returning it using the postage pre-paid envelope provided for this purpose. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,



Robert Morgan

Attachments

DWT 15238133v1 0102802-000141

Anchorage  
Bellevue  
Los Angeles

New York  
Portland  
San Francisco

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Shanghai  
Washington, D.C.

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www.dwt.com

John Dodge  
Robert Morgan  
Davis Wright Tremaine LLP  
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Washington, DC 20006  
P: (202) 973-4200  
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*Attorneys for Mobilitie, LLC*

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2010 AUG 19 AM 8:15  
IDAHO PUBLIC  
UTILITIES COMMISSION

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSIONS

Mobilitie, LLC Application for Certification  
to Provide Non-switched Local Transport  
Services throughout the State of Idaho

CASE NO. MoB-T-10-01

### APPLICATION FOR CERTIFICATION

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Mobilitie, LLC ("Applicant") submits the following information in support of its Application for Certification to the Idaho Public Utilities Commission ("Commission"), pursuant to Idaho Code § 61-526-528, IDAPA 31.01.01.111, and Commission Procedural Order No. 26665.

#### 1. Form of Business

Short statement of the character of public service in which Applicant may engage:

**See Exhibit 1.**

Name of Applicant and the state in which Applicant is incorporated:

**Applicant's legal name is Mobilitie, LLC, and it is incorporated in the State of Nevada**

Principal business address:

**660 Newport Center Dr. Suite 200  
Newport Beach, CA 92660**

**(949) 515-1500**  
<http://www.mobilitie.com>

Principal business address in Idaho:

**None**

Certified copy of articles of incorporation:

**See Exhibit 2.**

Certificate of good standing issued by the Secretary of State:

**See Exhibit 3.**

Applicant's registered agent for service in Idaho:

**National Registered Agents, Inc.**  
**1423 Tyrell Avenue**  
**Boise, ID 83706**

Name and addresses of ten largest common stockholders and number of shares owned by each:

**None**

The names and addresses of Applicant's officers and directors:

<b>Gary Jabara</b>	<b>President and CEO</b>
<b>Vince O'Neill</b>	<b>Chief Financial Officer</b>
<b>Yvonne-Shroeder de Orr</b>	<b>Sr. Vice President / General Counsel</b>
<b>Christos Karmis</b>	<b>Sr. Vice President, Acquisitions and Leasing</b>
<b>David Lasky</b>	<b>Sr. Vice President, Operations and Services</b>
<b>Gene Beall</b>	<b>Sr. Vice President, Strategy &amp; Services</b>
<b>Bryon Davis</b>	<b>Vice President, National Network Deployment</b>

**660 Newport Center Dr. Suite 200**  
**Newport Beach, CA 92660**  
**(949) 515-1500**

Name and address of any corporation, association, or similar organization holding a 5% or greater ownership or a management interest in the Applicant:

**None**

Names and addresses of subsidiaries owned or controlled by applicant:

**None**

## **2. Telecommunication Service**

The date on which applicant proposes to begin construction or anticipates it will begin to provide service:

**Applicant operates on a customer demand basis. Because each of Mobilitie's customers has individual needs that vary according to the size and type of the company, each customer will have a unique build-out and equipment requirement. As a result, Mobilitie must obtain authority to serve customers in Idaho before it can plan construction timelines. Nevertheless, Applicant intends to begin its operations in Idaho as soon as customer needs are identified.**

A written description of customer classes and customer service[s] that the applicant proposes to offer to the public.

**See Exhibit 1.**

## **3. Service Territory**

A description sufficient for determining whether service is to be offered in a particular location; and the names of all incumbent local exchange corporations with whom the proposed utility is likely to compete.

**Applicant intends to provide its service throughout the State of Idaho. Applicant's services will not compete with any incumbent local exchange corporation.**

Written description of the intended manner of service, for example, resold services or facilities based. A general description of the property owned or controlled by applicant.

**See Exhibit 1.**

A statement describing with whom the applicant is likely to compete.

**Applicant is unaware of any entities with which Applicant would compete in Idaho.**

A description of the property owned by the applicant clarifies the applicant's proposed services and operation.

**See Exhibit 1.**

#### **4. Financial Information**

Current detailed balance sheets, including a detailed income and profit and loss statements of applicant reflecting current and prior year balances for the twelve months ended as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant must submit financial data sufficient to establish that it possesses adequate financial resources to provide the proposed services.

**See CONFIDENTIAL Exhibit 4.**

#### **5. Maps**

**Per the Commission's instructions, submission of a map is not necessary as Applicant intends to provide service throughout the state of Idaho.**

#### **6. "Illustrative" Tariff Filings**

Proposed initial tariff and price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service.

**See Exhibit 5.**

#### **7. Customer contacts**

Contact information for the Applicant.

a) The name, address, and telephone number and electronic mailing addresses (if available) of the person(s) responsible for consumer inquiries and complaints from the public.

**Yvonne Schroeder de Orr  
SVP / General Counsel  
660 Newport Center Dr. Suite 200**

Newport Beach, CA 92660  
Phone: (949) 999-5778  
e-mail: yvonne@mobilitie.com

b) A toll-free number for customer inquiries and complaints.

**1-877-999-7070**

c) The name, number and electronic mailing addresses (if available) of the person(s) designated as a contact for the Commission Staff for resolving complaints, inquiries and matters concerning rates and price lists or tariffs.

**Yvonne Schroeder de Orr**  
**SVP / General Counsel**  
**660 Newport Center Dr. Suite 200**  
**Newport Beach, CA 92660**  
**Phone: (949) 999-5778**  
**e-mail: yvonne@mobilitie.com**

#### **8. Interconnection Agreements**

Statements of whether the applicant has initiated interconnection negotiations and, if so, when and with whom.

**Applicant has not initiated interconnection negotiations at this time.**

#### **9. Compliance with Commission Rules**

A written statement that the applicant has reviewed all of the Commission rules and agrees to comply with them, or a request for waiver of those rules believed to be inapplicable.

**Applicant has reviewed all of the Commission rules and agrees to comply with them to the extent that such rules apply to Applicant's services.**

#### **10. Escrow Account or Security Bond**

If a company requires advance deposits by its customers, the company must submit a signed copy of an escrow account with a bonded escrow agent or a security bond. The escrow or bond shall be sufficient to meet customer deposit refunds in case of company default.

**Applicant will not require advance deposits by its customers. An escrow or bond is therefore not necessary.**

WHEREFORE, for the reasons listed above, Applicant respectfully requests that the Commission issue an Order granting Applicant's request for Certification to provide non-switched local transport services throughout the State of Idaho.

Respectfully submitted,

**Mobilitie, LLC**  
**a Nevada limited liability company**

By:



John C. Dodge  
Robert T. Morgan  
DAVIS WRIGHT TREMAINE LLP  
1919 Pennsylvania Ave., N.W.  
Suite 800  
Washington, DC 20006  
(202) 973-4200 (Tel.)  
(202) 973-4499 (Fax)

*Counsel for Mobilitie, LLC*

Dated: August 18, 2010

## **LIST OF EXHIBITS**

- |                  |  |
|------------------|--|
| <u>Exhibit 1</u> | Statement of Character of Service                                  |
| <u>Exhibit 2</u> | Articles of Incorporation  |
| <u>Exhibit 3</u> | Certificate of Good Standing Issued by Idaho<br>Secretary of State |
| <u>Exhibit 4</u> | CONFIDENTIAL Financial Statements                                  |
| <u>Exhibit 5</u> | Illustrative Tariff  |

## EXHIBIT 1

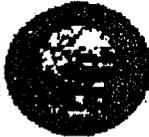
### *Statement of the Character of Service in Which Applicant May Engage*

By this Application, Applicant seeks authority to provide facilities-based and resold competitive local exchange services, access and nondominant interexchange services (hereinafter referred to as "Services") to customers throughout the State of Idaho. Applicant proposes to provide these Services through a combination of its own facilities and facilities to be leased from a variety of telecommunications carriers. Specifically, Mobilitie intends to provide carrier's carrier transport service, at least initially, for wireless carriers. Mobilitie will provide its service using backhaul linked by fiber optic cables with conversion equipment attached to poles, wires, fiber termination equipment, and other structures. Whenever possible, Mobilitie plans to provide service using existing poles, towers, buildings, fiber optic cables, conduits, ducts, rights-of-way and other facilities and structures of other carriers, utilities, and municipalities.

**EXHIBIT 2**

*Certified copy of articles of incorporation*

FILED # 9013-03



DEAN HELLER  
Secretary of State

101 North Carson Street, Suite 3  
Carson City, Nevada 89701-4755  
(775) 684 5708

**Limited-Liability  
Company**  
Articles of Organization  
(PURSUANT TO NRS 91A.010)

Under the laws of

JUN 18 2003

IN THE OFFICE OF  
DEAN HELLER, SECRETARY OF STATE

Important: Read attached instructions before completing form.

<b>1. Name of Limited-Liability Company:</b>	MOBILITIE, LLC
<b>2. Resident Agent Name and Street Address:</b> <small>(must be a Nevada address where process may be received)</small>	NATIONAL REGISTERED AGENTS, INC. OF NV Name 1000 E. William Street, Ste. 204, Carson City, NEVADA Street Address City State
<b>3. Dissolution Date:</b> <small>(OPTIONAL - see instructions)</small>	Latest date upon which the company is to dissolve (if existence is not perpetual): _____
<b>4. Management:</b> <small>(check one)</small>  <b>Names, Addresses, of Manager(s) or Members:</b> <small>(attach additional copies as needed)</small>	Company shall be managed by <input checked="" type="checkbox"/> Manager(s) OR <input type="checkbox"/> Members GARY JABARA Name 1551 Miramar Drive, Balboa, CA Street Address City State _____ Name Street Address City State _____ Name Street Address City State
<b>5. Other Matters:</b> <small>(see instructions)</small>	Number of additional pages attached: _____
<b>6. Names, Addresses and Signatures of Organizational:</b> <small>(attach additional copies if there are more than 2 organizational)</small>	GARY JABARA Name Signature 1551 Miramar Drive, Balboa, CA Address City State _____ Name Signature Address City State
<b>7. Certificate of Appointment of Resident Agent:</b>	_____ hereby accept appointment as Resident Agent named limited-liability company. Authorized Signature of R.A. or Organizational Company Date

**Certificate of Acceptance  
of Appointment by  
Resident Agent**

In the matter of MOBILITIE, LLC, I, National Registered Agents, Inc. of NV, hereby state that on June 18, 2003, I accepted the appointment as resident agent for the above named business entity.

The street address of the resident agent in this state is as follows:

1000 E. William Street  
Suite 204  
Carson City, Nevada 89701

*D Stanton*

June 18, 2003

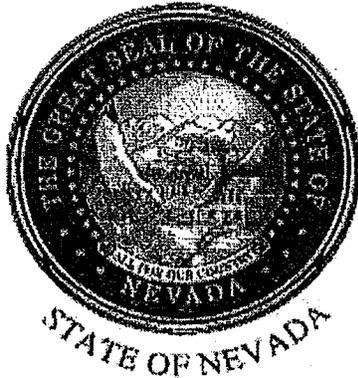
Dean Stanton,  
Assistant Secretary  
on behalf of  
National Registered Agents, Inc. of NV

FILED # 9013-03

JUN 18 2003

IN THE OFFICE OF  
*Dean Heller*  
DEAN HELLER, SECRETARY OF STATE

SECRETARY OF STATE



**CERTIFICATE OF EXISTENCE  
WITH STATUS IN GOOD STANDING**

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **MOBILITIE, LLC**, as a limited liability company duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since June 18, 2003, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on July 24, 2006.



*Dean Heller*

DEAN HELLER  
Secretary of State

By

*Shondell*  
Certification Clerk

**EXHIBIT 3**

*Certificate of good standing issued by the Secretary of State of Idaho*

# State of Idaho

Office of the Secretary of State

**CERTIFICATE OF AUTHORITY  
OF  
MOBILITIE, LLC**

File Number W-95392

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Uniform Limited Liability Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: August 4, 2010



*Ben Yursa*  
SECRETARY OF STATE

By \_\_\_\_\_

*[Signature]*



# APPLICATION FOR CERTIFICATE OF AUTHORITY FOR FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

10 AUG -4 PM 1:33

SECRETARY OF STATE  
STATE OF IDAHO

1. The name of the limited liability company is:

Mobilite, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is formed is: Nevada

4. The name and complete street address of the registered agent in Idaho is:

National Registered Agents, Inc. 1423 Tyrell Lane, Boise, Idaho 83706

5. The street and mailing address of the limited liability company's principal office is:

660 Newport Center Drive, Suite 200, Newport Beach, CA 92660

*Street Address*

*Mailing Address, if different*

6. The street and mailing address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

c/o National Registered Agents, Inc., 1000 E. William St., Ste. 204, Carson, City, NV 89701

*Street Address*

*Mailing Address, if different*

7. The name and mailing address of at least one member or manager:

Gary B. Jabara 500 Newport Center Dr., Newport Beach, CA 92660

8. The mailing address for future correspondence:

660 Newport Center Drive, Suite 200, Newport Beach, CA 92660

9. Signature of an authorized person:

*Authorized Signature*

Jordan Armitage, Authorized Person

*Typed Name*

9/10/2008 10:00 AM 10/10/2008 10:00 AM

Secretary of State use only

IDAHO SECRETARY OF STATE  
08/04/2010 05:00  
CK: 409581 CT: 172099 BM: 1233496  
1 @ 100.00 = 100.00 REGFORGLLC # 3

W95392

SECRETARY OF STATE



**CERTIFICATE OF EXISTENCE  
WITH STATUS IN GOOD STANDING**

I, ROSS MILLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **MOBILITIE, LLC**, as a limited liability company duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since June 18, 2003, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on July 28, 2010.



  
ROSS MILLER  
Secretary of State

Electronic Certificate  
Certificate Number: C20100728-2829  
You may verify this electronic certificate  
online at <http://www.nvsos.gov/>

Ben Yursa  
Secretary of State

450 N 4th Street  
PO Box 83720  
Boise ID 83720-0080



Phone: (208) 334-2301  
Fax: (208) 334-2080

sosinfo@sos.idaho.gov  
www.sos.idaho.gov

STATE OF IDAHO  
SECRETARY OF STATE

ANNUAL REPORTING REQUIREMENTS

Each corporation, limited liability company, limited partnership and limited liability partnership authorized to transact business in this state must file an annual report with the secretary of state.

If an annual report is not received on or before the due date, the following will occur:

- 1) Domestic corporations and limited liability companies will be subject to administrative dissolution;
- 2) Foreign corporations will be subject to revocation of its authority to do business in Idaho;
- 3) Foreign limited liability companies will be subject to administrative cancellation;
- 4) Limited partnerships will be subject to administrative cancellation / termination.
- 5) Limited liability partnerships will lose their limited liability status and revert to general partnerships;

The form must be executed by a person authorized by the company, indicating such capacity, setting forth the name of the company, the state or country under whose law it is incorporated/organized, along with the names and addresses of its current registered agent and officers.

The first, and all subsequent annual reports shall be filed with the secretary of state each year before the end of the month during which a corporation or limited liability company or partnership was initially authorized to transact business. (Please note: the first annual report is not due until 1 year after the initial filing date.)

A post card will be sent to notify you that your annual report is due. There is no filing fee if the annual report is received in this office by the date it is due. A post mark date is not sufficient.

A sample of the post card and a generated annual report is included on the back of this letter.

You can file your annual report electronically via our website: [www.sos.idaho.gov](http://www.sos.idaho.gov) or request a mail in report form. Please follow the instructions carefully when entering the data. The annual report will only be available for filing 60 days prior to the due date.

If you have any questions or need further assistance, please do not hesitate to contact this office at (208) 334-2301.

Very truly yours,

COMMERCIAL DIVISION  
IDAHO SECRETARY OF STATE'S OFFICE

## **EXHIBIT 4**

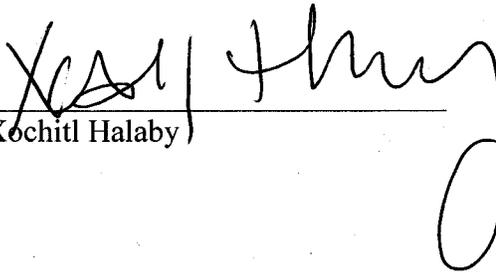
### *Financial Statements*

The included financial statements contain confidential business records belonging to Mobilitie, LLC. Applicant therefore submits the information under confidential seal, exempt from public disclosure pursuant to Idaho Statutes § 9-340D and IDAPA 31.01.01.067.

**PROOF OF SERVICE**

I, Xochitl Halaby, hereby certify that I have this eighteenth day of August, 2010, served the foregoing Application for Certification upon all parties of record in this proceeding, by mailing a copy thereof, properly addressed with postage prepaid, to:

Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

  
\_\_\_\_\_  
Xochitl Halaby