

**BEFORE THE
PUBLIC UTILITIES COMMISSION
OF
IDAHO**

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IDAHO PUBLIC
UTILITIES COMMISSION

Application of)
)
)
OrbitCom, Inc.)

For a Certificate of Public Convenience)
and Necessity to Provide Competitive)
Facilities-Based Local Exchange and)
Interexchange Telecommunications)
Services in the State of Idaho)

Docket No. ORB-T-03-01

APPLICATION

OrbitCom, Inc., (“OrbitCom,” “Applicant” or “Company”) by its representatives and pursuant to Idaho Public Utilities Commissions Rules and Regulations, respectfully requests that the Commission grant it a Certificate of Public Convenience and Necessity to provide facilities-based local exchange and interexchange telecommunication services in the State of Idaho. In addition, the Company respectfully requests, pursuant to Idaho Public Utilities Commissions Rules and Regulations, that if no request for hearing on this application is received within the specified time, the Commission exercises its discretionary authority to grant the requested certificate without such hearing. OrbitCom’s purposes to offer facility-based local exchange services to consumers in the State of Idaho utilizing combinations of unbundled network elements (“UNE’s”), specifically the unbundled network elements platform (“UNE-P”) and resale products purchased from the incumbent local exchange provider. At some future date the Company may expand in facilities-based services via its own equipment; however, at present, the Company intends to concentrate upon provision of resale or through UNE combinations. Initially, OrbitCom will focus on providing local and long distance services to business customers, however services will be

available to residential consumers as well. The goal will be to bring a full range of competitive telecommunication choices to consumers in the State of Idaho. In support of its Application, OrbitCom provides the following information:

1. The Applicant

A. Corporate Information

1. OrbitCom is a privately-held corporation formed on December 20, 2000, under the laws of South Dakota.

OrbitCom's principal address is:

OrbitCom, Inc.
1701 N. Louise Ave.
Sioux Falls, South Dakota 57107
Telephone: (605) 977-6900
Fax: (605) 373-9355
Toll Free: (866) 834-7837

A copy of OrbitCom's Articles of Incorporation is enclosed.

2. OrbitCom is authorized to transact business in Idaho as a foreign corporation.

A copy of the Company's Certificate of Authority to Transact Business is also enclosed. The name and address of OrbitCom's registered agent in Idaho for service of process is:

Monte Linafelter
4080 Meadow Wood Drive
Meridian, ID 83642

3. Those persons specifically in charge of Orbitcom's Idaho operations are:

Brad VanLeur, President

Mike Powers, Vice-President

Biographical information discussing the background and experience of these

officers is appended as **Exhibit A**. The above listed individuals may be reached at the following address:

1701 N. Louise Ave.
Sioux Falls, South Dakota 57107
Telephone: (605) 977-6900

Applicant's operations may be addressed to:

Brad VanLeur, President
OrbitCom, Inc.
1701 N. Louise Ave.
Sioux Falls, South Dakota 57107
Telephone: (605) 977-6900
Toll Free: (866) 834-7837

B. Owners, Partners, or Corporate Officers

4. The following is a list of OrbitCom's owners and officers:

| | |
|------------------------------|---|
| Brad VanLeur, President | 1321 Parkview Pl, Brandon, SD 57005 |
| Michael Powers, V. President | 2398 S. Roosevelt Ave., Sioux Falls, SD 57106 |
| Jim Perry | 2608 Ridgeview Way, Sioux Falls, SD 57105 |

II. DESIGNATED CONTRACTS

5. The designated contact for this application is:

Brad VanLeur
OrbitCom, Inc.
1701 N. Louise Ave.
Sioux Falls, South Dakota 57107

Copies of all correspondence, notices, inquiries and orders should be sent to the for-mentioned individual, who is the Applicant's contact person for all regulatory compliance.

Consumer issues or customer complaints may be addressed to the following:

Brad VanLeur
OrbitCom, Inc.
1701 N. Louise Ave.
Sioux Falls, SD 57107
Telephone: (605)977-6900
Toll Free: (866) 834-7837

III. DESCRIPTION OF BUSINESS AUTHORITY REQUESTED

6. OrbitCom intends to operate as a provider of local exchange and long distance telecommunications services in the State of Idaho. The Company is committed to provision a full range of competitive telecom services to both business and residential consumers, however OrbitCom plans to focus their marketing efforts towards business customers.
7. Currently, OrbitCom is certified to provide telecommunications in the State of South Dakota, North Dakota, Wyoming, Colorado, Minnesota, Iowa, Montana and Nebraska.
8. By this Application OrbitCom seeks authority from the Commission to provide a full range of facilities-based local and long distance telecommunications services. The Company intends to market all forms of switched and dedicated telecommunications services, including data and internet services, through direct sales, employees and sales agents. The Company does not plan to market pre-paid calling cards, operator services or multi-level market.
9. With respect to the scope of its initial operations, OrbitCom proposes to operate in those areas of Idaho approved by the Commission for provision of competitive local exchange services. The Company respectfully requests permission to concur in the service area map of Qwest, already on file with the Commission.

OrbitCom has successfully negotiated interconnection agreements with Qwest in all certified and approved states. The Company plans on negotiating an interconnection agreement with Qwest in Idaho. The Company will submit its agreements and Company final tariffs, pursuant to the Commission's procedures, once they become available.

IV. DESCRIPTION AND FITNESS OF THE COMPANY

10. The Company will herein, demonstrate to the Commission that it is well qualified managerially, technically and financially to provide competitive telecommunication services for which authority is requested in the Application.

OrbitCom's management team includes individuals with substantial experience in the successful development and operations of a telecommunication business. The Company is managed by persons with technical expertise in interexchange and CLEC networks. Further details regarding the business and operational experience of OrbitCom's officers and management are provided in **Exhibit A**.

11. As provided under seal as **Exhibit B**, the financial statements of OrbitCom's Officers and management has access to sufficient capital to fund the development and maintenance of its telecommunications operations in Idaho.

V. PROPOSED TARIFF

12. All of the proposed local exchange services offered by OrbitCom in Idaho will be provided pursuant to the terms and conditions set forth in the Company's local exchange service tariff. A draft tariff has been provided without rates and charges as **Exhibit C**. A final tariff will be provided after successfully negotiating an interconnection agreement with Qwest.

VI. BILLING INFORMATION

13. The Company will bill all of its customers directly. All invoices sent to customers will bear the Company's name and provide a toll-free number for customer inquiries and complaints.

VII. CUSTOMER SERVICE

14. OrbitCom will assist customers with billing questions between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Customer Service Representatives will also be available to assist customers with other questions and product offerings. OrbitCom will work with customers to resolve any complaints in a satisfactory manner.
15. Written inquiries from regulatory agencies and others will be handled by management of the Company. Written complaints will be properly reviewed, researched and responded to in a reasonable time.
16. Service and maintenance issues will be dealt with 24 hours a day, seven (7) days a week, by calling toll free at (866) 834-7837.

VIII. STATEMENT OF COMPLIANCE

17. The Applicant agrees to abide by all applicable statutes, orders, rules and regulations entered and adopted by the Commission for competitive local carriers in Idaho. The Company will allow its local exchange customers to obtain interlata and intralata long distance service from other toll carriers as well as local operator services and directory assistance services from other providers on a non-discriminatory basis. Where the Company offers a service in a particular exchange, the Company will offer that service on a non-discriminatory

basis to all customers in that exchange. The Company will provide its local customers with a local calling area that is at least as large in scope as the calling area of the incumbent local exchange carrier in the area.

IX. PUBLIC INTEREST CONSIDERATIONS

18. Approval of this Application will serve the public interest and result in direct benefits to local and long distance customers in Idaho. The Company will excel in outstanding customer service and provide packaged services that are affordable and unique to the telecommunications industry.

WHEREFORE, OrbitCom respectfully petitions this Commission for a Certificate of Public Convenience and Necessity to provide competitive facilities-based local exchange and interexchange telecommunications service in the State of Idaho.

Respectfully submitted,

OrbitCom, Inc.

By: 

Brad VanLeur
OrbitCom, Inc.
1701 N. Louise Ave.
Sioux Falls, SD 57107

ARTICLES OF INCORPORATION OF VP TELECOM, INC.

CANNOT SCAN BECAUSE

OF POOR QUALITY

SEE CASE FILE

Filed this 23rd day of Dec., 2002
Joyce Hazeltime
SECRETARY OF STATE

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S.D. SEC. OF STATE

ARTICLES OF AMENDMENT

TO THE ARTICLES OF INCORPORATION OF

VP Telecom, Inc.

THE UNDERSIGNED Officers and Directors of VP Telecom, Inc. hereby adopt the following Articles of Amendment, pursuant to SDCL 47-2-8 through SDCL 47-2-17, inclusive, of the South Dakota Business Corporation Act:

ARTICLE I

The name of the Corporation is VP Telecom, Inc.

ARTICLE II

The following Amendment to the Articles of Incorporation was adopted pursuant to Resolution of the Board of Directors and unanimously adopted by the Shareholders of the Corporation in the manner prescribed by the South Dakota Business Corporation Act:

ARTICLE I: The name of this Corporation is **OrbitCom, Inc.**

ARTICLE III

The date of the adoption of the Amendment by the Shareholders was December 19, 2002.

ARTICLE IV

The number of Shares outstanding and the number of Shares entitled to vote thereon at the date of adoption was one hundred (100). The Corporation is authorized to issue only one (1) class of Shares. Accordingly, no Shares were voted or entitled to vote as a class.

ARTICLE V

The number of Shares voted for such Amendment was one hundred (100) and the number of shares voted against such Amendment was zero (0). The Corporation is authorized to issue only one (1) class of Shares. Accordingly, no Shares were voted or entitled to vote as a class.

ARTICLE VI

The Amendment does not provide for an exchange, re-classification, or cancellation of issued Shares.

ARTICLE VII

The Amendment does not effect a change in the amount of stated capital.

Dated at Sioux Falls, South Dakota, this 19th day of December, 2002.

VP Telecom, Inc.

By


Brad VanLeur

Its President and Director

By


Michael C. Powers

Its Secretary and Director

VERIFICATION

BRAD VANLEUR AND MICHAEL C. POWERS, being first duly sworn on oath, depose and state as follows: That we are the Directors and the President and Secretary, respectively, of VP Telecom, Inc. in the above matter; that we have read the within and foregoing Articles of Amendment to the Articles of Incorporation of VP Telecom, Inc. which are subscribed by us; that we know and understand the contents thereof and have subscribed the same for the purposes therein set forth.



Brad VanLeur

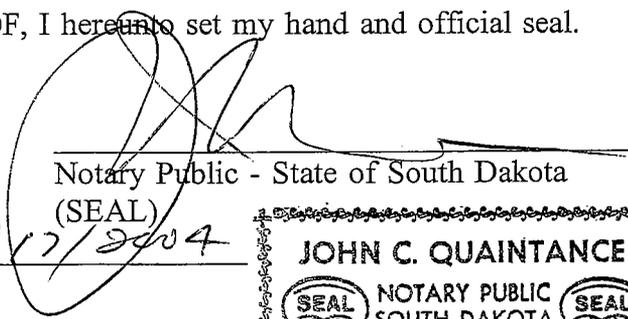


Michael C. Powers

State of South Dakota)
 : ss.
County of Minnehaha)

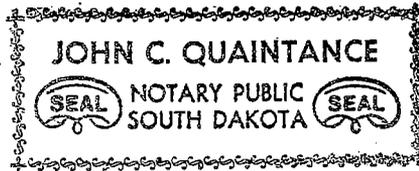
On this the 19th day of December, 2002, before me, the undersigned Officer, personally appeared **BRAD VANLEUR AND MICHAEL C. POWERS**, who acknowledged themselves to be the Directors and President and Secretary, respectively, and Directors of VP Telecom, Inc., a South Dakota Corporation, and that they being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing, in the name of the Corporation, as President and Secretary.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public - State of South Dakota
(SEAL)

My Commission Expires: 12/17/2004



1 605 336 1000

State of Idaho

Office of the Secretary of State

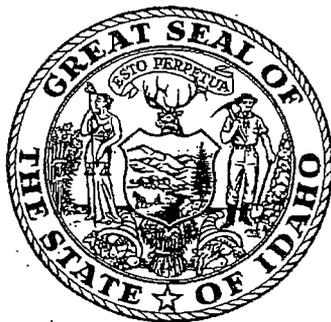
CERTIFICATE OF AUTHORITY
OF
ORBITCOM, INC.

File Number C 150467

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 Business Corporation 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: 18 August 2003



Ben Yursa
SECRETARY OF STATE

By *Sally Lloyd*



APPLICATION FOR CERTIFICATE OF AUTHORITY (For Profit)

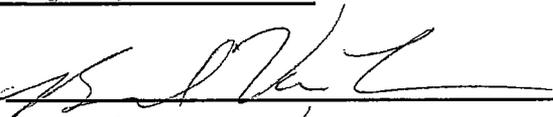
(Instructions on Back of Application)

The undersigned Corporation applies for a Certificate of Authority and states as follows:

1. The name of the corporation is:
OrbitCom, Inc.
2. The name which it shall use in Idaho is: OrbitCom, Inc.
3. It is incorporated under the laws of: South Dakota
4. Its date of incorporation is: December 20, 2000
5. The address of its principal office is:
1701 North Louise Avenue, Sioux Falls, SD 57107
6. The address to which correspondence should be addressed, if different from item 5, is:
John C. Quaintance, Registered Agent, State of South Dakota, P.O. Box 2208,
Sioux Falls, SD 57101-2208
7. The street address of its registered office in Idaho is; 4080 Meadow Wood Drive, Meridian, ID 83642
and its registered agent in Idaho at that address is: Monte Linafelter
8. The names and respective business addresses of its directors and officers are:

| Name | Office | Address |
|-------------------------|--|---|
| <u>Brad VanLear</u> | <u>Director/President and Treasurer</u> | <u>1701 North Louise Avenue Sioux Falls, SD 57107</u> |
| <u>Michael C Powers</u> | <u>Director/V. President and Secretary</u> | <u>1701 North Louise Avenue Sioux Falls, SD 57107</u> |
| | | |
| | | |

Dated: July 31, 2003

Signature: 

Typed Name: Brad VanLear

Capacity: President

Customer Acct # : _____
(if using pre-paid account)

Secretary of State use only

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Revised 07/2002



APPLICATION FOR CERTIFICATE OF AUTHORITY (For Profit)

(Instructions on Back of Application)

The undersigned Corporation applies for a Certificate of Authority and states as follows:

- The name of the corporation is:
OrbitCom, Inc.
- The name which it shall use in Idaho is: OrbitCom, Inc.
- It is incorporated under the laws of: South Dakota
- Its date of incorporation is: December 20, 2000
- The address of its principal office is:
1701 North Louise Avenue, Sioux Falls, SD 57107
- The address to which correspondence should be addressed, if different from item 5, is:
John C. Quaintance, Registered Agent, State of South Dakota, P.O. Box 2208, Sioux Falls, SD 57101-2208
- The street address of its registered office in Idaho is: 4080 Meadow Wood Drive, Meridian, ID 83642
and its registered agent in Idaho at that address is: Monte Linafelter
- The names and respective business addresses of its directors and officers are:

| Name | Office | Address |
|-------------------------|--|---|
| <u>Brad VanLeur</u> | <u>Director/President and Treasurer</u> | <u>1701 North Louise Avenue Sioux Falls, SD 57107</u> |
| <u>Michael C Powers</u> | <u>Director/V. President and Secretary</u> | <u>1701 North Louise Avenue Sioux Falls, SD 57107</u> |
| | | |
| | | |

Dated: July 31, 2003

Signature: *Brad VanLeur*

Typed Name: Brad VanLeur

Capacity: President

Customer Acct # : _____
(if using pre-paid account)

Secretary of State use only

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Revised 07/2002

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

Certificate of Good Standing Domestic Corporation

ORGANIZATIONAL ID # DB043532

I, **Chris Nelson**, Secretary of State of the State of South Dakota, do hereby certify that **ORBITCOM, INC.** was duly incorporated under the laws of this state on **December 20, 2000**.

I, further certify that said corporation has complied with the laws of this State relative to the formation of corporations of its kind and is now a regularly and properly organized and existing corporation under the laws of this State and is in good standing, as shown by the records of this office. This certificate is not to be construed as an endorsement, recommendation or notice of approval of the corporation's financial condition or business activities and practices. Such information is not available from this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this June 23, 2003.



Chris Nelson

Chris Nelson
Secretary of State

V P TELECOM, INC.

1701 N. LOUISE AVE.
SIOUX FALLS, SD 57107
PH. (605) 373-9336

FIRST PREMIER BANK
601 S. MINNESOTA AVE.
SIOUX FALLS, SD 57104

78-859/914

2265

July 31, 2003

PAY TO THE
ORDER OF

Secretary of State Idaho

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one hundred and 00/100

DOLLARS



MEMO

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WL38877402-03

QUAINTANCE LAW OFFICE P.C.

JOHN C. QUAINTANCE
EMAIL q@qlopc.com
DIRECT DIAL 605/333-7898

POST OFFICE BOX 2208
SIOUX FALLS, SOUTH DAKOTA
57101-2208

TELEPHONE 605/339-1000
FAX 605/336-1000

SUITE 600
SECURITY BANK BUILDING
100 NORTH PHILLIPS AVENUE
SIOUX FALLS, SOUTH DAKOTA
57104-6725

August 14, 2003

Office of the Secretary of State
700 West Jefferson, Basement West
P.O. Box 83720
Boise, ID 83720-0080

RE: Application for Certificate of Authority (For Profit)
OrbitCom, Inc., a South Dakota Corporation

Dear Ladies and Gentlemen:

Enclosed for filing with your office, please find duplicate originals of an **APPLICATION FOR CERTIFICATE OF AUTHORITY (For Profit)**, Certificate of Good Standing issued by the South Dakota Secretary of State, and the Corporation's check in the amount of \$100.00 for the required filing fee. Please forward the Certificate of Authority to our office if granted.

Please contact our office with any questions, comments, or suggestions.
Thank you.

Sincerely yours,

QUAINTANCE LAW OFFICE P.C.


Linda M. Grotewold
Legal Assistant

Enclosures: Duplicate Originals of Application
Certificate of Good Standing
\$100.00 Filing Fee

c: OrbitCom, Inc.
Mr. Jim W. Pfeiffer, CPA

Exhibit A

Brad VanLeur-----President ORBITCOM

Mr. VanLeur has approximately sixteen (16) years experience in the telecommunications industry. Most recently Mr. VanLeur was VP. Of Marketing and Operations Director for Advanced Communications. Advanced Communications was a Central U.S. CLEC with approximately \$100 million in Revenue. Mr. VanLeur was in charge of more than 150 personnel, including all provisioning, repair, maintenance, customer service, sales, etc.

Prior to Advance Communications, Mr. VanLeur was VP and a partner in FirsTel, Inc. FirsTel was certified to do business as both an Interexchange and CLEC Telecommunication provider in SD, ND, IA, MN, NE and WY. During this time Mr. VanLeur was instrumental in organizing the sales, billing services and switching platform for the Interexchange Business. Mr. VanLeur also introduced Wireless resale to FirsTel and helped it to become the 5th largest reseller in the U.S. for Western Wireless. In addition, Mr. VanLeur helped FirsTel to become one of the first CLEC's approved by the Commission to do business. During this time he successfully negotiated an agreement with US West and helped US West with important input to develop a successful wholesale program.

Prior to FirsTel, Mr. VanLeur was Director of Operations in SD for LDDS/MCI WorldCom and was involved with other start-ups (Long-Lines Tele-Tech, CompuTel and

Dial-Net) all of which were Interexchange carriers in which he held positions of General Manager and Sales Manager.

With Mr. VanLeur's prior experience we hope to demonstrate to the Commission that OrbitCom has the technical and managerial experience to successfully operate a telecommunications service.

Biography
Michael C. Powers
2308 S. Roosevelt Ave.
Sioux Falls, SD 57106

Michael Powers started in the communications industry in 1978 as a salesman and later sales manager for what was then known as an "interconnect company" in Sioux Falls, SD, selling key and PBX telephone systems to businesses in the local area. He remained there until 1984 when he left to take a position as general manager and part owner of a start up company called Tele-Tech, Inc., in Sioux Falls, founded to provide long distance, 800 services, and telephone systems to companies in South Dakota. He sold Compu-Tel to Dial-Net in 1989. Mr. Powers remained active in telecommunications for several years after that providing consulting services to various telephone related companies, while branching out into the gaming business. From 1993 to 1995 he was president and CEO of Concorde Gaming of Rapid City, SD, a publicly held firm. Among other things, Concorde financed, built, and operated a successful gaming facility for the Three Affiliated Tribes in New Town, ND, under his tenure.

In 1997 he founded a successful gaming company in Spokane, WA. In 1998 and 1999 he served as regional operations manager for Advanced Communications, a publicly traded company based in St. Louis, MO. As operations manager, he supervised billing, customer service, provisioning, and human resources for Advanced Communications which provided cellular, long distance and CLEC services for a seven state region with approximately \$30,000,000 in annual revenues.

Mr. Powers has a masters degree in business administration from the University of South Dakota, and is listed in Who's Who among outstanding American businessmen.

IDAHO TELEPHONE EXCHANGES
AND COMPANY AREAS
MAP

SEE CASE FILE

EXHIBIT C
PROPOSED TARIFF

SEE CASE FILE