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ALICIA EMBLEY TURNER

September 20, 2002

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**<sup>4</sup>

SEP 20 2002

Missouri Public  
Service Commission

Re: BullsEye Telecom, Inc.; Basic Local Application

Dear Judge Roberts:

Enclosed for filing in the above-referenced matter, please find the original and eight copies of an Application for a Certificate of Service Authority to Provide Basic Local Telecommunications Service in portions of the State of Missouri and for Competitive Classification. I note that I filed a motion for a protective order with the Commission in conjunction with Exhibit C of the Application and also enclose the original and eight copies of the highly confidential Exhibit C which is filed under seal. In addition, I point out that the Application contains tariffs labeled Exhibit D-1 and D-2 bearing 45-day effective dates, and I enclose the original and five copies of such tariffs.

If you have any questions, please advise. Thank you very much for your attention to this matter.

Sincerely,

NEWMAN, COMLEY & RUTH P.C.

By: *Cathleen A. Martin*

Cathleen A. Martin  
[martinc@ncrpc.com](mailto:martinc@ncrpc.com)

CAM:mas

Enclosures

cc: Office of Public Counsel  
General Counsel  
Monique Byrnes

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED**<sup>4</sup>  
SEP 20 2002  
Missouri Public  
Service Commission

In the Matter of the Application of )  
**BullsEye Telecom, Inc.** )  
for a Certificate of Service Authority )  
to provide Basic )  
Local Telecommunications )  
Service in portions of the State of Missouri )  
and for Competitive Classification )

Case No. \_\_\_\_\_

APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
AND FOR COMPETITIVE CLASSIFICATION

COMES NOW BullsEye Telecom, Inc., a Michigan corporation ("Applicant" or "BullsEye"), by its undersigned counsel, and hereby applies pursuant to sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMO Supp. 1998, and 4 CSR 240-2.060, for authority to provide facilities-based and resold basic local telecommunications service in portions of the State of Missouri in the exchanges of Southwestern Bell Telephone Company ("SWBT"), GTE Midwest Incorporated d/b/a Verizon Midwest ("Verizon") and Sprint of Missouri ("Sprint") and to classify said service and Applicant as competitive. Pursuant to Section 392.40 and 4 CSR 240-32.010(2) BullsEye also seeks a waiver of certain of the Commission's requirements for basic local exchange telecommunication's service offerings. In support of its Application, BullsEye states as follows:

1. BullsEye Telecom, Inc. is a corporation duly organized and existing under and by virtue of the laws of the State of Michigan on April 20, 2000, and is duly authorized to conduct business in Missouri. Pursuant to relevant provisions of 4 CSR 240-2.060, a Certificate of

Missouri Local Application of  
BullsEye Telecom, Inc.

Authority to transact business as a foreign entity is attached hereto and incorporated herein by reference as Appendix A. Applicant's principal place of business is 25900 Greenfield Road, Suite 330, Oak Park, Michigan 48237. Its telephone number is (948) 784-2515.

2. All correspondence, communications, pleadings, notices, order, and decisions relating to this Application should be addressed to:

Cathy Martin  
Newman, Comley & Ruth  
601 Monroe Street, Suite 301  
Jefferson City, Missouri 65102  
(573) 634-2266  
(573) 636-3306 (FAX)

Monique Byrnes  
Technologies Management, Inc.  
210 Park Avenue North  
Winter Park, Florida 32789  
(407) 740-8575  
(407) 740-0613 (FAX)

All inquiries or communications regarding the ongoing operations of BullsEye should be addressed to:

Charles L. Schneider, Jr.  
Director-Business Development  
BullsEye Telecom, Inc.  
25900 Greenfield Road, Suite 330  
Oak Park, MI 48237  
(248) 784-2515  
(248) 784-2501 (FAX)

3. Bullseye's statutory representation in the State of Missouri is:

Corporation Service Company  
d/b/a CSC – Lawyers Incorporating Service Company  
221 Bolivar Street  
Jefferson City, Missouri 65101

4. By this Application, BullsEye Telecom, Inc. requests certificate authority to provide competitive facilities-based and resold basic local exchange services to residential and business customers throughout all exchanges served by "SWBT," "Verizon" and "Sprint". The exchanges in which BullsEye seeks authority are listed on the approved tariffs of SWBT, Verizon and Sprint.

BullsEye's proposed service areas will follow the respective exchange boundaries of the stated incumbent LECs and shall be no smaller than an exchange as required by Section 392.455(3) RSMo Supp. 1998. Applicant may seek authorization to provide service in exchanges served by other incumbent LECs in a subsequent proceeding.

BullsEye intends to provide service via the Unbundled Network Element Platform (UNE-P) offered by the ILECs. BullsEye plans to commence offering basic local service upon receiving Commission approval of its interconnection agreement(s) and related tariffs.

5. Pursuant to this Application, BullsEye seeks authority to offer and provide all forms of facilities-based and resold basic local telecommunications service to customers within Missouri as defined in 386.020(4) RSMo Supp. 1998. Simultaneous with this filing, Applicant has filed requesting authority to offer intrastate long distance services. In this way, BullsEye will be able to provide a complete set of telecommunications services to its customers.

BullsEye will, through interconnection with other carriers or resale of other carriers' services, provide access to 911 and enhanced 911 emergency services and provide directory assistance and operator assisted calling, dual party relay services, and other miscellaneous services currently provided by incumbent local exchange carriers.

BullsEye Telecom, Inc. provides comprehensive customer service to its customers. Complaints may be reported by the customer to BullsEye's customer service department. Customer service agents are available to answer customer service inquiries for new service, repair or with billing inquiries. Applicant's customer service representatives are prepared to respond to a broad range of service matters, including inquiries regarding: (1) the types of services offered by BullsEye and the rates associated with such services; (2) monthly billing statements; (3) problems or concerns

pertaining to a customer's current service; and (4) general telecommunications matters.

Customer service is available during the hours of 7:00 AM to 6:00 PM EST, Monday through Friday. On-call service is available, in the case of emergencies, twenty-four hours a day, seven days a week. Customers may contact the Company in writing at BullsEye's headquarters location at 25900 Greenfield Road, Suite 330, Oak Park, Michigan 48237, or by calling a toll-free customer service number to be provided on each invoice for service. BullsEye's toll-free customer service number is 877-638-2855.

6. Applicant possesses the technical and managerial expertise and experience necessary to provide the services it proposes as required by Section 392.455(1) RSMo Supp. 1998. BullsEye intends to provide service as both a facility-based and resale carrier and has assembled a management team with the expertise necessary to successfully operate as a competitive local exchange carrier. A listing of Applicant's principal management employees and their qualifications is attached hereto and incorporated herein as Appendix B.

7. BullsEye possesses the necessary financial qualifications to provide the services it proposes as required by Section 392.455(1) RSMo Supp. 1998. Current audited financial statements are available, and filed under confidential seal as noted in Appendix C. The information in Appendix C is submitted separately as an appendix to Bullseye's Motion for a Protective Order. This motion seeks to confidential treatment of all information contained in Appendix C and is being filed pursuant to 4 CSR 240-2.085, solely for the purpose of the Commission's *in camera* review.

8. Pursuant to this Application, BullsEye seeks classification of itself and its basic local telecommunications service offerings as competitive, with accompanying reduced regulation pursuant to Section 392.361 and 392.420 RSMo 1994 and 4 CSR 240-2.060(4)(F). The existing

monopoly services of SWBT, Verizon and Sprint will make the local markets Applicant seeks to enter sufficiently competitive to make a lesser degree of regulation for BullsEye and its proposed services in the public interest, consistent with the legislative policies established by the Federal Telecommunications Act of 1996 and the recent revisions of Chapter 392 RSMo. This Commission already has approved several applications to provide resold and facilities-based local telecommunications services filed by new market entrants and has classified those new entrants and their services as competitive.

9. Applicant will offer its basic local telecommunications service as a separate and distinct service in accordance with Section 392.455(4) RSMo Supp. 1998. BullsEye will provide equitable access for all customers in Missouri, without regard to their income or where they might reside, to affordable telecommunications services in Applicant's proposed service areas in accordance with Section 392.455(5) RSMo Supp. 1998.

10. Applicant is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards including, but not limited to, quality service, billing, and tariff filing and maintenance. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Applicant requests that, at minimum, the following statutes and regulations for BullsEye Telecom, Inc. and its basic and non-basic local exchange service offerings be waived at this time:

## STATUTES

392.210.2	-	Uniform System of Accounts
392.240(1)	-	Just and Reasonable Rates
392.270	-	Ascertain Property Values
392.280	-	Depreciation Accounts
392.290	-	Issuance of Securities
392.300.2	-	Acquisition of Stock
392.310	-	Issuance of Stock & Debt
392.320	-	Stock dividend payment
392.330	-	Issuance of securities, debt and notes
392.340	-	Reorganization(s)

## COMMISSION RULES

4 CSR 240-10.020	-	Depreciation fund income
4 CSR 240-30.010(2)(C)	-	Posted Rate Schedules in Central Offices
4 CSR 240-30.040	-	Uniform System of Accounts
4 CSR 240-32.030(4)(C)	-	File exchange boundary maps with Commission
4 CSR 240-33.030	-	Inform Customers of Lowest Price

11. Applicant submits that the public interest will be served by Commission approval of this Application because Applicant's proposed service will create and enhance competition and expand customer service options, consistent with the legislative goals set forth in the Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this Application also will expand the availability of innovative, high quality and reliable telecommunications services within the State of Missouri. Customers will benefit by having alternatives from which to choose and from general improvements in price, features and options that are generated by competitive market pressures.

12. The BullsEye Competitive Local Exchange Services tariff that contains the rules and regulations applicable to its Customers, a description of the services offered, and a list of rates associated with such services, is being filed simultaneously with this Application as Appendix D-1. The Company's Competitive Access Services tariff is filed with this Application as Appendix D-2.

The tariffs have forty-five (45) day effective dates.

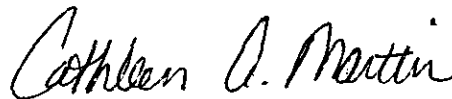
13. Bullseye has no pending or final judgments or decisions against it from any state or federal agency or court that involve customer rates or service.

14. BullsEye has no annual report or assessment fees that are overdue.

WHEREFORE, Applicant BullsEye Telecom, Inc. respectfully requests that the Commission grant it a certificate of service authority to provide facilities-based and resold basic local telecommunications service as herein requested, classify Applicant and Applicant's proposed basic local services as competitive, and grant waivers of aforesaid statutes and regulations, as expeditiously as possible.

Respectfully submitted,

ATTORNEY FOR APPLICANT  
BullsEye Telecom, Inc.



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Cathleen A. Martin, Esquire  
Newman, Comley & Ruth PC  
601 Monroe Street  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573)636-3306 (FAX)  
MO Bar No. 45682



CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 20<sup>th</sup> day of September 2002, to:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Dan Joyce, General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

VERIFICATION

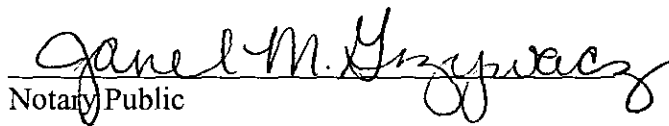
STATE OF MICHIGAN  
COUNTY OF Oakland

Peter K. LaRose, being first duly sworn, deposes and says: That he is the Vice President-Finance for BullsEye Telecom, Inc. the Applicant in the foregoing Application; that he has read the foregoing Application, knows the contents thereof and is authorized to verify the accuracy of same; and that the statements contained in the Application are true to his best knowledge, information and belief.



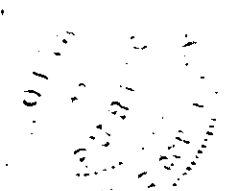
Peter K. LaRose  
Vice President-Finance  
BullsEye Telecom, Inc.

Subscribed and sworn to before me this 9<sup>th</sup> day of September 2002.

  
Notary Public

My commission expires: 7/2/05

JANEL M. GRZYWACZ  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES JAN 2, 2005  
ACTING IN OAKLAND COUNTY, MI



**BULLSEYE TELECOM, INC.**

**APPENDIX A**

Certificate of Authority  
from  
Missouri Secretary of State

No. F00483532

# STATE OF MISSOURI



Rebecca McDowell Cook  
Secretary of State

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

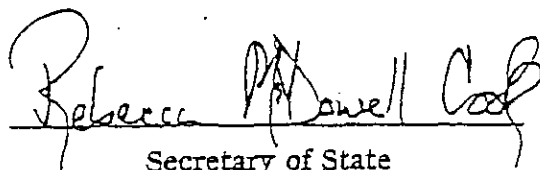
WHEREAS,  
BULLSEYE TELECOM, INC.

using in Missouri the name  
BULLSEYE TELECOM, INC.

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of MICHIGAN.

NOW, THEREFORE, I, REBECCA McDOWELL COOK, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 15th day of MAY, 2000.

  
Secretary of State

\$155.00





State of Missouri  
Rebecca McDowell Cook, Secretary of State

Corporations Division  
P.O. Box 778, Jefferson City, MO 65102

James C. Kirkpatrick State Information Center  
600 W. Main Street, Rm 322, Jefferson City, MO 65101

FILED

AND CERTIFICATE OF  
AUTHORITY ISSUED

Application for Certificate of Authority  
For a Foreign For-Profit Corporation  
(Submit in duplicate with filing fee of \$155.00)

MAY 15 2000

1. The corporation's name is BullsEye Telecom, Inc.  
and it is organized and existing under the laws of Michigan
2. The name it will use in Missouri is BullsEye Telecom, Inc.
3. The date of its incorporation was April 3, 2000, and the period of its duration is perpetual  
month/day/year
4. The address of its principal place of business 26935 Northwestern Hwy, Ste. 520, Southfield, MI 48034  
Address City/State/Zip
5. The name and address of its registered agent and office in the State of Missouri is  
Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company  
221 Bolivar Street, Jefferson City, Missouri 65101  
Name Address City/State/Zip
6. The specific purpose(s) of its business in Missouri are:  
The Company's corporate purpose is to expand its communications service into Missouri.
7. The name of its officers and directors and their business addresses are as follows:  
(Officers) Name Address City/State/Zip
- President Mark A. Wayne 26935 Northwestern Hwy., Ste 520, Southfield, MI 48034
- Vice President Pete K. LaRose 26935 Northwestern Hwy, Ste 520, Southfield, MI 48034
- Secretary Pete K. LaRose 26935 Northwestern Hwy, Ste. 520, Southfield, MI 48034
- Treasurer Pete K. LaRose 26935 Northwestern Hwy, Ste. 520, Southfield, MI 48034
- Chairman William H. Oberlin 26935 Northwestern Hwy, Ste 520, Southfield, MI 48034  
(Board of Directors)
- Director William H. Oberlin 26935 Northwestern Hwy, Ste 520, Southfield, MI 48034
- Director Mark A. Wayne 26935 Northwestern Hwy, Ste 520, Southfield, MI 48034
- Director L. Watts Hamrick III 26935 Northwestern Hwy, Ste 520, Southfield, MI
- Director: Pearce Landry 301 S College St, 5th Flr, Charlotte, NC 28288-0732 48034
8. The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows:  
(Date may not be more than 90 days after the filing date in this office)

*Rebecca McDowell Cook*  
SECRETARY OF STATE

In affirmation thereof, the facts stated above are true.

*Pete K. LaRose* PETE K. LAROSE V.P. FINANCE SECRETARY 5/14/00  
(Authorized Signature) (Printed Name) (Title) (Date)

Note: You must submit current original certificate of good standing or certificate of existence with this application. This may be obtained from your Secretary of State or other authority that issues corporate charters.

**BULLSEYE TELECOM, INC.**

**APPENDIX B**

Profiles of Key Management Employees

## **BullsEye Telecom, Inc.**

### **Management Profiles**

#### **William H. Oberlin – Chairman and Chief Executive Officer**

William Oberlin, Chairman and Chief Executive Officer, is responsible for providing strategic direction, business development and leadership on technology issues. Prior to joining BullsEye he was Chief Executive Officer of Midcom Communications, which he joined in 1996. From 1988 to 1996 he played a key role in the turnaround of Allnet Communications which was sold to Frontier Communications in 1995. Mr. Oberlin began his career in a series of sales and marketing positions, first at New Jersey Bell and subsequently in senior roles at Sprint, DHL Business Systems and the U.S. operations of Cable and Wireless. He holds a bachelor's degree in economics from Rutgers University.

#### **Peter K. LaRose – Vice President for Finance and Secretary**

Peter LaRose, Vice President for Finance, has served in a number of senior financial positions, primarily in the telecommunications industry. He began his career with Price Waterhouse and Co., where his service included performing audits for foreign subsidiaries of U.S. and Spanish firms. He served as Vice President of Finance and Controller for MCI Communications and as Vice President of Finance for both Winstar Gateway Networks and for Midcom Communications. Mr. LaRose holds a B.S. in Business Administration from Pennsylvania State University and is a Certified Public Accountant.

#### **J. Edward Pearce – Vice President of Alternative Channels**

J. Edward Pearce joined BullsEye as Vice President of Alternative Channels in January 2001. Prior to joining BullsEye, he led the Alternative Channel Program for LDMI Telecommunications. Mr. Pearce has held key senior sales management positions with Frontier Communications and Telco Communications Group. He is a graduate of the University of Akron and holds a B.S. in Business and Organizational Communications.

#### **Bill R. Edwards – Vice President of Customer Operations**

Bill Edwards, Vice President of Customer Operations, brings twenty years of telecommunications service experience to BullsEye Telecom. His work at BullsEye has included key contributions to the design, development and operation of a highly automated order management, service provisioning and customer service infrastructure. His responsibilities include the continued development and operation of many of the non-IT-related components of the Company's back office.

### **Scott R. Loney – Vice President of Marketing**

Scott Loney, Vice President of Marketing, began his career at Allnet Communications where helped lead an integrated sales and marketing program focused on dedicated T1 voice and data services. After Allnet, he joined Midcom Communications as Director of Marketing, where he led product management for long distance voice and data services and worked extensively in the field of frame relay, Internet and other packet-switched data services. Mr. Loney also served as a marketing consultant with NET-Tel Communications. He earned his MBA at the University of Michigan and holds a BA in History and MA in Telecommunications from Michigan State University.

### **Thomas A. Marino – Vice President of Network Operations**

Thomas A. Marino, Vice President of Network Operations, is responsible for network management, business and technology development for new products and service, regulatory affairs and carrier relations. He has 25 years of telecommunications experience in all facets of the construction, operations, and management of long distance telephone, CLEC and data networks. Previously, Mr. Marino has served in executive positions with Excel Communications, Midcom Communications, Frontier Communications, ALC Communications and Sprint Communications, where he was responsible for the design, development and operation of large-scale, national voice and data networking platforms.

### **Tom Tisko – Vice President of Business Operations**

Tom Tisko, Vice President of Business Operations, began his career in information systems and operations management at Electronic Data Systems Corporation where he was responsible for leading and managing teams of systems engineers in resource allocation, technical guidance and career development. From 1995-1999 he served as Operations Manager, and later as General Manager, of AdVal Communications where he was responsible for the successful operation of order management and billing systems, back-office IT functions and customer service. Mr. Tisko holds a combined BS in Computer Science and Business Administration from Michigan Technological University and an MBA from Golden Gate University.

### **Charles L. Schneider, Jr. – Director, Business Development**

Charles L. Schneider, Jr., Director, Business Development, is responsible for regulatory affairs, CABS billing, financial assurance, network vendor invoice auditing, network cost and optimization, vendor relations and program management. He began his career at Allnet Communications where he held positions in Customer Service and Network Planning and Administration. Prior to joining BullsEye, Mr. Schneider was an independent telecom consultant, providing program management, network planning and administration services to such companies as Midcom, Winstar, NETtel and US LEC. He holds a BA in Business Administration from the University of Michigan.



**CONFIDENTIAL**

**BULLSEYE TELECOM, INC.**

**APPENDIX C**

Financial Information

[Filed under Seal]