

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

TELEPHONE: (573) 634-2266

FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH

September 29, 1999

FILED²

SEP 29 1999

Missouri Public
Service Commission

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

TA-2000-259

Re: Intercontinental Communications Group, Inc., d/b/a Fusion - Trucker Phone

Dear Judge Roberts:

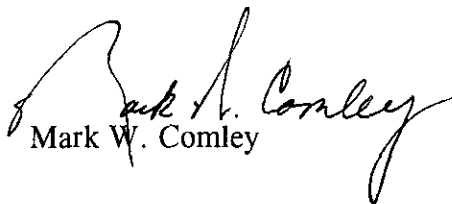
Please find enclosed for filing an original and fourteen copies of an Application. I also enclose five copies of the proposed tariff, which is attached to the Application as Exhibit 2.

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

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley

MWC:ab

Enclosure

cc: Office of Public Counsel
Monique Byrnes

0000287

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

SEP 29 1999

Missouri Public
Service Commission

In the Matter of the Application of)
Intercontinental Communications Group, Inc.)
d/b/a Fusion - Trucker Phone)
for a Certificate of Service Authority)
To Provide Competitive Intrastate)
Telecommunications Services in)
Missouri)

Case No. TA-2000-259

APPLICATION

COMES NOW Intercontinental Communications Group, Inc. d/b/a Fusion - Trucker Phone (hereinafter "Applicant", "Company" or "F-TP") and requests 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 1994¹. Intercontinental Communications Group, Inc. files this Application in order to offer service under the fictitious name of Fusion - Trucker Phone. The Company was certificated in Missouri on September 30, 1996 in Case No. TA-97-59 as Intercontinental Communications Group, Inc., d/b/a ICLD. On August 20, 1999 the company filed a revision to change its fictitious name in Missouri. The company's tariff now reflects the name Intercontinental Communications Group, Inc., d/b/a Fusion Telecom. In keeping with recent Commission decisions, the company files this application to be granted a certificated under a second fictitious name. In further support of its application, F-TP submits the following:

1. F-TP is a corporation organized under the laws of Florida. Its principal office is located at:

Intercontinental Communications Group, Inc.

¹All statutory references are to Revised Statutes of Missouri 1994, unless otherwise noted.

2

d/b/a Fusion - Trucker Phone
1801 S. Federal Highway, Suite 305
Delray Beach, Florida 33483
Contact: William Heitz, General Counsel
Telephone: (561) 274-8044
Facsimile: (561) 274-9594

A copy of F-TP's Articles of Incorporation, Certificate of Authority to transact business in Missouri and its Registration of Fictitious Name are attached hereto and collectively referred to as Exhibit 1 and incorporated herein by reference.

2. Correspondence or communications pertaining to this application should be addressed to:

Mark W. Comley
Newman, Comley & Ruth P.C.
Attorneys at Law
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102
Telephone: (573) 634-2266
Facsimile: (573) 636-3306

and

Monique Byrnes
Technologies Management, Inc.
210 N. Park Avenue
Winter Park, Florida 32789
Telephone: (407) 740-8575
Facsimile: (407) 740-0613

3. F-TP proposes to offer long distance voice telecommunications services over resold transmission facilities. The Company offers direct dial (1+), operator services and directory assistance services.

4. F-TP has no plans to install or construct transmission facilities in Missouri. The Company will provide resold long distance telecommunication services. The Company plans to

provide service twenty-four (24) hours a day, seven (7) days a week, originating from equal access end offices and terminating throughout the state of Missouri.

5. Calls are billed monthly by F-TP at the rates specified in its tariff. Bills include a toll-free number for inquiries or complaints. F-TP will bill their Customers directly.

6. The Company's target market includes both residential and business Customers. Each Customer is charged individually for each call placed through F-TP. Customers are billed based on their use of the F-TP's service. Rates for these services are based on call duration and product type.

7. F-TP offers interstate and intrastate resale long distance service. The Company will resell the facilities of existing carriers. Calls originate over LEC facilities to the underlying carrier and are switched over the underlying carrier's network facilities.

8. F-TP possesses the managerial and technical expertise to provide resale interexchange telecommunications services.

9. F-TP possesses sufficient financial resources to successfully provide resale interexchange telecommunications services in Missouri.

10. F-TP's tariff, which 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. The tariff has a forty-five (45) day effective date.

11. F-TP requests classification as a competitive telecommunications company operating within the state of Missouri. F-TP further requests classification of services described in F-TP's tariff as competitive services.

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

13. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.

14. 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 they relate to the regulation of the applicant:

RULES

- | | |
|------------------------------------|--|
| 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 240-32.030(1) (B)
and (C) | - Exchange area maps and records of access lines |
| 4 CSR 240-32.030(2) | - In-state record keeping |
| 4 CSR 240-32.050(3)
through (6) | - Information concerning local service tariffs, maps
directories, and telephone numbers |
| 4 CSR 250-32.070(4) | - Coin telephones |
| 4 CSR 240-33.030 | - Minimum charge rules |
| 4 CSR 240-33.040(5) | - Finance fee |
| 4 CSR 240-30.060(5)(B) | - Minimum filing requirements |
| 4 CSR 240-35 | - By Pass |

STATUTES

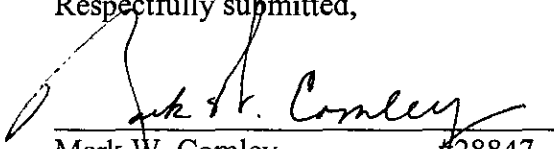
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|--------------------|--|
| Section 392.210.2 | - System of Accounts |
| Section 392.240(1) | - Rates--reasonable average return on investment |
| Section 392.270 | - Property valuation |
| Section 393.280 | - Depreciation rates |
| Section 392.290 | - Issuance of securities |
| Section 392.300.2 | - Stock ownership and sale |
| 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 purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

WHEREFORE, Applicant Intercontinental Communications Group, Inc. d/b/a Fusion - Trucker Phone respectfully requests the Commission to grant it a Certificate of 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,

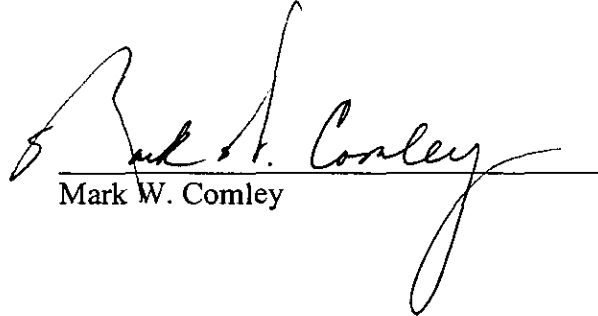

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 (FAX)
comleym@ncrpc.com

Attorneys for Applicant,
Intercontinental Communications Group, Inc.
d/b/a Fusion - Trucker Phone

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 29th day of September 1999, to:


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



Mark W. Comley

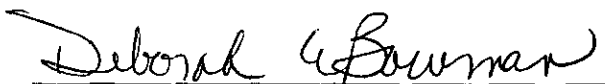
VERIFICATION

I, Douglas Brough, first being duly sworn upon oath depose and say I am President of Intercontinental Communications Group, Inc., a Florida corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.


Douglas Brough, President

Subscribed and sworn to before me

this 30 day of August, 1999


Notary Public



DEBORAH E. BOWMAN
My Comm Exp. 5/26/2001
Bonded By Service Ins
No. CC650327
☒ Personally Known ☐ Other I.D.

APPLICATION OF
Intercontinental Communications Group, Inc.

EXHIBIT 1

Articles of Incorporation,
Certificate of Authority to Transact Business in Missouri
and Registration of Fictitious Name

State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of INTERCONTINENTAL COMMUNICATIONS GROUP, INC., a Florida corporation, filed on September 6, 1995, as shown by the records of this office.

The document number of this corporation is P95000069396

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Eighth day of September, 1995



CR2EO22 (1-95)

Sandra B. Northam

Sandra B. Northam
Secretary of State

FILED
95 SEP -6 PM 2:58
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION
OF

INTERCONTINENTAL COMMUNICATIONS GROUP, INC.

I, the undersigned, a natural person competent to contract, do hereby make, subscribe to, and file these Articles of Incorporation for the purposes of organizing a corporation under the laws of the State of Florida.

ARTICLE I
NAME

The name of the Corporation shall be:

INTERCONTINENTAL COMMUNICATIONS GROUP, INC.

ARTICLE II
GENERAL NATURE OF BUSINESS

The general nature of the business to be transacted by this Corporation shall be to engage in any and all lawful business permitted under the laws of the State of Florida.

ARTICLE III
CAPITAL STOCK

A. The total authorized capital stock of this Corporation is One Thousand (1,000) Shares of Common Stock, par value \$1.00 per share.

B. Every shareholder, upon the sale for cash or other consideration of any new stock of this Corporation, whether of the same kind or of another class or series as that which he already holds, shall have the right to purchase his pro rata share thereof (as nearly as may be done without issuance of fractional shares) at the price at which it is offered to others.

ARTICLE IV
ADDRESS OF PRINCIPAL OFFICE IN THIS STATE

The initial street address of the principal office of this Corporation is 1801 South Federal Highway, Suite 305, Delray Beach, Florida 33483. The Board of Directors may from time to time move the principal office to another address in Florida.

**ARTICLE V
NUMBER OF DIRECTORS**

This Corporation shall have not less than one (1) Director.

**ARTICLE VI
FIRST BOARD OF DIRECTORS**

The names and addresses of the members of the initial Board of Directors are:

DOUGLAS C. BROUGH	1801 South Federal Highway Suite 305 Delray Beach, Florida 33483
MICHAEL P. BROWN	1801 South Federal Highway Suite 305 Delray Beach, Florida 33483
ROBERT E. BROWN	1801 South Federal Highway Suite 305 Delray Beach, Florida 33483

**ARTICLE VII
TERM OF EXISTENCE**

This Corporation shall exist perpetually.

**ARTICLE VIII
SUBSCRIBER**

The name and address of the Subscriber of these Articles of Incorporation is:

RONALD L. SIEGEL
1800 Corporate Boulevard, Suite 302
Boca Raton, Florida 33431

**ARTICLE IX
INITIAL REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of this Corporation is 1800 Corporate Boulevard, N.W., Suite 302, Boca Raton, Florida 33431, and the name of the initial Registered Agent is RONALD L. SIEGEL, ESQUIRE.

**ARTICLE X
COMMENCEMENT OF CORPORATE EXISTENCE**

Pursuant to Section 607.167, Florida Statutes, this Corporation shall commence its corporate existence upon the filing of these Articles.




RONALD L. SIEGEL, Subscriber

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, a Notary Public duly authorized in this State and County named above to take acknowledgments, personally appeared RONALD L. SIEGEL, personally known to me to be the person described as Subscriber in and who executed the foregoing Articles of Incorporation and acknowledged that he executed the foregoing Articles of Incorporation for the purposes therein set forth.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of September, 1995.



Notary Public
My commission expires:



ELAINE DAVIDSON
My Commission CC420080
Expires Nov. 08, 1998
Bonded by NFNU
800-224-6368

**CERTIFICATE DESIGNATING PLACE OF
BUSINESS OR DOMICILE FOR THE SERVICE
OF PROCESS WITHIN THIS STATE, NAMING
AGENT UPON WHOM PROCESS MAY BE SERVED**

FILED
95 SEP -6 PM 2:58
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to Chapter 48.091, Florida Statutes, the following is submitted in compliance with said Act:

That INTERCONTINENTAL COMMUNICATIONS GROUP, INC., desiring to organize under the laws of the State of Florida, with its registered office as indicated in the Articles of Incorporation at 1800 Corporate Boulevard, N.W., Suite 302, Boca Raton, Florida 33431, has named RONALD L. SIEGEL, ESQUIRE of 1800 Corporate Boulevard, N.W., Suite 302, Boca Raton, Florida 33431, as its Registered Agent to accept service of process within this State.

ACKNOWLEDGMENT

Having been named to accept service of process for the above-captioned Corporation at the place designated in this Certificate, I hereby agree to act in this capacity, and I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties.

Ronald L. Siegel
RONALD L. SIEGEL, ESQUIRE

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,
INTERCONTINENTAL COMMUNICATIONS GROUP, INC.

USING IN MISSOURI THE NAME
INTERCONTINENTAL COMMUNICATIONS GROUP, 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 FLORIDA.

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 24TH DAY OF APRIL, 1996.

Rebecca McDowell Cook
Secretary of State



\$155.00



State of Missouri

354935

No. X

Rebecca McDowell Cook, Secretary of State

Corporation Division

Registration of Fictitious Name

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

This information is for the use of the public and gives no protection to the name. There is no provision in this Chapter to keep another company or corporation from adopting and using the same name. (RSMo 417)

We, the undersigned, are doing business under the following name, and at the following address:

Name to be registered: Fusion - Trucker Phone
 Missouri Business Address: 1801 S Federal Highway, Suite 305
 (P.O. Boxes not accepted)
 City, State and Zip Code: Delray Beach, FL 33483

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

Name of Owners, Individual or Corporate	Street and Number	City	State and Zip Code	If listed, Percentage of ownership must equal 100%
Intercontinental Communications Group, Inc.	1801 S Federal Hwy, Ste. 305	Delray Beach	FL 33483	100%

(Must be typed or printed)

Return to: Secretary of State
 Corporation Division
 P.O. Box 778
 Jefferson City, Mo. 65102

FILED

MAY 04 1999

(Over)

Rebecca McDowell Cook
 SECRETARY OF STATE