

FISCHER & DORITY
PROFESSIONAL CORPORATION

Attorneys at Law
Regulatory & Governmental Consultants

101 Madison, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
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James M. Fischer
Larry W. Dority

April 21, 2003

FILED³

APR 21 2003

Missouri Public
Service Commission

Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360


RE: In the Matter of the Application of X2Comm, Inc., d/b/a DC Communications for a Certificate of Service Authority to Provide Intrastate Interexchange Telecommunications Service in the State of Missouri

Dear Mr. Roberts:

Enclosed are the original and eight (8) copies of the Application of X2Comm, Inc., d/b/a DC Communications for filing in the above-referenced matter. A copy of the foregoing Application has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
cc: Office of the Public Counsel
Dana K. Joyce, General Counsel

FILED³

APR 21 2003

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Missouri Public
Service Commission

In the Matter of the Application of)	
X2Comm, Inc., d/b/a DC Communications)	
for a Certificate of Service Authority to Provide)	Case No. _____
Intrastate Interexchange Telecommunications)	
Service in the State of Missouri)	

APPLICATION

COMES NOW X2Comm, Inc., d/b/a DC Communications ("X2Comm" or "Applicant"), by and through its attorney, and hereby requests that the Missouri Public Service Commission ("Commission") grant X2Comm a Certificate of Service Authority to provide competitive intrastate interexchange telecommunications services between and among locations within the state of Missouri pursuant to Section 392.440, RSMo 2000,¹ an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

1. X2Comm is a corporation organized under the laws of the State of Nevada. The legal name and principal office or place of business of the Applicant are:

Mark Pavol
 X2Comm, Inc., d/b/a DC Communications
 270 South Main Street
 Flemington, New Jersey 08822
 Telephone: (908) 806-7096
 Facsimile: (908) 806-2178

A copy of X2Comm's Articles of Incorporation is attached hereto as Exhibit A and is incorporated herein by reference. X2Comm holds a certificate of authority as a foreign

¹ All citations to statutory sections are to the 2000 Revised Statutes of Missouri, as currently supplemented, unless otherwise indicated.

corporation to transact business in the state of Missouri, which is attached hereto as Exhibit B and incorporated herein by reference.

2. Applicant does business under the fictitious name, DC Communications. A copy of Applicant's Registration of Fictitious Name is attached hereto as Exhibit C and incorporated herein by reference.

3. Copies of correspondence, communications and orders and decisions of the Commission are to be sent are as follows:

Mark Pavol
X2Comm, Inc., d/b/a DC Communications
270 South Main Street
Flemington, New Jersey 08822
Telephone: (908) 806-7096
Facsimile: (908) 806-2178

and to Applicant's in-state counsel of record:

James M. Fischer
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

4. The name and address of the Applicant's registered agent is:

National Registered Agents, Inc.
300-B East High Street
Jefferson City, MO 65101

5. Applicant has approved applications for certificates of authority to resell long distance interexchange services in the states set out in Exhibit D, which is attached hereto and incorporated herein by reference.

6. Applicant intends to provide telecommunications services to residential and business customers statewide in the state of Missouri utilizing the network facilities of AT&T

and Global Crossings. The customer will become a customer of the Applicant, not of the underlying carrier. X2Comm assumes responsibility for billing, trouble reporting, and customer service. X2Comm plans to provide telecommunication services to all points originating and terminating within and throughout the state of Missouri.

7. Applicant is not a facilities based carrier. The Applicant does not own, operate, control or manage any telecommunications transmission facility. Applicant does not own or operate a switch.

8. Applicant applies for a certificate of service authority under Chapter 392.440, to operate as an intrastate reseller of telecommunication services and also applies pursuant to Section 392.361, for designation as a competitive telecommunications company. Applicant proposes to offer 1+outbound, toll-free, directory assistance, and travel card services, which are already classified as competitive telecommunications services in the state of Missouri.

9. 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 legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392. Prompt approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the state of Missouri. In particular, the public will benefit through the use of the competitive services to be offered by the Applicant because the presence of Applicant in the market will increase the incentives for other telecommunications providers to operate more efficiently, offer more innovative services, reduce their prices, and improve their quality.

10. X2Comm, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to the request for competitive classification included herein.

11. Applicant also respectfully requests, pursuant to Section 392.420, that the Commission suspend, waive or modify the application of the following rules and statutory provisions as it relates to the regulation of the applicant interexchange company:

4 CSR 240-10.020	-	Depreciation fund income
4 CSR 240-30.010(2)(C)	-	Posting of exchange rates at central operating offices
4 CSR 240-30.040	-	Uniform system of accounts
4 CSR 240-33.030	-	Minimum charge rules
Section 392.240(1)	-	Rates--reasonable average return on investment
Section 392.270	-	Property valuation
Section 392.280	-	Depreciation rates
Section 392.290	-	Issuance of securities
Section 392.300.2	-	Acquisition of stocks
Section 392.310	-	Issuance of stocks and bonds
Section 392.320	-	Stock dividends
Section 392.330	-	Issuance of securities, debt, and notes
Section 392.340	-	Reorganization

The above-referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purposes of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

12. Applicant's tariff, setting out the proposed services and charges offered by Applicant, is being filed simultaneously with this Application and has a forty-five (45) day effective date.

13. Applicant possesses the managerial and technical expertise to provide resale interexchange telecommunications services.

14. Applicant has sufficient financial resources to operate as a telecommunications reseller.

15. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.

16. Applicant does not offer Operator Service.

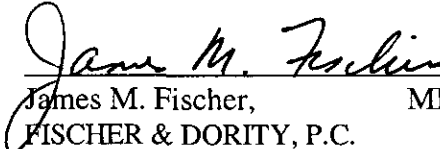
17. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.

18. Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

WHEREFORE, Applicant X2Comm, Inc., d/b/a DC Communications respectfully requests the Missouri Public Service Commission to grant it a Certificate of Service Authority to provide competitive intrastate interexchange telecommunications service within the state of Missouri; an order classifying it as a competitive telecommunications company providing

competitive service; an order suspending, waiving, or modifying the above-referenced rules and statutory provisions as they relate to the regulation of the Applicant in the state of Missouri; and for such further orders as the Commission deems appropriate.

Respectfully submitted,


James M. Fischer, MBN 27543
FISCHER & DORITY, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: jfischerpc@aol.com

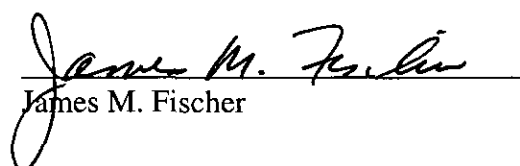
ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, First Class, U.S. Mail, postage prepaid, this 21st day of April 2003, to:

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


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


James M. Fischer

VERIFICATION

STATE OF Pennsylvania)
COUNTY OF Bucks) SS

Mark Pavol, on oath, states that he/she is Secretary/Treasurer of X2Comm, Inc., d/b/a DC Communications., that he/she is authorized to make this Verification on its behalf, that he/she had read the foregoing application and is familiar with its contents and that the matters set forth therein are true to the best of his/her knowledge, information and belief.



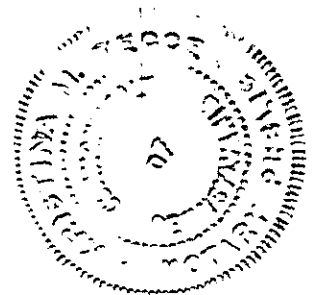
Mark Pavol, Secretary/Treasurer
X2Comm, Inc., d/b/a DC Communications

Subscribed and sworn to before me this 18th day April 2003.

Kristina M. Tecce
Notary

My Commission Expires: June 16, 2003

NOTARIAL SEAL
KRISTINA M. TECCE, Notary Public
New Hope Boro, Bucks County
My Commission Expires June 16, 2003



C32729-99
DEC 21 1999

Articles of Incorporation
For
X2COMM, Inc.
(Pursuant to NRS 78)
State of Nevada
Secretary of State


- 1. **Name of Corporation:** X2COMM, Inc.
- 2. **Resident Agent:** The name and street address in Nevada of the Resident Agent for this Corporation where process may be served is:

National Registered Agents, Inc. of NV
202 South Minnesota Street
Carson City, Nevada 89703

- 3. **Shares:** The corporation is authorized to issue 1,500 shares of common stock, all of one class, at \$1.00 par value per share.
- 4. **Governing Board:** The governing board shall be styled as Directors. The First Board of Directors shall consist of 1 Member(s) whose name and address information is as follows:


<u>Name</u>	<u>Address</u>
Emanuel DeMaio	809 Atkinson Circle Neshanic Station, New Jersey 08853

- 5. **Purpose:** The purpose of the corporation shall be to engage in any and all lawful business.
- 6. **Signatures of Incorporator(s):** The name and address information of the incorporator signing the Articles of Incorporation is as follows:



Philip K. Akalp, Incorporator
26500 West Agoura Road, #572
Calabasas, California 91302

- 7. **Certificate of Acceptance of Appointment of Resident Agent:** I, National Registered Agents, Inc. of NV, hereby accept appointment as Resident Agent for the above-named corporation.

 *Asst. Sec.*
Signature of Resident Agent

12/16/99
Date

No. F00503693

STATE OF MISSOURI



Matt Blunt
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,
X2COMM, INC.

using in Missouri the name
X2COMM, 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 NEVADA.

NOW, THEREFORE, I, MATT BLUNT, 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 21st day of DECEMBER, 2001.



Matt Blunt

\$155.00

Secretary of State

418913

X _____



State of Missouri
Matt Blunt, 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

Registration of Fictitious Name

(Submit in duplicate with filing fee of \$7)

(Must be typed or printed)

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. (Chapter 417, RSMo)

The undersigned is doing business under the following name, and at the following address:

Business name to be registered: DC Communications

Business Address: 270 South Main Street

(P.O. Box alone not acceptable)

City, State and Zip Code: Flemington, NJ 08822

The parties having an interest in the business, and the percentage they own are (if a business entity is owner, indicate business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not be listed):

Name of Owners, Individual or Business Entity	Street and Number	City and State	Zip Code	If listed, Percentage of ownership must equal 100%	
X2Comm, Inc.	270 South Main Street	Flemington	New Jersey	08822	100%

In Affirmation thereof, the facts stated above are true:

(The undersigned understands that false statements made in this filing are subject to the penalties of a false declaration under Section 575.060 RSMo 1986.)

[Signature] Mark Pavet 10/2/02
(Authorized Signature) (Printed Name) (Date)

(Authorized Signature) (Printed Name) (Date)

(Authorized Signature) (Printed Name) (Date)

Corp. 56 (8/02)

FILED

OCT 24 2002

Matt Blunt
SECRETARY OF STATE

FOR OFFICIAL USE ONLY	
Check if _____	_____
Amount: _____	_____
Filer's Initials: _____	_____

**STATES X2COMM, INC. IS AUTHORIZED TO
RESELL LONG DISTANCE INTEREXCHANGE SERVICE**

**ALABAMA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
WASHINGTON DC
FLORIDA
GEORGIA
HAWAII
IDAHO
ILLINOIS
INDIANA
IOWA
KANSAS
KENTUCKY
LOUISIANA
MAINE
MARYLAND
MICHIGAN
MINNESOTA
MONTANA
NEVADA
NEW JERSEY
NEW YORK
NORTH CAROLINA
NORTH DAKOTA
OHIO
OREGON
PENNSYLVANIA
TEXAS
UTAH
VERMONT
VIRGINIA
WEST VIRGINIA
WISCONSIN
WYOMING**