

SBA Broadband Services, Inc.)
)
Application for a Certificate of)
Local and Interexchange Authority)
To Operate as a Reseller and Facilities)
Based Carrier of Telecommunications)
Services Throughout the State of Illinois.)

Docket No. 01-076
CHIEF CLERK'S OFFICE

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ILLINOIS
COMMERCE COMMISSION

**APPLICATION OF SBA BROADBAND SERVICES, INC.
FOR CERTIFICATE TO BECOME A TELECOMMUNICATIONS CARRIER**

GENERAL

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

SBA Broadband Services, Inc. ("SBA" or "Applicant")

Address: One Town Center Road, 3rd Floor

City: Boca Raton State/Zip: FL 33486

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

See Appendix A, Question No. 1

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.

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

SBA proposes to offer services throughout the entire state of Illinois.

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.

Attached as Exhibit One

7. Please check type of organization?

Individual

Corporation

Partnership

Date corporation was formed: August 23, 2000

In what state? Florida

Other (Specify)

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

Attached as Exhibit Two is Applicant's Articles of Incorporation. Applicant has applied for a Certificate of Authority to Transact Business in Illinois, but has not yet received the certificate. Applicant will supplement this application by filing its Certificate of Authority to Transact Business in Illinois with the Illinois Commerce Commission as soon as it is received.

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

Applicant is not currently offering service in any jurisdiction. Applicant has recently obtained certification to provide telecommunications services in Florida and Wisconsin. Applicant is in the process of obtaining certification to provide telecommunications services in the following jurisdictions: Alabama, Arizona, Georgia, Indiana, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, and South Carolina.

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 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.

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. **Attached as Exhibit Three.**

15. List officers of Applicant.

Steven E. Bernstein Chief Executive Officer/Chairman

Jeffrey A. Stoops President/Director

Ronald G. Bizick, II Chief Operating Officer- U.S Development

Michael N. Simkin Executive Vice President- International

John S. Stevens Chief Technical Officer

J. Allen Tharp Vice President Engineering and 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.)

SBA will bill its customers for services on a monthly basis unless otherwise agreed. All bills will be detailed, listing services, features, taxes and surcharges.

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?)

SBA will notify its customers that service, billing, and repair complaints can be filed with an SBA customer service representative by dialing SBA's toll-free telephone number. SBA will handle service, billing, and repair complaints through appropriate processes and resources established and/or retained by SBA for that purpose. If a customer is still not satisfied following SBA's efforts to resolve the complaint, the customer will be advised that he or she may contact the Illinois Commerce Commission for further resolution.

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?

(866) 556-5528

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?

SBA will prevent unauthorized switching of customers by obtaining appropriate authorization including, where required, a signed letter of authorization from all new customers. SBA will comply with state law and Federal Communications Commission's ("FCC") regulations governing how interexchange carriers change a consumer's Primary Interexchange Carrier. SBA will also comply with FCC regulations and any applicable state laws governing how carriers may change a consumer's primary local exchange provider.

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.)

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. **Attached as Exhibit Four.**

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:

SBA will construct OC12 circuits via a microwave network located on its towers in Illinois. The circuits will be divided into OC3, OC1/T3, and T1 circuits that will serve communities and businesses within Illinois.

SBA will provide high speed, high capacity connectivity to areas outside of Illinois. For information on SBA's technical experience, please see Exhibit Three.

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).

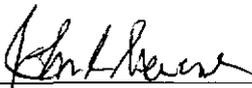
SBA seeks authority to operate generally as a competitive local exchange and interexchange carrier, and more particularly as a competitive access provider offering access services on a retail and wholesale basis throughout the state of Illinois. Initially, SBA will market its services to wireless carriers, offering backhaul services to such providers and acting as a circuit provider to such providers. As a provider of backhaul networks, SBA will offer connectivity to wireless providers such as Personal Communications Services licenses, Specialized Mobile Radio licensees, paging licensees, and wireless Internet service providers, and eventually to other carriers such as local exchange carriers, fiber companies, and large data users. SBA will use its microwave and fiber system to transport communications between competitive access providers, between interexchange carriers and their points of presence on the public switched network, and between interexchange carriers and local exchange carriers.

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

NOT APPLICABLE



(Signature of Applicant Representative)

John S. Stevens, P.E.

(Print Name of Authorized Representative)

Chief Technical Officer

(Title)

VERIFICATION

OATH

State of New York)
County of Albany) ss
)

John S. Stevens makes oath and says that he is Chief Technical Officer of SBA Broadband Services, Inc. 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.

John S. Stevens
John S. Stevens, P.E.

Subscribed and sworn to before me, a Notary Public/ Gina Sauter

in the State and County above named, this 5th day of November, 2001.

Gina Sauter
(Signature of person authorized to administer oath)

GINA SAUTER
Notary Public, State of New York
No. 07SA5022322
Qualified in Schenectady County
Commission Expires Jan. 10, 2002

CERTIFICATE OF SERVICE

This is to certify that this 28th day of October 2001, I have served all parties in the foregoing matter with a copy of the foregoing document by depositing in the United States Mail a copy properly addressed, with adequate postage thereon to:

Judy Marshall
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Stacy Buecker
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Cindy Jackson
Consumer Services Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Carla B. McClinton