

**VOLO COMMUNICATIONS, INC.**

[www.volocommunications.com](http://www.volocommunications.com)

151 S. Wymore Road, Suite 3000  
Altamonte Springs, FL 32714

phone: 407.389.3232  
fax: 407.389.3233

**Via Overnight Delivery**

Jean Jewell, Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington St.  
Boise, ID 83702-5983  
208-334-0300

RE: Application of Volo Communications of Idaho, Inc. for Certificate of Public Convenience and Necessity.

Dear Ms. Jewell:

Enclosed for filing are an original and three (3) copies of our Application for a Certificate of Public Convenience and Necessity to Provide Facility-based and Resold Competitive Local Exchange and Interexchange Services, our initial CLEC Tariff P.S.C. No. 1 and IXC Tariff P.S.C. No. 2.

The Company has submitted under separate cover a Motion for Protection Order requesting confidential treatment of the Company's financial documents. The financial documents are enclosed in a separate envelope marked "Confidential," and are not intended for public display.

The Company proposes to offer facilities-based and resold local telecommunications services and interexchange intrastate telecommunications services to carrier and non-residential subscribers in Idaho.

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self-addressed stamped envelope provided for that purpose.

If you should have any questions regarding this filing, please do not hesitate to call Ken Duarte at 407-389-3232 or email him at [kduarte@volocommunications.com](mailto:kduarte@volocommunications.com).

Thank you for your assistance with this filing.

Sincerely,



Shawn M. Lewis  
President / CEO

cc: K. Duarte

Enclosures

RECEIVED  
FILED



2003 NOV 17 PM 1:15

IDAHO PUBLIC  
UTILITIES COMMISSION

November 14, 2003

VOL-T-03-01

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF IDAHO**

RECEIVED   
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IDAHO PUBLIC  
UTILITIES COMMISSION

Application of Volo Communications of )  
Idaho, Inc. for a Certificate of )  
Public Convenience and Necessity to )  
Provide Facilities-Based and Resold )  
Competitive Local Exchange Services within )  
the Idaho. )

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Application No. VOL-T-03-01

**APPLICATION OF VOLO COMMUNICATIONS OF IDAHO, INC.**

Date: November 13, 2003

Shawn M. Lewis, President / CEO  
Volo Communications of Idaho, Inc.  
151 S. Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254  
Telephone: 407-389-3232  
Fax: 407-389-3233

**APPLICATION OF VOLO COMMUNICATIONS OF IDAHO, INC.**

Volo Communications of Idaho, Inc. (“Applicant”), hereby requests a certificate of public convenience and necessity (“CPCN”) from the Idaho Public Utilities Commission (“Commission”) to provide facilities-based and resold competitive local exchange telecommunications services. Applicant seeks authority to provide these services in the service territories of Qwest and Verizon Idaho, Inc. (“Verizon”). In support of its Application, Applicant provides the following information:

**I. PROPOSED SERVICES**

The exact legal name of Applicant is Volo Communications of Idaho, Inc., a corporation organized under the laws of the State of Delaware. Applicant is a subsidiary of Volo Communications, Inc., which is a wholly owned subsidiary of Caerus, Inc. Mr. Shawn M. Lewis is the President and CEO of all entities. Its principal place of business is 151 South Wymore Rd., Suite 3000, Altamonte Springs, FL 32714-4254. Its phone number is (407) 389-3232.

Applicant requests authority to provide competitive local exchange carrier (“CLEC”) services through a combination of facilities owned by it and the resale of local exchange services of other carriers. Applicant requests authority to provide these facilities-based CLEC services in all Idaho service territories of Qwest and Verizon. Initially, Applicant proposes to offer its CLEC services to carrier and business customers in select Idaho locations, although the company’s initial marketing efforts will be focused on the carrier market. However, Applicant requests statewide authority in order that it may rapidly respond to new and changing market conditions and the need for CLEC services in other parts of the state.

Applicant proposes to offer CLEC Services through the use of one or more switches which it proposes to purchase and facilities through the resale of other Qwest, Verizon, or CLEC local services such as local transport and termination. Other than the installation and provisioning of one or more switches in office buildings, Applicant does not at this time propose any “outside” construction such as the installation of fiber optic cable either underground or on existing utility poles. Applicant’s CLEC services will include both voice and data communications services, mainly for carrier and business customers.

**II. FORM OF BUSINESS**

1. Volo Communications of Idaho, Inc.  
151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254

c. 1. Applicant, a telecommunications service provider, proposes to offer facilities-based and resold local service, interexchange toll service, conference calling, and voice enhanced services throughout Idaho.

c. 2. Delaware

c. 3. 151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254  
No principal address in Idaho.

c. 4., 5. Copies of Applicant's articles of incorporation filed with the Delaware Secretary of State and Certification of Qualification in the State of Idaho are attached hereto as **Exhibit A**.

c. 6. Name and address of registered agent for service in Idaho:

Capitol Corporate Services, Inc.  
355 W. Myrtle Ste 102  
Boise, ID 83702  
800-345-4647

2. Names and addresses of the ten common stockholders of Applicant owning the greatest number of shares of common stock and the number of such shares owned by each, as follows:

<b>LIST OF ALL DIRECTORS AND PRINCIPAL STOCKHOLDERS WITH THE PERCENTAGE OF SHARES HELD BY EACH</b>		
<b><u>Name/Title</u></b>	<b><u>Address</u></b>	<b><u>% of Shares Owned &amp; Voting Control</u></b>
Shawn M. Lewis President / CEO	151 S. Wymore Rd., Suite 3000 Altamonte Springs, FL 32714-4254	30%
Malcolm Jones	same	20%
Nicholas A. Iannuzzi, Jr., Esq.	same	1%

**II. FORM OF BUSINESS (Continued)**

3. Names and addresses of the officers and directors of applicant:

Shawn M. Lewis President / CEO  
151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254

Michael Khalilian, VP / CTO  
151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254

4. Name and address of any corporation, association, or similar organization holding a 5% or greater ownership or a management interest in the Applicant. As to ownership, the amount and character of the interest must be indicated. A copy of any management agreement must be attached.

No corporation, association, or similar organization holds a 5% or greater ownership or a management interest in the Applicant.

5. Names and addresses of subsidiaries owned or controlled by applicant.

Applicant has no subsidiaries that it owns or controls.

**III. TELECOMMUNICATION SERVICE**

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

Applicant proposes to begin construction or anticipates it will begin to provide service 3Q2004.

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

Applicant proposes to offer facilities-based and resold local service, interexchange toll service, conference calling, and voice enhanced services throughout Idaho. All services are offered to Carrier and business customers, although the company's initial marketing efforts will be focused on the Carrier market.

**IV. SERVICE TERRITORY**

1. 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's proposed facilities-based and resold CLEC services will compete with the services provided by incumbent local exchange carriers such as Qwest and Verizon and with other IPUC-certificated CLECs, the identities of which are known by the Commission.

2. 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.

Applicant proposes to offer facilities-based and resold local service, interexchange toll service, conference calling, and voice enhanced services. Applicant will lease collocation space and facilities from ILECs, Competitive Access Providers ("CAPs") and other CLECs.

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

The applicant is likely to compete with the ILECs.

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

Applicant will purchase its own switching facilities. Applicant will lease collocation space and facilities from ILECs, Competitive Access Providers ("CAPs") and/or other CLECs.

**V. FINANCIAL INFORMATION**

Applicant does not intend to construct any facilities. Applicant intends to fund its operations through existing assets, internally-generated cash, and financing procured from private investors. Applicant's financial documents are confidential and filed under seal. Please see Exhibit B.

**VI. "ILLUSTRATIVE" TARIFF FILINGS**

Applicant's proposed local carrier tariff describing the rates, services, and relevant terms and conditions of service is attached hereto as **Exhibit C**. The discretionary services and rates set forth in this tariff are "placeholders" and will be modified and finalized after Applicant receives its operating authority. As that time, Applicant will file its tariff with the Commission setting forth its actual service offerings and rates. Please see Exhibit C.

**VII. CUSTOMER CONTACTS**

1. 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.

Kara Boehm- Director of Customer Care & Provisioning  
151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254  
407-389-3232 (main) 407-389-3233 (fax)  
[kboehm@volocommunications.com](mailto:kboehm@volocommunications.com)

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

866-711-2663

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.

Ken Duarte - Director of Regulatory Affairs and Carrier Relations  
151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254  
407-389-3232 (main) 407-389-3233 (fax)  
[kduarte@volocommunications.com](mailto:kduarte@volocommunications.com)

**VIII. INTERCONNECTION AGREEMENTS**

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

Applicant has initiated and completed negotiations with BellSouth (1Q2003), Sprint (2Q2003), and is currently completing negotiations with Verizon.

**IX. 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.

The Applicant has reviewed all of the Commission rules and agrees to comply with them or make a request for waiver of those rules believed to be inapplicable.

**X. ESCROW ACCOUNT OR SECURITY BOND**

1. 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.

2. At the Commission's discretion, an additional deposit may be required to keep customers whole in case of company default.

3. The Commission will review the individual requirement of establishing an escrow or security account by the Company upon good showing by the Company for a period of two years.

Prior to offering services as a certificated telecommunications provider, Applicant will 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.

WHEREFORE, Applicant respectfully requests that the Commission grant this Application for a CPCN authorizing it to provide competitive facilities-based and resold competitive local exchange telecommunications services in the Idaho services territories of Qwest and Verizon.

Respectfully submitted this 14th day of November, 2003 at Altamonte Springs, Florida.

Volo Communications of Idaho, Inc.

By   
Shawn M. Lewis

President/CEO

**VERIFICATION**

I hereby declare under penalty of perjury under the laws of the State of Idaho that the foregoing information and all attachments are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

Signed: 

Name: Shawn M. Lewis

Title: President/CEO

Date: 11 / 14 / 2003

Street: 151 S. Wymore Rd., Suite 3000

Address: Altamonte Springs, FL 32714

Phone: 407-389-3232

Fax: 407-389-3233

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## **EXHIBIT A**

**Copy of Articles of Incorporation and Certificate of Qualification**

# State of Idaho

Office of the Secretary of State

**CERTIFICATE OF AUTHORITY  
OF  
VOLO COMMUNICATIONS OF IDAHO, INC.**

File Number C 151474

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: 28 October 2003



*Ben Yursa*

SECRETARY OF STATE

By *Richard M. Farmer*

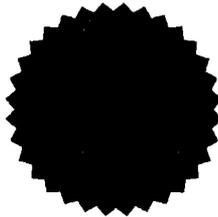
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "VOLO COMMUNICATIONS OF IDAHO, INC.", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER, A.D. 2003, AT 4:01 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3718424 8100

030679129

AUTHENTICATION: 2708734

DATE: 10-24-03

**STATE of DELAWARE**  
**CERTIFICATE of INCORPORATION**  
**A STOCK CORPORATION**

- **First:** The name of this Corporation is Volo Communications of Idaho, Inc.
- **Second:** Its registered office in the State of Delaware is to be located at 615 South DuPont Highway Street, in the City of Dover, DE, County of Kent, Zip Code 19901. The registered agent in charge thereof is Capitol Services, Inc.
- **Third:** The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.
- **Fourth:** The total number of shares of stock, which this corporation is authorized to issue, is fifteen hundred (1,500) Shares at No Par Value.
- **Fifth:** The name and mailing address of the incorporator are as follows:  
Name: Shawn M. Lewis  
Mailing Address: 151 South Wymore Rd., Suite 3000  
Altamonte Springs, FL 32714-4254
- **Sixth:** The Board of Directors shall have the power to adopt, amend or repeal the by-laws.
- **Seventh:** No director shall be personally liable to the Corporation or its stockholders for monetary damages for any breach of fiduciary duty by such director as a director. Notwithstanding the foregoing sentence, a director shall be liable to the extent provided by applicable law, (i) for breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith of law, (iii) pursuant to Section 174 of the Delaware General Corporation Law or (iv) for any transaction from which the director derived an improper personal benefit. No amendment to or repeal of this Article Seventh shall apply to or have any effect on the liability or alleged liability of any director of the Corporation for or with respect to any acts or omissions of such director occurring prior to such amendment.
- **I, The Undersigned,** for the purpose of forming a corporation under the laws of the State of Delaware, do make, file and record this Certificate, and do certify that the facts herein stated are true, and I have accordingly hereunto set my hand this 22<sup>nd</sup> day of October, A.D. 2003.

BY: /s/ Shawn M. Lewis  
Shawn M. Lewis, Incorporator  
Volo Communications of Idaho, Inc.

**EXHIBIT B**

**Applicant's Financial Statements**

**(Filed under seal)**

## **EXHIBIT C**

### **CLEC/IXC Tariffs**