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January 11, 2010

**VIA E-DOCKET**

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217) 782-7434

Re: Dynalink Communications, Inc.  
Docket No. 09-0570

Dear Ms. Rolando:

Enclosed please find the Prefiled Testimony for Mendel Birnbaum, Regulatory Manger at Dynalink Communications, Inc., to replace the previously filed Prefiled Testimony of Sol Birnbaum.

Please acknowledge receipt via return e-mail.

If you have any questions or if I may provide you with additional information, please contact me at the above address or telephone number. Thank you for your attention to this matter.

Respectfully submitted,

/s/

Lance J.M. Steinhart  
Attorney for Dynalink Communications, Inc.

Enclosures

cc: Mendel Birnbaum

Bob Koch, Telecommunications Division  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

**Dynalink Communications, Inc.**                   :  
Application for a certificate of                   :  
local and interexchange authority           :  
to operate as a resale carrier               :  
of telecommunications                       :  
services throughout the                       :  
State of Illinois.

**PREFILED DIRECT TESTIMONY  
OF  
MENDEL BIRNBAUM**

1.    Q.    Please state your name and business address.  
      A.    Mendel Birnbaum, 233 West 17th Street, New York, New York 10011.
2.    Q.    By whom are you employed, and what is your position?  
      A.    I am the Regulatory Manager of Dynalink Communications, Inc.
3.    Q.    Please describe your management experience.  
      A.    My management experience, as well as the other key members of Dynalink  
            Communications, Inc.'s management team is set forth on Attachment C to our  
            application.

4. Q. What is the purpose of your testimony?

A. The purpose of my testimony is to describe Dynalink Communications, Inc.'s business and to demonstrate Dynalink Communications, Inc.'s financial, technical and managerial ability to provide high quality, competitively priced, telecommunications services, and to describe how the company will provide its services to customers within the State of Illinois.

5. Q. Please describe Dynalink Communications, Inc.'s business.

A. Dynalink Communications, Inc. is a reseller of interexchange and local exchange telecommunications services. Dynalink Communications, Inc. intends to provide interexchange services, such as outbound 1+ dialing, toll-free service, postpaid calling cards, data services, and directory assistance. Applicant intends to provide local exchange services such as: (1) Basic Exchange Services (local exchange flat rate, measured service, operator access, etc.); (2) Custom and Class Features (call waiting, caller ID, call forwarding, etc.); (3) Adjunct Provided Features (voice messaging, etc.); (4) Ancillary Services (E-911, directory listing, directory assistance); (5) Non-Switched Service (private lines, etc.); (6) Centrex and Centrex like services; (7) High Capacity Services (Digital Subscriber Line, ISDN, etc.); and (8) Carrier Access Services providing trunk side access to the switched network to allow other carriers to originate and terminate calls to Applicant's end user access lines. Applicant's services will be available on a full-time, twenty-four hour a day, seven day a week basis.

6. Q. In what state is Dynalink Communications, Inc. organized?
- A. New York. A copy of Dynalink Communications, Inc.'s Certificate of Incorporation is provided in Attachment B to our application.
7. Q. Is Dynalink Communications, Inc. certified to do business in Illinois?
- A. Yes. A copy of Dynalink Communications, Inc.'s qualification documents from the Secretary of state is provided in Attachment B to our application.
8. Q. Describe Dynalink Communications, Inc.'s financial ability to provide the proposed services.
- A. Copies of Dynalink Communications, Inc.'s Financial Statements for the years ending December 31, 2007 and December 31, 2008 are provided as Attachment E to our application. The company intends to provide service by utilizing cash flow from operations to operate in the State of Illinois.
9. Q. Who are the officers of Dynalink Communications, Inc.?
- A. The current officers of Dynalink Communications, Inc. are as follows:
- |                 |                                       |
|-----------------|---------------------------------------|
| Sol Birnbaum    | President                             |
| Gity Birnbaum   | Secretary and Treasurer               |
| Mendel Birnbaum | Regulatory Manager and Vice President |
10. Q. Describe Dynalink Communications, Inc.'s management team.
- A. Dynalink Communications, Inc.'s management team is described on Attachment C to our application. As shown, our management team has many years' experience in the telecommunications industry.
11. Q. In your opinion, does Dynalink Communications, Inc. have the financial and managerial resources necessary to provide the proposed telecommunications services in the State of Illinois?
- A. Yes. In my opinion, Dynalink Communications, Inc. has the necessary financial

and managerial resources to provide the proposed telecommunications services in the State of Illinois.

12. Q. Does Dynalink Communications, Inc. intend to file a tariff in Illinois?
- A. Yes. Dynalink Communications, Inc. will file a tariff upon a grant of certification by the Illinois Commerce Commission.
13. Q. Would you describe the configuration of Dynalink Communications, Inc.'s system and equipment?
- A. Dynalink Communications, Inc. will be a reseller utilizing facilities and equipment furnished by facilities based carriers. The Applicant has no plans to install facilities in the State of Illinois.
14. Q. How is the end user billed?
- A. The end users will be billed directly by the company on a monthly basis. The Applicant will utilize "real-time" completed call detail information from its underlying carriers.
15. Q. In your opinion, does Dynalink Communications, Inc. have the technical ability and resources necessary to provide the proposed telecommunications services to customers in the State of Illinois?
- A. Yes. In my opinion, Dynalink Communications, Inc. has the necessary technical ability and resources to provide telecommunications service to customers within the State of Illinois. In addition to its own management team, Applicant will rely on the technical capabilities and support of its facilities-based underlying carriers.

16. Q. Are you familiar with the term slamming, and if so, what will your company do to prevent slamming?
- A. Yes, I am familiar with the term and the meaning of slamming. Our company will take all necessary measures in order to prevent slamming, including attempting to get a signed letter of agency from all customers prior to commencing service, and all marketing will be done in accordance with all applicable state and federal regulations. Applicant has procedures in place to ensure that customers have affirmatively selected Applicant as their service provider.
17. Q. Are there any pending complaints against Dynalink Communications, Inc. in any states where it is providing telecommunications services?
- A. No.
18. Q. Is the company currently authorized to provide service in any other states?
- A. Yes, the company is currently authorized to provide service in California, District of Columbia, Georgia, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania. No such applications have been denied.
19. Q. Does the company intend to provide operator services in the State of Illinois?
- A. We do not intend to provide operator services. Operator services will be provided by our underlying carriers.
20. Q. Will Dynalink Communications, Inc. have any employees located in Illinois?
- A. No.
21. Q. Does the company wish to keep its books and records at its principal place of business in New York?
- A. Yes.
22. Q. Please describe the authority that Applicant seeks by this Application.
- A. Applicant seeks authority to provide resold local exchange and interexchange

services in the State of Illinois.

23. Q. Please describe the public interest benefits associated with Applicant's proposed service offerings in the State of Illinois.

A. Applicant's entry into the Illinois telecommunications market will serve the public interest by creating greater competition in the telecommunications marketplace and will permit customers access to more efficient services and cost savings. Applicant's proposed services will enhance the services available to consumers, and increase consumer choice through innovative, diversified and reliable service offerings. Consumers will benefit both directly, as a result of competitively priced service options available from Applicant, and also indirectly, as Applicant's presence in the market will increase the incentives for other providers to operate more efficiently, reduce prices, and offer more innovative services.

24 Q. Does this conclude your testimony?

A. Yes.