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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
FIDELITY COMMUNICATION)
SERVICES III, INC.)
) No. 10-0548
Application for a certificate)
of local and interexchange)
authority to operate as a)
facilities-based carrier of)
telecommunications services)
throughout the State of)
Illinois.)

Chicago, Illinois
October 14, 2010

Met, pursuant to notice, at 11:00 a.m.

BEFORE:

Ms. Sonya J. Teague, Administrative Law Judge

APPEARANCES:

MR. DAVID N. BEIER
64 North Clark Street
Sullivan, MO 63080
via telephone for Applicant.

SULLIVAN REPORTING COMPANY, by
Jean M. Plomin, CSR, RPR
License No. 084-003728

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I N D E X

| <u>Witnesses:</u> | <u>Direct</u> | <u>Cross</u> | <u>Re-</u> <u>direct</u> | <u>Re-</u> <u>cross</u> | <u>By</u> <u>Examiner</u> |
|-------------------|---------------|--------------|-----------------------------|----------------------------|------------------------------|
| D. Beier | | | | | 4 |

E X H I B I T S

| <u>Number</u> | <u>For Identification</u> | <u>In Evidence</u> |
|-----------------|---------------------------|--------------------|
| Staff 1 | | 4 |
| Applicant's A-H | | 9 |

1 JUDGE TEAGUE: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 No. 10-0548, Fidelity Communication Services III,
4 Inc. This matter concerns an application for a
5 certificate of local and interexchange authority to
6 operate as a facilities-based carrier of
7 telecommunications services throughout the State of
8 Illinois.

9 It's my understanding that we don't
10 have counsel appearing for the Applicant; however,
11 Mr. David Beier will be testifying in support of the
12 application, correct?

13 MR. BEIER: That is correct.

14 (Witness sworn.)

15 JUDGE TEAGUE: Okay. I have some questions,
16 but first I wanted to note for the record that Karen
17 Chang of Commission Staff will not be appearing today
18 due to a scheduling conflict. Ms. Chang has,
19 however, filed an affidavit stating that Staff has
20 reviewed the application and exhibits and recommends
21 that the certificate of service authority requested
22 be granted. I'd like to mark this affidavit as Staff

1 Exhibit 1.

2 Mr. Beier, do you have any objection
3 to including this exhibit in the record?

4 MR. BEIER: No, I don't.

5 JUDGE TEAGUE: Okay. Hearing no objection,
6 Staff Exhibit 1 is entered into evidence.

7 (Whereupon, Staff Exhibit No. 1
8 was admitted into evidence.)

9 DAVID N. BEIER,
10 called as a witness herein, having been first duly
11 sworn, was examined and testified as follows:

12 EXAMINATION

13 BY

14 JUDGE TEAGUE:

15 Q Okay. Mr. Beier, can you please state your
16 title and business address for the record, please.

17 A My title is vice president of regulatory,
18 and my business address is 64 North Clark Street,
19 Sullivan, Missouri, 63080.

20 Q Okay. And has any of the information
21 provided in the application and exhibits changed
22 since the documents were originally filed?

1 A No.

2 Q Okay. And did you prepare the direct
3 testimony that's filed in support of the application?

4 A Yes.

5 Q Okay. If you were asked the same questions
6 again today, would your answers be the same?

7 A Yes.

8 Q Okay. Can you please describe your
9 managerial experience for the record.

10 A Yes. I am a CPA. I've been with Fidelity
11 Communication for a total of about 14 years, so I
12 have that much experience in the telephone industry.
13 I work on a variety of matters including tariffs and
14 regulatory matters before various states and cost
15 studies, various other regulatory and accounting
16 issues.

17 Q Okay. Can you please describe the nature
18 of the service the Applicant is requesting authority
19 to provide in Illinois?

20 A We are requesting local and interexchange
21 services.

22 Q Okay. Facilities-based, right?

1 A Excuse me?

2 Q Facilities-based, right?

3 A Facilities-based, yes.

4 Q Okay. And does the Applicant plan to do
5 business under an assumed name or do business as
6 named in Illinois?

7 A As named.

8 Q Okay. They're going to use the name that
9 appears on the application?

10 A Yes.

11 Q Okay. Will the assets and financial
12 resources of the Applicant's affiliated companies be
13 available to the Applicant at all times to sustain
14 its operations should such financial support become
15 necessary?

16 A Yes, they will. The parent company of
17 Fidelity Communication Services III is Fidelity
18 Communications Company. There are a number of
19 affiliates which fall under that and, yes, the
20 resources of all companies will be available to
21 Fidelity Communication Services III.

22 Q Okay. And can you explain how the

1 Applicant will handle repair issues? Specifically,
2 will the Applicant handle the repairs or use a
3 third-party vendor?

4 A We are partnering with an agent in Illinois
5 who will handle repair issues at the home. However,
6 Fidelity will handle network issues.

7 Q Okay. Does the Applicant intend to provide
8 operator assistance or will that be left to the
9 underlying carrier?

10 A There will be a third party which will
11 provide operator services, yes.

12 Q Third party.

13 Okay. And has the Applicant had any
14 complaints or judgments levied against it in any
15 jurisdiction?

16 A I'm sorry? Can you repeat that.

17 Q Oh, I'm sorry.

18 Has the Applicant had any complaints
19 or judgments levied against it in any other
20 jurisdiction?

21 A No judgments. When you say "complaints,"
22 there's been, you know -- in other states we've had

1 certain, you know, informal service complaints filed
2 against us just like any other telephone company
3 would.

4 Q Uh-huh. Okay.

5 A But I'm not sure -- are you asking about
6 those informal complaints, or are you only asking
7 about a formal complaint?

8 Q More formal, like if you've had, like, you
9 know, large consumer complaints, things like that.
10 Formal.

11 A Nothing of any substance.

12 Q Okay. Thank you.

13 And it's my understanding the
14 Applicant plans to keep its books and records in
15 Missouri.

16 Will the Applicant notify the
17 Commission if there's a change in the location of the
18 books and records?

19 A Yes, we can do that.

20 JUDGE TEAGUE: Okay. I have no further
21 questions. The next order of business would be to
22 admit the Applicant's exhibits into the record.

