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**ILLINOIS COMMERCE COMMISSION**

**ORIGINAL**

Docket No. ILLINDIS  
COMMERCIAL COMMISSION  
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CHIEF CLERK'S OFFICE

01-0608

Calpoint (Illinois), LLC :  
:  
Application for a certificate of :  
local and interexchange authority :  
to operate as a facilities based carrier :  
of telecommunications services in all :  
areas of the State of Illinois. :

**APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER**

**GENERAL**

1. Applicant's Name(including d/b/a, if any) FEIN # 95-4873600  
Calpoint (Illinois), LLC

Address: Street 11755 Wilshire Boulevard, Suite 1450

City Los Angeles State/Zip CA 90025

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 Part 250

Applicant as a non-dominant competitive carrier requests a waiver of Part 710, Part 735, and Part 735.180 of the Commission's rules. To reduce the economic burdens of regulation of Applicant, which only provides competitive services, the Commission should afford Applicant the same regulatory flexibility in offering such services as the Commission has extended to

competitive carriers currently authorized to provide services in the state of Illinois.

In addition, Applicant respectfully requests permission pursuant to 83 Ill. Adm. Code Part 250, to maintain its books and records out of state at Calpoint, LLC, 11755 Wilshire Boulevard, Suite 1450, Los Angeles, CA 90025. Applicant's (Calpoint, LLC is the parent of Calpoint (Illinois), LLC) headquarters. Grant of this request will permit Applicant to utilize the space, facilities, and experienced administrative personnel of its parent company, which will be both cost effective and administratively more advantageous to Applicant than if it were required to keep its books and records in Illinois. Upon written notice by the Commission, Applicant will produce all books and records at such time and place as the Commission designates.

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:

- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document
- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;
- (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and
- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

Applicant has completed Appendices A, B, and C. Appendix D is not applicable to Applicant's service. Initially, Applicant will provide data transmission only through dedicated and private line fiber optic telecommunications transmission capacity to other telecommunications carriers. Applicant will not provide prepaid services to end users.

5. In what area of the state does the Applicant propose to provide service?

Applicant intends to provide service throughout the state.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

The contact persons for each of the items listed above are provided in the attached Exhibit A.

7. Please check type of organization?

Individual  Corporation  
 Partnership  Date corporation was formed \_\_\_\_\_  
In what state? California  
 Other (Specify) Limited Liability Company

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

A copy of the Applicant's articles of organization and certificate of authority to transact business in Illinois are attached as Exhibit B and Exhibit C respectively.

9. List jurisdictions in which Applicant is offering service(s).

Applicant is not currently offering services in any other jurisdiction. Calpoint, LLC, through subsidiaries other than Applicant, intends to offer services in Colorado, California, District of Columbia, Florida, Georgia, Massachusetts, New York, Texas, and Washington.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

\_\_\_\_ YES (Please provide details)     NO

11. Have there been any complaints or judgements 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. See Appendix A.

#### **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.

Evidence of Applicant's managerial and technical resources and ability to provide service is provided in the attached Exhibit D.

15. List officers of Applicant.

Beny Alagem, Chairman

James F. McGovern, President and CEO

Karim Kano, Vice President, Business Strategy and Chief Financial Officer

Samuel M. Surloff, Vice President and General Counsel

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

Mr. Beny Alagem owns a 100% interest in the parent company of Applicant, Calpoint, LLC. Other subsidiaries of Calpoint, LLC have applied or are submitting applications to obtain authority to provide telecommunications services in other states. These affiliates are Calpoint (Colorado), LLC; Calpoint (California), LLC; Calpoint (D.C.), LLC; Calpoint (Florida), LLC; Calpoint (Georgia), LLC; Calpoint (Massachusetts), LLC; Calpoint (New York), LLC; Calpoint (Texas), LLC; and Calpoint (Washington), LLC.

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 abide by the Commission's customer billing regulations. Applicant shall present invoices for recurring charges monthly to the customer, in advance of the month in which service is provided. Recurring charges are due and payable within thirty (30) days of presentment of an invoice to the customer for the service or facility furnished. When billing is based upon customer usage, usage charges will be billed monthly for the preceding billing period. Taxes will be separately stated on the customer's bill.

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?)

Applicant will establish policies and guidelines for the handling of customer service and repair complaints. Applicant will include the customer service toll free phone number on all bills that may be used for reporting any service, billing or repair complaints. (The Applicant is in the process of establishing its customer service toll free number and will provide this number to the Commission once it becomes available.) The customer service number will be manned during regular business hours.

Applicant will establish specific procedures for the resolution of service and repair complaints depending on the seriousness of the complaint. If a customer service representative receives an "out of service" complaint, the complaint will be given priority treatment and handled as soon as possible. In these cases, a supervisor will be notified to ensure that the "out of service" complaint is accorded priority treatment. If a customer service representative receives a "services affecting" complaint, the customer will be given a date by which repairs will be completed along with a confirmation number to allow follow up as necessary by the customer.

Applicant will also establish specific procedures for the resolution of billing issues, including issues involving cancellation of service, improper billing, fraudulent usage, payments and adjustments to invoices, refund requests and rate and tax complaints. Generally, the customer service department will verify that the problem is valid and then advise the customer about resolution of the issue.

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?

1-866-441-0661

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

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

Applicant will establish procedures that abide by all slamming and cramming laws established by the Federal Communications Commission and the Illinois Commerce Commission.

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, 735, 755, 756, 757, 770, and 772?

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

Initially, Applicant will only be providing service to other carriers, which serve in turn end users. When Applicant begins to provide local telephone service to end users, Applicant will abide by the requirements in Parts 725, 756, and 770 regarding 911 services, operator services, and Telecommunications Relay Services ("TRS"). Until such time as Applicant provides local telephone service to end users, Applicant will ensure that its network is capable of transmitting 911, operator services, and TRS traffic. Applicant has requested a waiver/variance of Parts 710 and 735.

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

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.

Evidence of Applicant's financial fitness is provided in the attached Exhibit E. Because this exhibit contains highly proprietary and competitively sensitive business information, it is being submitted under seal.

#### **TECHNICAL**

26. Does Applicant utilize its own equipment and/or facilities?  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 does not currently own any equipment or facilities in Illinois. Applicant intends to install certain types of equipment, including routers and switches. While Applicant ultimately may construct its own facilities, it intends to lease facilities initially from other authorized capacity providers.

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).

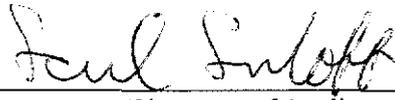
Initially, Applicant will provide data transmission only through dedicated and private line fiber optic telecommunications transmission capacity to other telecommunications carriers. Applicant intends to install, operate and maintain equipment, including routers and switches at certain sites throughout Illinois, and provision both dark and lit fiber. Applicant's network will enable point-to-point, point-to-multipoint, and multipoint-to-multipoint network connections and will be designed to enable high-speed access to ASPs, ISPs, and other types of service providers. Applicant intends to expand its services according to customer demand. Accordingly, Applicant requests authority to provide the full range of local exchange and interexchange services to permit flexibility in the expansion of its service offering.

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

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  NO

N/A -- Applicant does not intend to provide payphone service.



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(Signature of Applicant)

Samuel M. Surloff  
Vice President and General Counsel  
Calpoint, LLC  
11755 Wilshire Boulevard  
Suite 1450  
Los Angeles, CA 90025

**VERIFICATION**

This application shall be verified under oath.

**OATH**

State of CALIFORNIA )  
County of LOS ANGELES )ss

Samuel M. Surloff makes oath and says that he is Vice President and General Counsel  
(Insert here the name of affiant) (Insert the official title of the affiant)

of Calpoint, 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.

Samuel Surloff  
(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 17<sup>th</sup> day of September, 2001.

Krista Shan McGarrahan  
(Signature of person authorized to administer oath)

