

**Lance J.M. Steinhart, P.C.**  
Attorney At Law  
1720 Windward Concourse  
Suite 115  
Alpharetta, Georgia 30005

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2009 FEB 26 AM 9:32

IDAHO PUBLIC  
UTILITIES COMMISSION

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and Maryland

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Email: lsteinhart@telecomcounsel.com

February 25, 2009

**VIA OVERNIGHT DELIVERY**

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

BCL-T-09-01

Re: Broadvox-CLEC, LLC

Dear Ms. Jewell:

Enclosed please find for filing an original and three (3) copies of Broadvox-CLEC, LLC's Application for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based/UNE Local Exchange telecommunications services within the State of Idaho. The company has no local exchange customers at this time in the State of Idaho and this is a new filing.

**APPLICANT HAS ALSO ENCLOSED ONE (1) COPY OF FINANCIAL STATEMENTS IN A SEPARATE ENVELOPE MARKED "CONFIDENTIAL AND PROPRIETARY", AND RESPECTFULLY REQUESTS CONFIDENTIAL TREATMENT OF THE ENCLOSED FINANCIAL INFORMATION. APPLICANT EXPECTS THAT THIS INFORMATION WILL BE RESTRICTED TO COUNSEL, AGENTS AND EMPLOYEES WHO ARE SPECIFICALLY ASSIGNED TO THIS APPLICATION BY THE COMMISSION.**

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self addressed, postage prepaid envelope. If you have any questions or if I may provide you with additional information, please do not hesitate to contact me.

Respectfully submitted,

Lance J.M. Steinhart  
Attorney for Broadvox-CLEC, LLC

cc: Alecia Monroe

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

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2009 FEB 26 AM 9:32  
IDAHO PUBLIC  
UTILITIES COMMISSION

**IN THE MATTER OF THE )  
APPLICATION OF )  
Broadvox-CLEC, LLC )  
for a Certificate of Public )  
Convenience and Necessity to )  
Provide )  
Local Exchange Telecommunications )  
Services Within the )  
State of Idaho )**

**CASE NO.**

BCL T-09-01

**APPLICATION AND REQUEST FOR AUTHORITY**

Application is hereby made to the Idaho Public Utilities Commission for a Certificate of Public Convenience and Necessity authorizing Broadvox-CLEC, LLC, ("Applicant" or "Broadvox-CLEC") to provide local exchange telecommunications services pursuant to Idaho Code Sections 61-526 through -528 and IDAPA 31.01.01.111 (Rules 111 & 112) as clarified by Procedural Order No. 26665 in Case No. GNR-T-96-4. The following general information and exhibits are furnished in support thereof:

- 1.) Applicant's legal name, address of its principal offices and telephone number are:

Broadvox-CLEC, LLC  
1228 Euclid Avenue, Suite 390  
Cleveland, Ohio 44115  
(216) 373-4623

The Applicant has no office located in the State of Idaho. The Applicant intends to provide resold and facilities-based local exchange service utilizing unbundled network elements, or the equivalent thereof. Such services will be provided by utilizing the facilities incumbent local exchange carriers ("LECs").

2.) Applicant is incorporated in the State of Delaware and is in good standing under the laws of that state. In addition, the Company is authorized to do business as a foreign Broadvox-CLEC in the State of Idaho. Attached as Exhibit 1 to this Application is a copy of the Company's Articles of Incorporation. A copy of Applicant's certificate of authority to transact business in Idaho is attached hereto as Exhibit 2.

3.) The name and business address of Applicant's registered agent for service in Idaho are:

Incorp Services, Inc.  
921 S. Orchard Street, Suite G  
Boise, Idaho 83705

4.) The 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 are:

<u>Name and Address</u>	<u>Shares Owned</u>	<u>Percentage of All Shares Issued &amp; Outstanding</u>	<u>Percentage of Voting Control</u>
The Broadvox Holding Company, LLC			100%

Address: All of the shareholders can be reached through the company at the address listed in 1.) above.

5.) The names, addresses and ownership of Applicant's Member and Directors are:

Member:

The Broadvox Holding Company, LLC

Alex Gertsburg, Corporate Secretary  
Andre Temnorod, Chief Executive Officer  
Eugene Blumin, Chief Operating Officer & Treasurer

Directors:

None

Each can be reached at Applicant's primary place of business and telephone number as follows:

Broadvox-CLEC, LLC  
1228 Euclid Avenue, Suite 390  
Cleveland, Ohio 44115  
(216) 373-4623

6.) The Name and Address of Any Corporation, Association, or Similar Organization Holding a 5% or Greater Ownership or Management Interest in Applicant are as follows:

See answer to 4. above.

7.) The names and addresses of Subsidiaries Owned or Controlled by Applicant are as follows:

None.

8.) Applicant initially proposes to provide resold local exchange services and to purchase unbundled network elements, or the equivalents thereof through interconnection and/or commercial agreements, provided by existing LECs: Qwest North, Qwest South, and Verizon. Applicant has no current plans to install facilities in Idaho but may do so in the future, however, the nature and extent of the facilities to be utilized has yet to be determined. Applicant intends to provide all forms of intrastate local exchange and interexchange telecommunications services including:

1. Interexchange (switched and dedicated services):

- A. 1+ and 101XXXX outbound dialing;
- B. 800/888 toll-free inbound dialing;
- C. Prepaid and Postpaid calling cards;
- D. Directory Assistance; and
- E. Frame Relay and other data services.

2. Local Exchange:

- A. Local Exchange Services for business and residence customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features.
- B. Switched local exchange services such as flat-rated and measure-rated local services; vertical services, Direct Inward and Outward Dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services.

Applicant seeks authority to resell and provide facilities-based/UNE interexchange and local exchange services initially throughout the State where provided by incumbent LECs, however, Applicant does not intend to service areas serviced by any LECs which are eligible for a small or rural carrier exemption pursuant to Section 251 of the Federal Telecom Act of 1996.

Applicant has no current plans to install facilities in Idaho. Copies of Applicant's Broadvox, Inc. & Subsidiaries Consolidated Financial Statements for the years ended December 31, 2005, December 31, 2006 and December 31, 2007, Exhibit 3, are being filed in a separately sealed envelope marked "Confidential and Proprietary".

10.) A map showing where Applicant is proposing to provide service is attached hereto as Exhibit 4.

11.) A copy of Applicant's illustrative tariff is attached hereto as Exhibit 5. Applicant will file its proposed tariff establishing its proposed services and charges upon completion of interconnection and upon receipt of certification by the Commission.

12.) Questions concerning this application and Applicant's tariff should be directed to Applicant's representative:

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse  
Suite 115  
Alpharetta, Georgia 30005  
(770) 232-9200 (Telephone)  
(770) 232-9208 (Facsimile)  
[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com) (Email)

Customer Complaints and Inquiries are to be addressed to:

Eugene Blumin  
1228 Euclid Avenue, Suite 390  
Cleveland, Ohio 44115  
(877) 884-6597 (Customer Service)

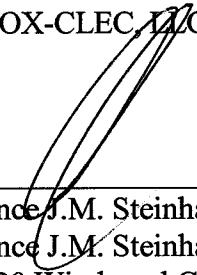
- 13.) Applicant has not initiated interconnection or resale negotiations.
- 14.) Applicant has reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho and will provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the Federal Act.
- 15.) Applicant will not require advance payments or deposits, therefore, no escrow account is being filed.

WHEREFORE, Broadvox-CLEC, LLC, requests that the Idaho Public Utilities Commission enter an order granting a Certificate of Public Convenience and Necessity authorizing Broadvox-CLEC, LLC, to provide resold and facilities-based/UNE local exchange telecommunications services pursuant to Idaho Code Sections 61-526 through -528 and IDAPA 31.01.01.111.

Respectfully submitted this 25<sup>th</sup> day of February, 2009.

BROADVOX-CLEC, LLC

By:

  
\_\_\_\_\_  
Lance J.M. Steinhart, Esq.  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse  
Suite 115  
Alpharetta, Georgia 30005  
Telephone: 770/232-9200  
Facsimile: 770/232-9208  
Email: lsteinhart@telecomcounsel.com

*Attorney for  
Broadvox-CLEC, LLC*

LIST OF EXHIBITS

EXHIBIT 1	CERTIFICATE OF FORMATION
EXHIBIT 2	CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS
EXHIBIT 3	FINANCIAL INFORMATION
EXHIBIT 4	SERVICE AREA MAP
EXHIBIT 5	ILLUSTRATIVE TARIFF

**EXHIBIT 1 - CERTIFICATE OF FORMATION**

STATE of DELAWARE  
LIMITED LIABILITY COMPANY  
CERTIFICATE of FORMATION

First: The name of the limited liability company is Broadvox-CLEC, LLC

Second: The address of its registered office in the State of Delaware is One Commerce Center 1201 Orange St. #600, in the City of Wilmington

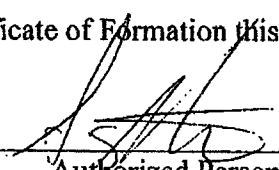
Zip code 19899. The name of its Registered agent at such address is Incorp Services, Inc.

Third: (Use this paragraph only if the company is to have a specific effective date of dissolution: "The latest date on which the limited liability company is to dissolve is \_\_\_\_\_.")

Fourth: (Insert any other matters the members determine to include herein.)

In Witness Whereof, the undersigned have executed this Certificate of Formation this

19<sup>th</sup> day of NOVEMBER, 2008.

By:   
Authorized Person (s)

Name: ALEX GERTSBURG, ESC

**EXHIBIT 2 - CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS**

2009 FEB 18 AM 10:25



# APPLICATION FOR CERTIFICATE OF AUTHORITY FOR FOREIGN LIMITED LIABILITY COMPANY

SECRETARY OF STATE  
STATE OF IDAHO

(Instructions on back of application)

1. The name of the limited liability company is:

Broadvox-CLEC, 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: Delaware

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

Incorp Services, Inc. 921 S. Orchard Street, Ste. G, Boise, ID 83705

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

1228 Euclid Ave., Ste. 390, Cleveland, OH 44115

*Street Address*

*Mailing Address, if different*

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

One Commerce Center, 1201 Orange Street #600, Wilmington, DE 19899

*Street Address*

*Mailing Address, if different*

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

1228 Euclid Ave., Ste. 390, Cleveland, OH 44115

8. Signature of an authorized person:

Broadvox-CLEC, LLC

By: The Broadvox Holding Company, LLC, Member

By:  Alex Gertsburg, Corporate Secretary

Secretary of State use only

9:52:17 AM 02/13/2009  
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IDAHO SECRETARY OF STATE  
02/13/2009 05:00  
CK: 8868 CT: 234128 BH: 1157017  
1 @ 100.00 = 100.00 REGFORGLLC # 2

# Delaware

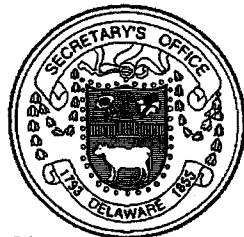
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*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "BROADVOX-CLEC, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-EIGHTH DAY OF JANUARY, A.D. 2009.

4626470 8300

090078263



You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 7106214

DATE: 01-28-09

**EXHIBIT 3 - FINANCIAL INFORMATION**

**FILED AS CONFIDENTIAL AND PROPRIETARY**

**EXHIBIT 4 - SERVICE AREA MAP**

