

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
MONROE BLUFF EXECUTIVE CENTER
601 MONROE STREET, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MISSOURI 65102-0537
www.ncrpc.com

TELEPHONE: (573) 634-2266
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH
J. MATTHEW SHELLENBERGAR
ALICIA EMBLEY TURNER

February 28, 2003

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

Re: DAVIDSON TELECOM, LLC
Interexchange Application

FILED⁴
FEB 28 2003
Missouri Public
Service Commission

Dear Judge Roberts:

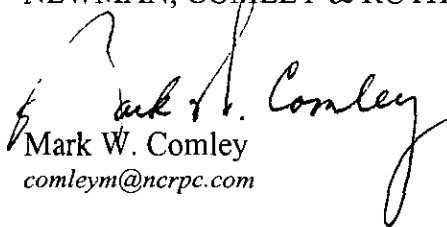
Enclosed for filing please find the original and five copies of an Application of Davidson Telecom, LLC for a Certificate of Service Authority and for Competitive Classification.

Please contact me if you have any questions concerning this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
James L. Sanders

BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION

FILED⁴
FEB 28 2003

Missouri Public
Service Commission

Application of)
)
Davidson Telecom, LLC)
)
For a Certificate of Service Authority to Provide)
Intrastate Interexchange Telecommunications)
Services and Non-Switched Local)
Telecommunications Services in the State of Missouri)
and for Competitive Classification)
_____)

Case No. _____

**APPLICATION OF DAVIDSON TELECOM, LLC
FOR A CERTIFICATE OF SERVICE AUTHORITY
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Davidson Telecom, LLC ("Davidson Telecom" or "Applicant"), by and through its undersigned counsel and pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, and 392.515 RSMo 2000, and 4 CSR 240-2.060, hereby requests that the Commission issue Davidson Telecom a Certificate of Service Authority to provide intrastate interexchange telecommunications services within the State of Missouri, classify Davidson Telecom as a competitive company, and waive certain statutes and rules. Specifically, Davidson Telecom seeks to provide intrastate interexchange telecommunications services within the State of Missouri pursuant to Section 392.515 RSMo 2000 and related rules of the Commission. In support of this Application, Davidson Telecom states as follows:

A. Description of the Applicant

1. Applicant's legal name is Davidson Telecom, LLC. Applicant is a Delaware limited liability company with its principal business office located at 19003 Hodestone Court, Davidson, NC 28036. The character of Davidson Telecom's business is to provide telecommunications service.

Davidson Telecom's Certificate of Good Standing in the State of Missouri is provided in Exhibit A.

2. For the purposes of this Application, contacts for the Applicant are as follows:

Mark W. Comley
NEWMAN, COMLEY & RUTH PC
Monroe Bluff Executive Center
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Missouri 65102-0537
(573) 634-2266 (Tel)
(573) 634-3306 (Fax)
comleym@ncrpc.com (E-Mail)

John A. Goocher
19003 Hodestone Court
Davidson, NC 28036
(704) 425-1187
jgoocher@davidsontelecom.com (E-Mail)

3. For purposes of other Commission inquiries, complaints, and correspondence, the contact for the Commission will be:

John A. Goocher
19003 Hodestone Court
Davidson, NC 28036
(704) 425-1187

For purposes of referring consumer inquiries, the toll-free number for customer service is: (800) 560-5346.

B. **Qualifications**

4. Applicant possesses the technical and managerial qualifications to provide telecommunications services within the State of Missouri. Applicant's key management personnel have both the business and telecommunications experience necessary to manage Applicant's operations in Missouri. Management biographies of the key management personnel of Applicant are attached hereto as Exhibit B.

5. Applicant also possesses the financial qualifications to provide telecommunications services.

C. Description of Services

6. Davidson Telecom proposes to provide intrastate interexchange telecommunications services throughout the State of Missouri and, therefore, seeks statewide authorization.

7. Davidson Telecom seeks authority to operate as a provider of intraLATA and interLATA interexchange telecommunications services (principally resold) to the public throughout the State of Missouri. Specifically, Davidson Telecom requests authority to provide a selected range of 1+ interexchange services and data transmission services, including, but not limited to, MTS, private line, prepaid calling card, toll free, ISDN, and frame relay service products. Davidson Telecom intends to offer both switched interexchange services and non-switched local exchange services.

8. Attached hereto as Exhibit C is Applicant's proposed Tariff. The tariff has an effective date which is 45-days after the tariff's issued date.

9. Davidson Telecom will continuously monitor and maintain a high level of control over its network on a 24-hours-a-day, 7 days-a-week basis.

10. Davidson Telecom will not unjustly discriminate among its subscribers, as prohibited by Section 392.200 RSMo.

11. Davidson Telecom does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or customer rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

12. Since Davidson Telecom is requesting certification as a new carrier, no annual reports or fees are overdue.

D. Classification as a Competitive Company

13. Davidson Telecom seeks classification as a competitive company, pursuant to Sections 392.361.2 and 392.361.3 RSMo., and the accompanying reduced regulation, pursuant to Section 392.420 RSMo

14. Applicant respectfully requests that the Commission suspend, waive, or modify the application of the following rules and statutory provisions consistent with the Commission's treatment of other competitive carriers:

Statutes

392.210.2	-	Uniform System of Accounts
392.240(1)	-	Just & 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 and debt
392.320	-	Stock dividend payment
392.330	-	Issuance of securities, debts & notes
392.340	-	Reorganizations

Regulations

4 CSR 240-10.020	-	Depreciation fund income
4 CSR 240-30.010 (2)(C)	-	Rate schedules should be posted at central office
4 CSR 240-30.040	-	Uniform system of accounts
4 CSR 240-33.030	-	Inform customers of lowest price

15. The above-referenced statutory provisions or regulations have been waived with regard to other competitive carriers. These statutory provisions or regulations are principally

designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 RSMo. to apply them to a competitive telecommunications carrier such as Applicant.

16. Davidson Telecom will comply with all orders and regulations of the Commission applicable to providers of competitive interexchange telecommunication services except those that are specifically waived by the Commission.

17. To the extent that the Commission may modify its current waiver policies, Davidson Telecom reserves the right to amend its waiver requests accordingly.

E. Public Interest Considerations

18. The entry of Davidson Telecom into the intrastate interexchange telecommunications services market will promote competition in the provision of telecommunications services within the State of Missouri. Moreover, the granting of Davidson Telecom's application will bring significant benefits to telecommunications users in Missouri. Applicant's expertise in the provision of its proposed services will allow it to provide economic and efficient services, thereby affording customers an optimal combination of price, quality, and customer service.

F. Conclusion

For the reasons stated above, Applicant respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application for a Certificate of Service Authority to provide intrastate interexchange telecommunications services, classify Davidson Telecom and its proposed services as competitive, and grant a waiver of the statutes and regulations referenced above.

Respectfully submitted,

Mark W. Comley

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH PC
Monroe Bluff Executive Center
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Missouri 65102-0537
(573) 634-2266 (Tel)
(573) 634-3306 (Fax)
comleym@ncrpc.com (E-Mail)

COUNSEL FOR APPLICANT

Dated: February 28, 2003

ATTORNEY VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for Davidson Telecom, LLC, applicant in this proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

Mark W. Comley

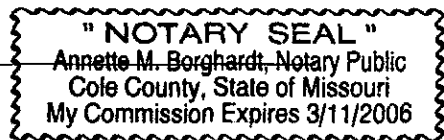
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 28th day of February, 2003.

Annette M. Borghardt

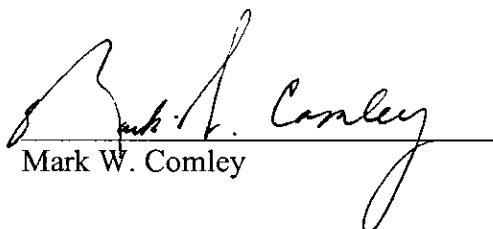
Notary Public

My Commission expires:



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's office on this 28th day of February, 2003.


Mark W. Comley

LIST OF EXHIBITS

- | | |
|-----------|--|
| Exhibit A | Certificate of Good Standing in Missouri |
| Exhibit B | Management Biographies |
| Exhibit C | Proposed Tariff |

EXHIBIT A

Certificate of Good Standing

No. FL0077359

STATE OF MISSOURI



Matt Blunt
Secretary of State

CERTIFICATE OF GOOD STANDING

FOREIGN LIMITED LIABILITY COMPANY

I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

DAVIDSON TELECOM, LLC

using in Missouri the name

DAVIDSON TELECOM, LLC

a DELAWARE Limited Liability Company filed its application for registration in this office on the 30th day of JANUARY, 2003, and is in good standing having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 27th day of FEBRUARY, 2003.



Secretary of State



EXHIBIT B

Management Biographies

Barry R. Rubens

President and Chief Executive Officer

Barry Rubens has enjoyed a long and rewarding career as a senior executive in telecommunications. In his most recent assignment as the number two executive at CT Communications (Nasdaq:CTCI), Mr. Rubens had overall operating responsibility for the internet, wireless and competitive telephone operations including profit and loss responsibilities. Barry successfully grew revenue at CTCI from \$40 million in 1993 to over \$145 million in 2002. Also, in his role as CFO for CTCI, Barry had responsibility for leading the company's public listing on the Nasdaq, a \$50 million secondary offering of common stock, and negotiating a \$140 million credit facility. Also, Barry had responsibility for external affairs and public relations at the company.

He serves or has served as a Director for Carolinas FiberNet, DDR Broadband, Avid Exchange, and MindBlazer Technologies.

Prior to joining CTCI, Mr. Rubens was a senior manager with the telecommunications consulting practice of Ernst & Young. Among his varied roles, he provided strategic, financial, and regulatory consulting services to local exchange carriers, inter-exchange carriers, and cellular telephone companies. As a client representative, he supported Merger and Acquisition transactions, rate case development, tariff development, expert testimony, litigation activities, regulatory analysis, and accounting reviews.

Mr. Rubens also supports his local community and gives his time and expertise to several organizations with his current efforts focused as a Trustee for the Cannon School, and as a Director for the local chapters of the United Way, Arts Council, and Boy Scouts of America.

Mr. Rubens received a BA in English and BA in Accounting from the University of Washington in Seattle. He resides in Davidson, NC with his wife, Sara, and their two children.

John A. Goocher

Senior Vice President and Chief Financial Officer

John Goocher has a broad range of telecommunications experience and specializes in starting and managing telecom service providers. At Davidson Telecom, Mr. Goocher is responsible for all financial and administrative functions.



Prior to joining Davidson Telecom, Mr. Goocher was at CT Communications, Inc. (Nasdaq:CTCI). He joined CTC in 1999 as Vice President of Marketing and was responsible all facets of launching all new businesses including its CLEC operations. In June 2002, Mr. Goocher was named Vice President of Strategic Planning. In this role, John shaped strategic direction, managed equity based business development activities, and had responsibility for M&A activities.

Mr. Goocher has over 16 years of experience in telecommunications with superior knowledge in the cellular, PCS, paging, long distance, CLEC and traditional telephone businesses. He spent 10 years with BellSouth working in a number of roles including Management and Administration, Finance, and Network Deployment for both domestic and international business units. Just prior to joining CTC, Mr. Goocher was one of the original members of the Sprint PCS organization and served as a Regional Finance Director and Senior Director of Sales Operations over his three years at Sprint.

He is a graduate of University of Alabama at Birmingham and holds a B.S. in Finance.

He and his wife, Marie, have two children and live in Davidson, NC.

Jim L. Sanders

Senior Vice President and Chief Operating Officer

Jim Sanders has over 16 years in telecommunications in network engineering for traditional and CLEC telephone companies with additional experiences in telecom sales and business development assignments. Before joining Davidson Telecom, Jim was a leading member of TalkingNets, Inc., a venture funded VOIP CLEC operating in Washington, DC. Initially, as the Director of Deployment he developed and coordinated city deployment and ILEC interconnection arrangements. More recently, Jim was promoted to a larger role and managed all facets of the network including provisioning, maintenance and customer care.

Prior to joining TalkingNets, Jim served as the Director of business development for CT Communications (Nasdaq:CTCI). In this role, Jim defined the strategy for and provided the vision to deploy a profitable, new build strategy in CLEC territories. Before joining CT Communications, Jim was National Accounts Manager for Time Warner Telecom. At Time Warner, Jim developed national account programs and marketing programs for carrier partners. Preceding his job at Time Warner, Acterna utilized Jim's skills to market and sell telecommunications test equipment.

Jim has a Electrical Engineering degree from North Carolina State University. Jim lives in Huntersville, North Carolina with his wife, Teresa, and their three children.