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October 29, 2003

FILED

OCT 29 2003

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

RE: Case No. \_\_\_\_\_

Application of Nexus Communications, Inc. d/b/a TSI for Certificate of Service Authority to Provide Basic Local Exchange Telecommunications Services in Portions of Missouri

Dear Mr. Roberts:

Enclosed for filing on behalf of Nexus Communications, Inc. d/b/a TSI, please find an original and five (5) copies of an **"APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY AND FOR COMPETITIVE CLASSIFICATION."**

Please see that this filing is brought to the attention of the appropriate Commission personnel.

Thank you for your cooperation and assistance in this matter.

Sincerely,

WILLIAM D. STEINMEIER, P.C.

By:   
William D. Steinmeier

Enclosures

cc: General Counsel  
Office of Public Counsel  
Patrick D. Crocker  
Mary Ann (Garr) Young

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

OCT 29 2003

Missouri Public  
Service Commission

In the matter of the Application of )  
)  
**Nexus Communications, Inc.** )  
**d/b/a TSI** )  
)  
for Certificate of Service Authority )  
to Provide Basic Local Exchange )  
Telecommunications Services )  
Within the State of Missouri )  
and for Competitive Classification )

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

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Nexus Communications, Inc. d/b/a TSI ("Nexus" or "Applicant"), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420 and 392.430, and 392.450 RSMo., the federal Telecommunications Act of 1996 and 4 CSR 240-2.060 and 4 CSR 240-3.510, for authority to provide basic local exchange telecommunications services within the State of Missouri and for competitive classification. In support of its application, Nexus states as follows:

1. Applicant Nexus Communications, Inc. is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio with its principal place of business at: 3629 Cleveland Avenue, Suite C, Columbus, Ohio (OH) 43224. The character of business performed by Applicant is telecommunications services. A copy of Applicant's Certificate of Authority from the Missouri Secretary of State as required by 4 CSR 240-2.060(1)(C) will be late-filed as **Exhibit A**.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this case should be addressed to:

William D. Steinmeier  
Mary Ann (Garr) Young  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City, MO 65110-4595  
Phone: 573-659-8672  
Fax: 573-636-2305  
Email: wds@wdspc.com  
myoung0654@aol.com

With a copy to:

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, Michigan (MI) 49007-4752  
Telephone: (269) 381-8844  
Fax: (269) 381-8822  
Email: pcrocker@earlylennon.com

Applicant's contact person for regulatory matters after approval of this application is:

Steven Fenker  
Nexus Communications, Inc., dba TSI  
P.O. Box 247168  
3629 Cleveland Avenue  
Suite C  
Columbus, Ohio (OH) 43224  
Phone: (740) 549-1092  
Fax: (740) 548-1173  
Email: sfenker1@earthlink.net

Applicant's toll-free number for customer inquiries and service complaints is:

1-866-392-7123.

3. Applicant proposes to provide all forms of basic local exchange telecommunications service throughout all exchanges currently served by Southwestern

Bell Telephone, L.P., d/b/a SBC Missouri (SBC), formerly known as Southwestern Bell Telephone Company, Sprint Missouri, Inc., CenturyTel of Missouri, LLC, and Spectra Communications Group, LLC. The Company does not intend to provide service in any "small" incumbent local exchange carrier (ILEC) areas. The specific exchanges within which Applicant proposes to offer service are listed in the incumbent provider's local exchange tariff and will be listed in Applicant's basic local service tariff. Applicant may seek authority to provide basic local service in other areas of the state in a subsequent proceeding.

4. Nexus intends to offer and provide all forms of basic local telecommunications service, including: resold and/or facilities-based local services, local exchange flat rate service, measured rate service, prepaid local exchange, and operator services; custom and class features including call waiting, caller ID, call forwarding, etc.; and ancillary services including 911, directory listing and directory assistance.

5. Applicant possesses the technical and managerial expertise necessary to provide the services it proposes. In support of its request for basic local exchange authority, the background of the members of Applicant's management team, which demonstrates its extensive experience and expertise, is described in **Exhibit B**, which is attached hereto and incorporated herein by reference.

6. Applicant also possesses the necessary financial resources to provide the services it proposes. Applicant will submit its financial statements under seal as late-filed **Highly Confidential Exhibit C** upon issuance of the Commission's standard Protective Order. Applicant is separately submitting its Motion for Protective Order pursuant to 4 CSR 240-2.085.

7. Applicant seeks classification of itself and its services as competitive pursuant to Sec. 392.361 RSMo. and 4 CSR 240-3.510(1)(A). Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation and that granting this request will allow greater price and service options for telephone users.

8. Applicant will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law (Section 392.455, RSMo). Applicant will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in Applicant's proposed service areas in accordance with applicable law (Section 392.455, RSMo).

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

Statutory Provisions:

Section 392.210.2  
Section 392.240.1  
Section 392.270  
Section 392.280  
Section 392.290  
Section 392.300.2  
Section 392.310  
Section 392.320  
Section 392.330  
Section 392.340

Missouri Public Service Commission Rules

- 4 CSR 240-3.545(2)(C)
- 4 CSR 240-3.550(5)(C)
- 4 CSR 240-10.020
- 4 CSR 240-30.040
- 4 CSR 240-33.030

10. Applicant requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority to provide interexchange, local exchange or basic local exchange service shall include a proposed tariff with a forty-five (45) day effective date. Applicant will promptly file a tariff with a 45-day effective date as soon as possible, once it has entered into or adopted necessary interconnection agreements.

11. Applicant's proposed basic local service tariff will specifically identify the geographic service area in which it proposes to offer basic local service. That area will follow the exchange boundaries of the ILECs in the same area and will be no smaller than an exchange.

12. Notwithstanding the provisions of Section 392.500 RSMo, as a condition of certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, Applicant's originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service areas Applicant seeks authority to provide service. Additionally, pursuant to the Commission's *Report and Order* in Case No. TO-99-596, Applicant agrees that if the ILEC in whose service area Applicant is operating decreases its originating and/or terminating access service rates, Applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

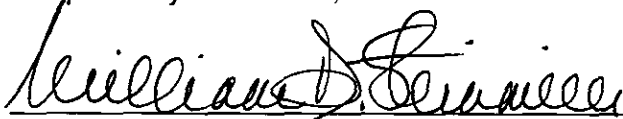
13. Applicant herein states, in accordance with 4 CSR 240-2.060(1)(K), that there are no pending actions or final unsatisfied judgments or decisions against Applicant in any state or federal agency or court which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

14. Pursuant to 4 CSR 240-2.060(1)(L), Applicant hereby states that the Company does not have any overdue annual reports or assessment fees owed to the Missouri Public Service Commission.

15. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition and expand customer service options consistent with the federal 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.

WHEREFORE, Applicant, Nexus Communications, Inc. d/b/a TSI, respectfully requests that the Commission grant it a certificate of service authority to provide basic local exchange telecommunications services as herein requested, grant Applicant competitive classification, grant waiver of the aforesaid statutes and regulations, and temporarily waive the requirement of filing a tariff with the application.

Respectfully submitted,



William D. Steinmeier, Mo. Bar #25689  
Mary Ann (Garr) Young, Mo. Bar #27951  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City MO 65110-4595  
Phone: 573-659-8672  
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Email: wds@wdspc.com  
myoung0654@aol.com



Patrick D. Crocker, MI Bar #P43527  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007  
Tel.: (269) 381-8844  
Fax: (269) 381-8822  
Email: pcrocker@earlylennon.com

COUNSEL FOR NEXUS COMMUNICATIONS,  
INC. D/B/A TSI

Dated: October 29, 2003

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been hand delivered or mailed by first class mail, postage prepaid to the Office of Public Counsel and the General Counsel of the Missouri Public Service Commission on this 29th day of October, 2003.



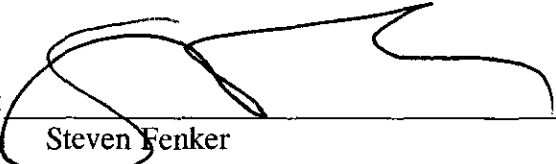
William D. Steinmeier



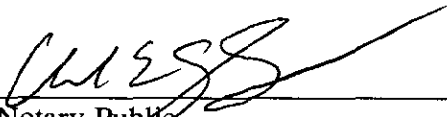
## VERIFICATION

VERIFICATION

Steven Fenker, Vice President of Nexus Communications, Inc. d/b/a TSI, first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

BY:   
Steven Fenker  
Its Vice President

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of August, 2003  
by Steven Fenker

  
Notary Public  
For the County of Franklin  
For the State of Ohio  
My Commission expires March 12, 2007



CHAD E. LYBARGER  
Notary Public - State of Ohio  
My Commission Expires Mar. 12, 2007

**NEXUS COMMUNICATIONS, INC. D/B/A TSI**

**Exhibit A**

**Missouri Secretary of State Certificate**

**To Be Late-Filed**

**NEXUS COMMUNICATIONS, INC. D/B/A TSI**

**Exhibit B**

**MANAGEMENT PROFILES**

## **Managerial Qualifications**

### **Steven Fenker – Vice President**

Steven Fenker is Vice President of Nexus Communications, Inc. which is providing Competitive Local Exchange Service in the state of Ohio. Mr. Fenker is responsible for compliance with all governmental mandates, negotiating resale agreements with underlying local exchange carriers, and oversees the preparation of financial statements and tax filings. Mr. Fenker has over fifteen years experience in starting and running various successful telecommunications companies. Mr. Fenker's telecommunication experience includes several successful start-up companies in the wireless business.

### **Mazan Rabah – Secretary**

Mazan Rabah is responsible for the day to day operations of Nexus Communications, Inc., including overseeing the call center operations, employee management, and billing management. Mr. Rabah also has over fifteen years experience in starting and running various successful telecommunications companies. Mr Rabah's telecommunication experience includes several successful start-up multi-store multi-state retail chains in the wireless business.

# STEVEN FENKER

Phone: 740/549-1092

888/366-2750

Fax: 740/548-1173

E-Mail: Sfenker1@earthlink.net

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## NEXUS COMMUNICATIONS, INC.

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### PROFESSIONAL EXPERIENCE

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**Nexus Communications, Inc.**                      **Co-Founder**                      2000 - 2002  
Columbus, Ohio

- Formed Competitive Local Exchange Carrier (CLEC) serving all major cities in Ohio with competitive local residential exchange service.
- Responsibilities include compliance of governmental mandates, regulatory issues, legal issues and tax compliance.

**Page One, LLC**                                      **Co-Founder**                                      1997 - 2000  
Indianapolis, Indiana

- Largest Prepaid Cellular Agent for GTE Wireless (now Verizon Wireless), and GTE Prepaid Agent of The Year, for last three years.
- Largest Paging Reseller for Arch Communications, PageNet, Mobilecomm (now Arch Communications) and PageMart (now Weblink Wireless).
- Telecom reseller with over 6 retail locations serving mid to low income demographic market.

**Aerosafe, Inc.**                                      **Staff Attorney, Consultant**                                      1995 - 1997  
Dublin, Ohio

- Responsible for litigation strategy and case management for the premiere general aviation product liability consulting firm.
- Consulted with Ameritech, and Nextwave Communications in cellular tower placement, development and potential impact on FAA airspace regulations.

**Bison Leasing Co., Inc.**                                      **Consultant**                                      1993 - 1995  
Mayfield Heights, Ohio

- Aircraft Leasing Manager, responsible for developing lines of commercial credit and finance acquisitions.
- Developed and managed commercial lease and asset based financing for computer, and telecom hardware/software.

# STEVEN FENKER

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**Arsenio's Pizza., Inc.**  
Cleveland, Ohio

Co-Founder

1990 - 1993

- Funded and developed upscale inner-city fast food restaurant, serving mid to low income demographic market.

**Talon Leasing, Co., Inc.**  
Westlake, Ohio

Co-Founder

1988 - 1990

- Cellular sales and service, focusing on providing cellular telecom equipment and services for mid to undeserved low income demographic market.

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## PREVIOUS BACKGROUND

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**Ohio Air National Guard**, Toledo, Ohio  
Pilot Training

1985 - 1987

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## EDUCATION/SPECIALIZED TRAINING

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**Cleveland Marshall College of Law**, Cleveland, Ohio  
Juris Doctor

1995

**Case Western Reserve University**, Cleveland, Ohio  
Studies Towards Masters of Business Administration

1986

**Ohio University**, Athens, Ohio  
Bachelors of Arts (Cum Laude)

1985

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## EXCELLENT REFERENCES FURNISHED

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# MAZAN RABAH

Phone: 614/378-8412  
888/713-4800  
Fax: 740/548-1173  
E-Mail: Maz@Pageususa.com

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## NEXUS COMMUNICATIONS, INC.

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### PROFESSIONAL EXPERIENCE

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**Nexus Communications, Inc. Co-Founder 2000 - 2002**  
Columbus, Ohio

- Formed Competitive Local Exchange Carrier (CLEC) serving all major cities in Ohio with competitive local residential exchange service.
- Responsibilities include day to day operations, employee management, billing management, call center operations.

**Page Us USA (dba Lamece, Inc.) Co-Founder 1995 - 2001**  
Columbus, Ohio

- Largest Prepaid Cellular Agent for Ameritech (now called SBC, Inc.), Prepaid Agent of The Year, for last four years.
- Telecom reseller with over 10 retail locations in Columbus, OH serving mid to low income demographic market.
- Largest Paging Reseller for Arch Communications, PageNet, Mobilecomm (now Arch Communications) and PageMart (now Weblink Wireless).

**Pagers of Kentucky, Inc. Co-Founder 1997 - 2002**  
Louisville, Kentucky

- Telecom reseller with over 5 retail locations in Louisville, KY serving mid to low income demographic market.
- Largest Paging Reseller for Arch Communications, PageNet, Mobilecomm (now Arch Communications) and PageMart (now Weblink Wireless).

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### EDUCATION/SPECIALIZED TRAINING

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**Chadsey High School, Detroit, MI** 1984

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**EXCELLENT REFERENCES FURNISHED**

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**NEXUS COMMUNICATIONS, INC. D/B/A TSI**

**EXHIBIT C**

**FINANCIAL STATEMENTS  
AND 12-MONTH MISSOURI PROJECTIONS**

**To Be Late-Filed Under Seal**