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ILLINOIS COMMERCE COMMISSION

ORIGINAL

(File this application via e-docket, or if unable to do so, file one original verified application with the Chief Clerk.)

Docket No. _____
ICC Office Use Only

Please provide the appropriate information in the () areas in the heading below.

NewPath Networks, LLC, a New Jersey
limited liability company :
:
:
Application for a Certificate of Local and :
Interexchange Authority to Operate :
as a Facilities Based Carrier of :
Telecommunications Services Throughout :
the State of Illinois. :

10-0227

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**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any) FEIN # 200724687

NewPath Networks, LLC, a New Jersey limited liability company

Address: Street 768 Garfield Street

City Seattle State/Zip Washington 98109

2. Authority Requested: (Mark all that apply) 13-403 Facilities Based Interexchange

13-404 Resale of Local and/or Interexchange

13-405 Facilities Based Local

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

Part 710 Uniform System of Accounts for Telecommunications Carriers

Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits,
Termination of Service and Issuance of Telephone Directories for
Local Exchange Telecommunications Carriers in the State of Illinois

Section 735.180 Directories

Other

11. Have there been any complaints or judgments levied against the Applicant in any other jurisdiction?

YES NO

If YES, describe fully. _____

12. Has Applicant provided service under any other name?

YES NO

If YES, please list. _____

13. Will the Applicant keep its books and records in Illinois? YES NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Applicant hereby seeks permission to maintain its books and records outside of the State of Illinois. Applicant intends to keep its books and records at Applicant's headquarters in Seattle Washington.

MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

See Exhibit "C"

15. List officers of Applicant.

Michael J. Kavanagh, Co-Founder and Chief Executive Officer

Shawn Cooprider, Co-Founder and Chief Operating Officer

Brian Broucek, Director of Business Operations

James McLernon, Director of Engineering of Operations

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? YES NO

If YES, list entity. _____

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

Applicant will bill its customers on an individual contract basis. Applicant's customers are usually large corporate providers. Applicant will bill its customers on a monthly basis and will assess customers a late fee as permitted by ICC rules and orders.

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

NewPath Networks maintains complaint resolution associates who receive, track and resolve customer complaints and issues. Applicant provides customer service 24 hours a day, 7 days a week through its toll free customer service number. To the extent that a customer complaint cannot be resolved by customer services staff, the complaint will be elevated to a supervisor level. A managerial level employee will supervise the resolution of such elevated complaints. At that time, the customer will be informed of his/her right to seek assistance from the Commission. NewPath has established a toll free number for customer complaints. That number is 1-888-632-0931. NewPath has also provided contact information at the bottom of invoices for any unresolved disputes.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? YES NO

20. What telephone number(s) would a customer use to contact your company?

Applicant's toll free customer service number is 1-888-632-0931

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

YES NO Applicant will abide by Federal and State slamming and cramming laws to the extent that they are applicable to Applicant's services.

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

Not applicable. To the extent that NewPath Network's customers seek telecommunication services utilizing NewPath Network's fiber background, service will be initiated by a LEC and not NewPath Networks. To the extent that they are applicable, Applicant will comply with all anti-slaming and cramming requirements promulgated by the Federal Communications Commission, as set forth in any applicable rules of the State of Illinois.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 732, 735, 755, 756, 757, 770, and 772?

YES NO (If no, please provide an explanation.)

NewPath will comply with each section listed of the Illinois Administrative Code to the extent that such section is applicable to the services provided by ExteNet. Further, ExteNet has requested a waiver from the following section of the Illinois Administrative Code: Section 710 (Uniform System of Accounts); Section 735 (Credit, Billing, Deposits, Termination, Directories). To the extent that the waiver request is granted, ExteNet will not abide by those sections of the code.

*To the extent these Code Parts are applicable to the services Applicant offers in Illinois.

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

X YES _____ NO

FINANCIAL

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

The Applicant is providing Exhibit "D" , the year-end 2008 Financial Statements. NewPath Networks is financially qualified to provide local exchange services in Illinois. NewPath Networks is a privately-held company and their financial statements are confidential and commercially sensitive. Accordingly, Applicant has filed these financial statements separately and under seal. This exhibit is offered to demonstrate Applicant's financial ability to operate as a telecommunications service provider in the State of Illinois. Applicant respectfully requests that this information be given confidential treatment and that it not be made a part of the public record or otherwise made available for public disclosure.

TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? X YES _____ NO

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

Applicant's services will be both intrastate and interstate. One service will rely on a technical platform known as a "Distributed Antenna Systems" or "DAS". DAS consists of one optical master unit hub location and one or more remote node locations. The master hub equipment receives radio frequency ("RF") signals from the base station, converts the RF signal to an optical signal, and distributes the optical signal to the remote node locations based on the sector to node distribution configuration. The equipment at the remote node locations converts the optical signal back to an RF signal and radiates the RF signal through an antenna or multiple antennas to provide RF coverage to the area. Applicant will also offer traditional CLEC services.

NewPath Networks does not currently own any telecommunications facilities, including switches, in the State of Illinois. Initially, NewPath Networks may lease the fiber optic facilities of other carriers while its

own facilities are being built. As NewPath Networks completes the build out of its network, NewPath Networks will move this traffic onto its own network. At such time as NewPath Networks may plan to construct its own facilities, it will comply with the Commission's requirements and all other relevant regulations. To Facilitate the deployment of these services, NewPath Networks intends to obtain collocation arrangements, access to databases, special access trunking facilities and to interconnect with the incumbent local exchange carriers ("ILEC") or other competitive carriers as permitted under the Federal Telecommunications Act of 1996, 47 U.S.C. § 251 (c).

If NO, which facility provider(s)'s services does the Applicant intend to use?

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

Local and long distance service. Upon initiation of service in the State of Illinois, NewPath Networks proposes to operate, transport and backhaul services to other carriers, including, but not limited to wireless telecommunication service providers and other wireless information service providers.

Applicant intends to offer RF transport and backhaul services. See response above to Question 26.

28. Will technical personnel be available at all times to assist customers with service problems?

X YES _____ NO

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

_____ YES X NO

Jeff H. Wells

(Signature of Applicant)

VERIFICATION

This application shall be verified under oath.

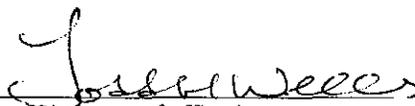
OATH

State of Michigan)
)ss
County of Oakland)

Todd H. Wells makes oath and says that he is Legal Counsel
(Insert here the name of affiant) (Insert the official title of the affiant)

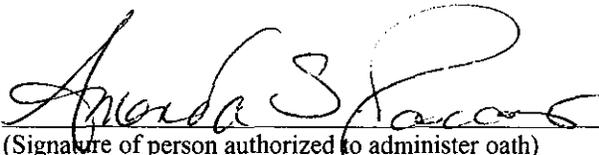
of NewPath Networks, LLC
(Insert here the exact legal title or name of the Applicant)

that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.


(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/ _____
(Title of person authorized to administer oaths)

in the State and County above named, this 23rd day of March, 2010.


(Signature of person authorized to administer oath)