

POINTER LAW OFFICE, P. C.

110 N. Main • P.O. Box 400
Gainesville, Missouri 65655
(417) 679-2203 (phone)
(417) 679-2213 (fax)

September 11, 2003

FILED⁴

SEP 15 2003

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

**Missouri Public
Service Commission**

Re: Application of UpLync Telecommunications, Inc. for Certificate of
Service Authority to Provide Basic and Facility Based Local Exchange and
Interexchange Telecommunications Services

Dear Mr. Roberts:

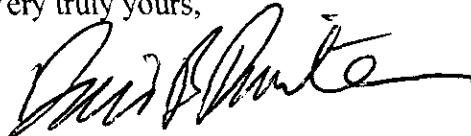
Enclosed for filing on behalf of UpLync Telecommunications, Inc. please find an original and eight (8) copies of an "Application of UpLync Telecommunications, Inc. for Certificate of Service Authority to Provide Basic and Facility Based Local Exchange and Interexchange Telecommunications Services within the State of Missouri and for Competitive Classification." A confidential exhibit, Exhibit C, is also being filed under seal (with eight copies, each under seal).

Please direct this filing to the attention of the appropriate Commission personnel.

Copies of the filing are being send via United States Mail, postage prepaid, to the Office of the Public Counsel and the Commission's General Counsel's office.

Thank you for your cooperation and assistance in this matter.

Very truly yours,



David B. Pointer

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of)
UpLync Telecommunications, Inc.)
for Certificate of Service Authority to)
Provide Basic & Facility Based)
Local Exchange and Interexchange)
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 UpLync Telecommunications, Inc. ("UpLync" or "Applicant"), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420 and 392.430, and 392.450 RS Mo., the Federal Telecommunications Act of 1996 and 4 CSR 240-2.060, for authority to provide basic local exchange and facilities-based local exchange telecommunications services within the State of Missouri and for competitive classification. Facilities-based services will be offered only to the extent of applicant's UNE-P arrangement with the ILEC. In support of its application, "UpLync" states as follows:

1. Applicant UpLync is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri with its principal place of business at 404 East Washington Avenue, Ava, MO 65608. The character of business performed by Applicant is telecommunications services. A copy of UpLync's Articles of Incorporation in Missouri are attached hereto as Exhibit A.

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

David Pointer, P.C.
PO Box 400
Gainesville MO 65655
Phone: 417-679-2203
Facsimile: 417-679-2213
E-mail: pointer@webound.com

With a copy to:

Joseph Isaacs, Director of Regulatory Affairs
c/o ISG-Telecom Consultants
838 Village Way, Suite 1200
Palm Harbor, Florida 34683
Phone: 727-738-5553
Facsimile: 727-738-5554
E-Mail: isaacs@isg-telecom.com

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

Joseph Isaacs, Director of Regulatory Affairs
c/o ISG-Telecom Consultants
838 Village Way, Suite 1200
Palm Harbor, Florida 34683
Phone: 727-738-5553
Facsimile: 727-738-5554
E-Mail: isaacs@isg-telecom.com

3. UpLync proposes to provide resold basic local exchange telecommunications service throughout all exchanges currently served by Southwestern Bell Telephone Company (SWBT). The Company does not intend to provide UNE-P service in any "small" incumbent local exchange carrier (ILEC) areas. The specific SWBT exchanges within which UpLync proposes to offer service are listed in the incumbent provider's local exchange tariff and will be listed in UpLync's basic local service tariff. UpLync may seek authority to provide basic local service in other areas of the state in a subsequent

proceeding. The Applicant will also offer and provide access services, only to the extent of their UNE-P arrangement with the ILEC. Both local exchange and facilities-based telecommunications services will be provided on a pure resale basis. The Company will not provide operator assisted services, and all such calls will be handled by the underlying service provider.

4. Pursuant to this application, UpLync seeks to provide all forms of basic local exchange telecommunications service, including residential and business basic line service, package services, and individual optional features. The Applicant will also offer and provide access services, only to the extent of their UNE-P arrangement with the ILEC(s). Both local exchange and facilities-based telecommunications services will be provided on a pure resale basis. The Company will not provide operator assisted services, and all such calls will be handled by the underlying service provider.

5. UpLync possesses the technical and managerial expertise to provide the services it proposes. A description of the backgrounds of UpLync management team, which demonstrates its extensive experience and expertise, is attached hereto and incorporated herein by reference as Exhibit B.

6. UpLync also possesses the necessary financial resources to provide the services it proposes. In support of its basic local service certificate application, UpLync submits its most current twelve-month financial statements, and Missouri specific twelve-month pro forma statements which are attached hereto and incorporated herein by reference as Exhibit C.

7. UpLync seeks classification of itself and its services as competitive pursuant to Sec. 392.361 RS MO. and 4 CSR 240-2.060(6)(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. UpLync will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. UpLync will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services throughout the State of Missouri in accordance with applicable law.

9. UpLync 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, UpLync requests that the following statutes and regulations be waived for UpLync and its basic local exchange service offerings:

Statutory Provisions:

Section 392.210.2
Section 392.240(I)
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 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)

4 CSR 240-33.030
4 CSR 240-35

With regard to its interexchange services, UpLync requests that the following statutes and regulations be waived, consistent with the Commission's treatment of other certificated competitive local exchange and interexchange telecommunications companies:

Statutory Provisions:

Section 392.210.2
Section 392.240(I)
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 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-33.030
4 CSR 240-35

10. Pursuant to 4 CSR 240-2.060(6)(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 day effective date, UpLync is separately filing its proposed interexchange (IXC) tariff. UpLync's proposed IXC tariff contains the rules, conditions and description of services and rates, and bears a forty-five (45) day effective date. UpLync respectfully requests approval of its IXC tariff.

11. UpLync requests a temporary waiver of 4 CSR 240-2.060(6)(C) as applicable to its basic local service tariff. UpLync finds it impossible at this time to develop basic local

service tariffs to fully comply with this rule since UpLync has not yet executed or received Commission approval of any resale or interconnection agreements with ILEC(s). At such time as all facts necessary for the development of such tariffs are known to UpLync, it will promptly file said tariffs bearing no less than a forty-five day effective date with the Commission in a manner consistent with recent Commission practice in similar cases.

12. Furthermore, Applicant agrees that its proposed basic local service tariff will specifically identify the geographic service area in which it proposes to offer basic local service and that such area will follow the exchange boundaries of the ILEC(s) in the same area and be no smaller than an exchange. In any circumstance, Applicant will file its proposed basic local exchange telecommunications service tariff no later than 30 days after Commission approval of Applicant's interconnection and/or resale agreement.

13. Notwithstanding the provisions of Section 392.500 RS MO., 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(s) within whose service area(s) 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.

15. 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, 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.

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

17. UpLync submits that the public interest will be served by Commission approval of this application because UpLync's proposed services will create and enhance competition and expand customer service options consistent with the federal Telecommunications Act of 1996 and Chapter 392 RS MO. Prompt approval of this application also will expand the availability of innovative, high quality and reliable telecommunications services within the State of Missouri.

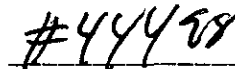
WHEREFORE, Applicant, UpLync Telecommunications, Inc., respectfully requests that the Commission grant it certificate of service authority to provide basic local exchange and facilities-based telecommunications services as herein requested, grant UpLync's competitive classification, grant waiver of the aforesaid statutes and regulations, and approve UpLync's local exchange and facilities-based services tariffs.

Respectfully submitted,



David Pointer

Attorney for UpLync Telecommunications, Inc.



Missouri Bar No.

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 12th day of September 2003.

A handwritten signature in black ink, appearing to read "David Pointer", written over a horizontal line.

David Pointer

Attorney for UpLync Telecommunications, Inc.

VERIFICATION

I, Michael B. Bristol, being duly sworn according to law, depose and say that I am an officer of UpLync Telecommunications, Inc. and that I am authorized to and do make this verification for it; and that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief.

Michael B. Bristol

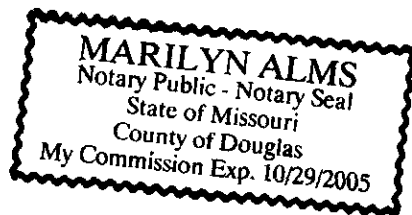
NAME: Michael B. Bristol

TITLE: President

SUBSCRIBED AND SWORN to me this 12TH day of September, 2003.

Notary Public

Marilyn Alms



UpLync Telecommunications, Inc.

Exhibit A

Articles of Incorporation

STATE OF MISSOURI



Matt Blunt
Secretary of State

CERTIFICATE OF INCORPORATION

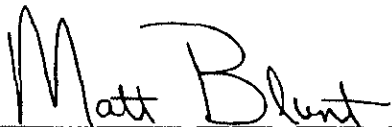
WHEREAS, duplicate originals of Articles of Incorporation of

UpLync Telecommunications, Inc.
00537379

have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of General and Business Corporation Law.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the General and Business Corporation Law.

IN TESTIMONY WHEREOF, I have set
my hand and imprinted the GREAT SEAL
of the State of Missouri, on this, the 22nd
day of August, 2003.


Secretary of State



ARTICLES OF INCORPORATION
OF
UPLYNC TELECOMMUNICATIONS, INC.

The undersigned, being a natural person of the age of eighteen years or more, for the purpose of forming a corporation under The General and Business Corporation Law of Missouri, does hereby adopt the following Articles of Incorporation:

FIRST. The name of the Corporation is:

UpLync Telecommunications, Inc.

SECOND. The address, including street and number, of its initial registered office in the State of Missouri is P.O. Box 100, 404 East Washington Avenue, Ava, Missouri, 65608, and the name of its initial registered agent at such address is Mike Bristol.

THIRD. The purpose for which the Corporation is formed is to engage in any lawful business for which corporations may be organized under The General and Business Corporation Law of Missouri, including, without limitation, to: acquire, provide, operate, sell and resale products and services as a telecommunications competitive local exchange carrier; to engage in all other lawful business; and, to qualify to be taxed as a subchapter "S" Small Business Corporation.

FOURTH. The aggregate number of shares which the Corporation shall have authority to issue shall be 30,000 shares of common stock, of the par value of \$1.00 per share.

FIFTH. The name and place of residence of the incorporator is as follows:

Name

Mike Bristol

Residence

P.O. Box 100, 404 East Washington Ave.
Ava, Missouri, 65608

SIXTH. The number of directors to constitute the first Board of Directors of the Corporation is four. Thereafter the number of directors shall be fixed by, or in the manner provided by the bylaws. Any changes in the number will be reported to the Secretary of State within thirty calendar days of such change.

The persons to constitute the first Board of Directors, who shall hold office, unless sooner removed or disqualified, until the first annual meeting of the shareholders or until such director's successor is duly elected and qualified, is as follows:

Mike Bristol
Landon Jenkins
Stephen Walker
Dorothy Norman

SEVENTH. The duration of the Corporation is perpetual.

EIGHTH. The original Bylaws of the Corporation shall be adopted in any manner provided by law. Thereafter, unless otherwise required by law, the Bylaws of the Corporation may from time to time be altered, amended or repealed, or new Bylaws may be adopted, in any of the following ways: (i) by the affirmative vote, at any annual or special meeting of the shareholders, of the holders of a majority of the outstanding shares of stock of the Corporation entitled to vote with respect thereto; or (ii) by resolution adopted by a majority of the full Board of Directors at a meeting thereof; or (iii) by unanimous written consent of all the shareholders entitled to vote with respect thereto or all the directors in lieu of a meeting; provided, however, that the power of the directors to alter, amend, or repeal the Bylaws, or to adopt new Bylaws, may be denied as to any Bylaws or portion thereof enacted by the shareholders if at the time of such enactment the shareholders shall so expressly provide.

NINTH. The Corporation may agree to the terms and conditions upon which any director, officer, employee or agent accepts such person's office or position and in its Bylaws, by contract, or in any other manner, may agree to indemnify and protect any director, officer, employee or agent of the Corporation, or any person who serves at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, limited liability company, joint venture, trust, employee benefit plan or other enterprise, to the fullest extent from time to time permitted by the laws of the State of Missouri.

TENTH. The books of the Corporation (except any books required to be kept in the State of Missouri, pursuant to the laws thereof) may be kept at any place within or without the State of Missouri.

ELEVENTH. Except as may be otherwise provided by statute, the Corporation shall be entitled to treat the registered holder of any shares of the Corporation as the owner of such shares and of all rights derived from such shares for all purposes and the Corporation shall not be obligated to recognize any equitable or other claim to or interest in such shares or rights on the part of any other person, including, but without limiting the generality of the term "person" to, a purchaser, pledgee, assignee or transferee of such shares or rights, unless and until such person becomes the registered holder of such shares. The foregoing shall apply whether or not the Corporation shall have either actual or constructive notice of the claim by or the interest of such person.

TWELFTH. The Corporation reserves the right to alter, amend or repeal any provision contained in these Articles of Incorporation in the manner now or hereafter permitted or prescribed by the statutes of Missouri, and all rights and powers conferred herein are granted subject to this reservation.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation as of August 20, 2003.

Michael B. Bristol
Mike Bristol, Incorporator

UpLync Telecommunications, Inc.

Exhibit B

MANAGEMENT PROFILES

and

TECHNICAL CAPABILITY

Michael Bristol, President & CEO

Mr. Bristol has played a pivotal role in bringing basic and advanced Internet access technologies to many communities in south-central Missouri. In 1996, he assisted the Ava Community Betterment Association, Inc. with the creation and operation of the Greater Ozarks Information Network (GOIN), a community information network that brought dial-up Internet and content services to underserved rural communities. He served as their Director of Operations until May of 2003.

Mr. Bristol was successful in empowering the company to continually enhance their service offerings through innovation and efficiency. During his tenure with GOIN, he orchestrated the acquisition of a similarly aligned Internet services provider and engineered the merger of the two company's systems and business processes.

Mr. Bristol, along with other colleagues, recently formed UpLync Technologies, Inc. and subsequently purchased GOIN from Ava Community Betterment Association with plans to build a new breed of Integrated Communication Provider.

Before GOIN, Mr. Bristol served in various managerial roles with several firms in the southwest Missouri area. He is currently seeking his Bachelors of Science in Business Administration from Southwest Missouri State University in Springfield.

Landon Jenkins, Vice President and COO

Mr. Jenkins has an extensive background in communications and information technology, having engineered and managed large-scale networks including the design, deployment, and integration of key underlying systems. With a special emphasis on security, Mr. Jenkins has a vast amount of experience with back-end systems such as World Wide Web servers, Email systems, DNS services, Virtual Private Networks, remote access services, authentication systems, database systems, DSL, fixed wireless, and Voice over IP telephony.

In addition to his extensive knowledge of various operating systems, network protocols, applications, and best practices, Mr. Jenkins has a great deal of experience with hardware from major companies such as Cisco, Allied Telesyn, Hewlett-Packard, Compaq, Nokia, 3COM, Sonicwall, Paradyne, and Patton.

Since April of 1999, Mr. Jenkins has successfully proven his talents at the Greater Ozarks Information Network (GOIN), an Internet Services Provider, by maintaining a world-class, scaleable, secure network with a continuing emphasis on customer satisfaction and integration of new, value-added services.

Prior to working at GOIN, Mr. Jenkins served in various managerial roles with several firms in the southwest Missouri area.

Lynn Pipkins, Director of Sales and Marketing

Mrs. Pipkins began her career with Wright County Information Network and Data Mining Organization (WINDO) in 2000. In 2001, when GOIN purchased WINDO, Mrs. Pipkins continued with the company as Technical Support Specialist.

Mrs. Pipkins was previously employed in the broadcast radio industry as a sales representative. She possesses many hours of formal training in imaging, branding, and sales force management. In 2003, Mrs. Pipkins was promoted to Director of Sales and Marketing and was instrumental in developing a sales and marketing department at GOIN.

Lana Lawrence, Director of Office Operations and Accounting

Ms. Lawrence is responsible for overall office operations at GOIN, which includes employee training, scheduling and supervision. She manages the company's accounting practices and has worked over the past two years to significantly modernize our bill presentment and accounts receivable processes for over three thousand customers. Additionally, she was recently appointed to the GOIN Strategic Planning committee.

Prior work experience included several management-level positions with firms in our local area including, most recently, as office manger of a prominent real estate office in the Springfield market area.