

BEFORE THE
ILLINOIS COMMERCE COMMISSION

1 IN THE MATTER OF:)
2)
3 LEVIN TELECOMMUNICATIONS CORP.)
4) No. 02-0203
5 Application for a certificate of)
6 local and interexchange authority)
7 to operate as a reseller and)
8 facilities-based carrier of)
9 telecommunications services)
10 throughout the State of Illinois.)
11)

Chicago, Illinois
April 10, 2002

Met, pursuant to notice.

BEFORE:

Leslie Haynes, Administrative Law Judge.

APPEARANCES:

MR. THOMAS ROWLAND
77 West Wacker
Suite 4600
Chicago, Illinois 60601
for the applicant;

MR. MARK HANSON
527 East Capitol
Springfield, Illinois 62701
for ICC staff.

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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>
BRUCE LEVIN	4	6			10

<u>APPLICANT'S</u>	<u>E X H I B I T S</u>	<u>In Evidence</u>
LTC Exhibit No. 1	<u>For Identification</u>	
		6

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 No. 02-0203, Levin Telecommunications Corp.,
4 application for a certificate of local and
5 interexchange authority to operate as a reseller and
6 facilities-based carrier of telecommunications
7 services throughout the State of Illinois.

8 May I have the appearances for the record,
9 please.

10 MR. ROWLAND: Appearing on behalf of Levin
11 Telecommunications Corp., Thomas Rowland of the Law
12 firm of Rowland & Moore, 77 West Wacker, Suite 4600,
13 Chicago, Illinois 60601.

14 JUDGE HAYNES: And on the telephone?

15 MR. HANSON: Mark Hanson, Illinois Commerce
16 Commission, telecommunications division, 527 East
17 Capitol, Springfield, Illinois 62701.

18 JUDGE HAYNES: Okay. Would you like to
19 proceed?

20 MR. ROWLAND: Yes. We're ready.

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1 BRUCE LEVIN,
2 having been called as a witness herein, after having
3 been first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MR. ROWLAND:

8 Q. Would you please state your name and business
9 address for the record, please.

10 A. My name is Bruce Levin and I'm president of the
11 Levin Telecommunications Corp.

12 My business address is 1954 First Street,
13 No. 111, Highland Park, Illinois 60035.

14 Q. And I place before you --

15 JUDGE HAYNES: You know, I need to swear you
16 in, sorry.

17 Please raise your right hand.

18 (Witness sworn.)

19 BY MR. ROWLAND:

20 Q. I place before you a nine-page document
21 entitled The Testimony of Bruce Levin, which
22 consists of question and answers.

1 Is this -- was this document prepared by you
2 under your direction?

3 A. Yes, it was.

4 Q. And this is your testimony in this proceeding?

5 A. Yes, it is.

6 Q. Do you have any changes to make to this
7 document?

8 A. No, I do not.

9 MR. ROWLAND: We can title this LTC
10 Exhibit 1.0.

11 Attached with the document are. . .

12 JUDGE HAYNES: Attached to the testimony?

13 MR. ROWLAND: Actually, you're right. It's not
14 the testimony. It's the application itself, and I
15 don't know if we need to get into that. I think
16 that's --

17 JUDGE HAYNES: That's already part of the
18 record. It's attach to the application.

19 MR. ROWLAND: All right. With that, we move
20 for the admission of LTC Exhibit 1.0 for the record.

21 JUDGE HAYNES: Is there any objection from
22 staff to the admission of -- excuse me?

1 MR. HANSON: No, I have no objection.

2 JUDGE HAYNES: Okay. Staff -- excuse me, LTC
3 Exhibit 1.0 as previously filed on e-docket is
4 admitted .

5 (Whereupon, LTC
6 Exhibit No. 1.0 was admitted
7 into evidence.)

8 JUDGE HAYNES: Do you have any further direct
9 examination?

10 MR. ROWLAND: I do not.

11 JUDGE HAYNES: Does staff have
12 cross-examination for the witness?

13 MR. HANSON: I just a couple questions for
14 Mr. Levin.

15 CROSS-EXAMINATION

16 BY

17 MR. HANSON:

18 Q. Can you hear me, Mr. Levin?

19 A. Yes, I can.

20 Q. I had one question on one item in your
21 testimony and this is on Page 3 of your testimony.

22 A. Okay.

1 Q. And -- pardon me for a second here.

2 I believe you stated somewhere in your
3 testimony that initially you were going to be
4 offering resold services.

5 Oh, excuse me. Pardon me, Mr. Levin.

6 On the first question on Page 3 of your
7 testimony, please describe the facilities LTC will
8 use to provide service until such time.

9 You stated initially you were going to resell
10 services; is that correct?

11 A. Until we are -- until we're offering services
12 on a facility -- using a facilities basis. We're
13 going to use some resale -- we're going to use some
14 resold services, yes.

15 Q. And what type of services would you be
16 reselling?

17 A. Point-to-point services, T-1 point-to-point
18 services.

19 Q. Okay. All right. And when do you anticipate
20 getting facilities -- offering service, providing
21 facilities?

22 A. As soon as possible.

1 We're going to try to offer services on a
2 facilities basis as soon as possible; but based upon
3 my experience with dealing with Ameritech, sometimes
4 that takes longer than anticipated or longer than
5 we'd like and we may have to result to resale in
6 order to provide service to our customers on an
7 immediate basis.

8 Q. Okay. All right. Then I have a question with
9 respect to -- this is on Page 5 of your testimony,
10 Mr. Levin, where you're asking for findings of
11 inapplicability of certain provisions of the
12 Administrative Codes of the Commission.

13 A. Uh-huh.

14 Q. Well, for one thing, I think there's a few
15 typos in here but that's not a serious issue. I do
16 think -- well, assume they're typos. I assume that
17 the bar codes contained in both are ones you're
18 seeking to find of inapplicability on.

19 But as I understand it, what you're seeking
20 here is -- you say that these codes don't apply to
21 you until you'd be offering voice service; is that
22 correct?

1 A. That's correct.

2 Q. And you're not intending in offering voice
3 service initially or is there some time in the
4 future you do intend on offering voice service?

5 A. We're not intending on offering voice service.

6 Q. At all during -- okay. It's not in your
7 business plan?

8 A. It's not in our business plan to offer voice
9 service.

10 Q. Okay. I'm not sure. I mean, if they don't --
11 okay. Yeah, these codes do apply to voice service,
12 so they would apply to you. I don't know if you
13 need a finding or not but I just wanted to clarify
14 what you were asking for there.

15 In one question on the forms for the ITAC and
16 UTAC, in your petition you've submitted forms that
17 you had filled out but you had not received forms
18 back from those two corporations.

19 Have you received those forms yet?

20 A. No, we have not.

21 MR. HANSON: Okay. I have no further
22 questions.

1 JUDGE HAYNES: I have a few questions.

2 EXAMINATION

3 BY

4 JUDGE HAYNES:

5 Q. What kind of customers do you market your
6 services to?

7 A. Corporate customers.

8 Q. And is the company providing telecommunications
9 services at the present time?

10 A. No, it is not.

11 Q. And who are the stockholders and officers?

12 A. The stockholders are Leslie Jackson-Levin. And
13 the officers are Leslie Jackson-Levin and Bruce
14 Levin.

15 Q. And do either of the stockholders or officers
16 have an interest in any other entity that is
17 providing telecommunications services?

18 A. As stated in the application myself, Bruce
19 Levin, has an interest in Novacon, LLC.

20 Q. And are there any complaints against Novacon,
21 service complaints?

22 A. Not to my knowledge.

1 Q. And how is the service record of that entity?

2 A. When I left Novacon, LLC, in December 7th, it
3 was clean.

4 Q. Okay. And does Levin Telecom intend to offer
5 operator assisted services?

6 A. We intend not to offer voice -- switched voice
7 service. So that's not -- doesn't apply.

8 Q. Did you provide -- what evidence was provided
9 to show the managerial resources? Did you provide a
10 resume?

11 A. We provided some -- in the application, we
12 provided a description of our experience.

13 Q. Could you briefly describe your managerial
14 experience?

15 A. I designed and built wide-area networks and
16 data facilities for companies over 14 years. In
17 1997, I founded Novacon, LLC, a business to business
18 ISP that became data CLEC in 2000.

19 I designed and implemented Novacon's data
20 network to provide corporate customers with mission
21 critical connections to the Internet via T-1 lines.

22 Prior to founding Novacon, I was president of

1 NCA, an innovator in wide-area networks. Among the
2 companies I worked with were Moore Business
3 Products, W.W. Granger Exhibit Group, Guiltzberg,
4 EES and Sunnyside Corporation, and Fiskers.

5 I've attended Columbia College. I'm a
6 certified network engineer. I was certified as
7 supervising electrician. Held an electrical
8 contractors license from the City of Chicago from
9 1993 until 1998 when I allowed it to expire.

10 Q. That's fine.

11 A. Okay.

12 Q. What underlying carrier will the company be
13 relying on for its resold services?

14 A. Ameritech.

15 Q. Do you understand that you must file rates and
16 tariffs with the Commission prior to offering
17 service?

18 A. Yes, we do.

19 Q. And does Novacon -- are you aware if Novacon
20 has any complaints against it with regards to
21 slamming or cramming?

22 A. As of December 7th when I left it, it did not

1 have any complaints.

2 Q. And what procedures will Levin Telecom have in
3 place for slamming and cramming?

4 A. Since we're not offering voice services, we
5 will not have the ability to slam or cram. But we
6 will have written -- well, that's not really
7 necessarily true because there are -- there will be
8 opportunities.

9 But we will have written procedures in place to
10 provide that slamming or cramming does not take
11 place, and that we'll follow all of the ICC's
12 guidelines.

13 Q. So the company will comply with regulations --

14 A. Right.

15 Q. -- for slamming and cramming?

16 A. Right.

17 JUDGE HAYNES: I have no further questions.

18 Does staff have a recommendation in this case?

19 MR. HANSON: Staff sees no reason why the
20 applicant should be granted a certificate.

21 MR. ROWLAND: Say that again.

22 JUDGE HAYNES: Could you repeat that.

1 MR. HANSON: Staff is fine with this applicant.

2 JUDGE HAYNES: Okay. The record is marked

3 heard and taken. Thank you.

4 HEARD AND TAKEN

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