

**LAW OFFICES OF THOMAS K. CROWE, P.C.**

2300 M STREET, N.W.  
SUITE 800  
WASHINGTON, D.C. 20037

TELEPHONE (202) 973-2890  
FAX (202) 973-2891  
E-MAIL tkerowe@bellatlantic.net

RECEIVED

JUN 1 2001

PUBLIC SERVICE  
COMMISSION

June 8, 2001

**BY OVERNIGHT DELIVERY (502-564-3940)**

Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615

05159700  
0510

Re: Optical Telephone Corporation

Dear Sir or Madam:

Please find enclosed an original and five (5) copies of Optical Telephone Corporation's Petition for Authority to Provide Common Carrier Intrastate Telecommunications Services in the State of Kentucky.

Please acknowledge receipt of this filing by file-stamping and returning the extra copy of this Petition in the self addressed, stamped envelope provided for this purpose. Should you require further information, please contact the undersigned.

Sincerely,



C. Jeffrey Tibbels  
Daron T. Threet,  
Counsel for Optical Telephone  
Corporation

Enclosure

**BEFORE THE STATE OF KENTUCKY  
PUBLIC SERVICE COMMISSION**

In the Matter of )  
 )  
OPTICAL TELEPHONE )  
CORPORATION ) DOCKET NO. \_\_\_\_\_  
 )  
Petition for Authority to Provide )  
Common Carrier Intrastate )  
Telecommunications Services )

**PETITION FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY**

Optical Telephone Corporation (“OTC” or “Petitioner”), by its undersigned counsel and pursuant to Section 278.020 of the Kentucky Revised Statutes, Ky. Rev. Stat. Ann § 278.020 (1998), hereby submits its petition for a Certificate of Public Convenience and Necessity to provide resold interexchange telecommunications services within the State of Kentucky, including direct-dialed 1+ telecommunications services and calling card services. In support thereof, OTC provides the following information:

1. Petitioner’s legal name, and the name under which Petitioner will provide telecommunications services in Kentucky, is Optical Telephone Corporation. Petitioner maintains its principal place of business at:

600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Telephone: (256) 705-3522

The principal officer of OTC is Mark Frost, President. He can be reached at the telephone number listed above.

Correspondence or communications pertaining to this petition should be directed to:

Thomas K. Crowe  
Daron T. Threet  
Law Offices of Thomas K. Crowe, P.C.  
2300 M Street, N.W., Suite 800  
Washington, D.C. 20037  
Telephone: (202) 973-2890  
Fax: (202) 973-2891

2. OTC is incorporated under the laws of the State of Alabama. A copy of Petitioner's Articles of Incorporation is attached as Exhibit A. A copy of OTC's authorization to transact business in Kentucky is attached as Exhibit B.

3. OTC proposes to provide 24-hour intrastate common carrier telecommunications services on a statewide basis to its subscribers. OTC's initial intrastate services will include 1+ and calling card services.

4. Petitioner will operate as a switchless reseller, and intends to purchase capacity from underlying facilities-based carriers and make service available to its customers.

5. OTC plans to provide telecommunications services to its subscribers to and from all points in the State of Kentucky and, therefore, seeks statewide certification.

6. OTC does not seek to provide operator assisted services to traffic aggregators as defined in Kentucky Administrative Case No. 330.

7. Attached as Exhibit C is the contact information for OTC's Customer Service organization and OTC's toll-free number for customer related issues.

8. Attached as Exhibit D is OTC's proposed tariff setting forth the intrastate rates, terms, and conditions of the services proposed herein.

WHEREFORE, in view of the foregoing, OTC respectfully requests that the Kentucky Public Service Commission grant it a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the State of Kentucky.

Respectfully Submitted,



Mark Frost,  
President  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Telephone: (256) 705-3522  
Fax: (256) 705-3513

Of Counsel:

Thomas K. Crowe  
Daron T. Threet  
LAW OFFICES OF THOMAS K. CROWE, P.C.  
2300 M Street, N.W., Suite 800  
Washington, D.C. 20037  
Telephone: (202) 973-2890  
Fax: (202) 973-2891

Dated 6-8-01



**EXHIBIT A**

STATE OF ALABAMA

DOMESTIC FOR-PROFIT CORPORATION
ARTICLES OF INCORPORATION GUIDELINES

INSTRUCTIONS:

STEP 1: CONTACT THE OFFICE OF THE SECRETARY OF STATE AT (334)242-5324 TO RESERVE A CORPORATE NAME.
STEP 2: TO INCORPORATE, FILE THE ORIGINAL, TWO COPIES OF THE ARTICLES OF INCORPORATION AND THE CERTIFICATE OF NAME RESERVATION IN THE COUNTY WHERE THE CORPORATION'S REGISTERED OFFICE IS LOCATED. THE SECRETARY OF STATE'S FILING FEE IS \$50. PLEASE CONTACT THE JUDGE OF PROBATE TO VERIFY FILING FEES.

STATE OF ALA. MADISON CO
I CERTIFY THIS INSTRUMENT
FILED ON
01 MAR 16 PM 2:24
RECEIVED THE STATE TAX
& FEE OFFICE HAS BEEN
PAID ON THIS INSTRUMENT

PURSUANT TO THE PROVISIONS OF THE ALABAMA BUSINESS CORPORATION ACT, THE UNDERSIGNED HEREBY ADOPTS THE FOLLOWING ARTICLES OF INCORPORATION.

Article I The name of the corporation:
Optical Telephone Corporation

Article II The duration of the corporation is "perpetual" unless otherwise stated.

Article III The corporation has been organized for the following purpose(s):
To be a 1 + reseller of long distance

Article IV The number of shares which the corporation shall have the authority to issue is 10,000.

Article V The street address (NO PO BOX) of the registered office: 600 Boulevard South, Suite 104 Huntsville, AL 35802 and the name of the registered agent at that office: Mark Frost

Article VI The name(s) and address(es) of the Director(s):
N/A

Article VII The name(s) and address(es) of the Incorporator(s):
Mark Frost: 600 Blvd South, Suite 104 Huntsville, AL 35802

Any provision that is not inconsistent with the law for the regulation of the internal affairs of the corporation or for the restriction of the transfer of shares may be added.

IN WITNESS THEREOF, the undersigned incorporator executed these Articles of Incorporation on this the 15th day of March, 2001.

THIS DOCUMENT PREPARED BY: Mark Frost, Huntsville, AL
Mark Frost
Type or Print Name of Incorporator
[Signature]
Signature of Incorporator

STATE OF ALABAMA

COUNTY OF MADISON

I, Tommy Ragland, Judge of Probate in and for the County and State aforesaid, hereby certify that the within and foregoing is a true, correct and complete copy of Articles of Incorporation for

*Optical Telephone Corporation*

as same appears of record in my office.

Given under my hand and seal of office this 16<sup>th</sup> day of March, 2001.

*Tommy Ragland*  
Judge of Probate



# STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Section 10-2B-4.02, Code of Alabama 1975, and upon an examination of the corporation records on file in this office, the following corporate name is reserved as available:

Optical Telephone Corporation

This domestic corporation name is proposed to be incorporated in Madison County and is for the exclusive use of Mark Frost, 600 Blvd South Ste 104, Huntsville, AL 35802 for a period of one hundred twenty days beginning March 8, 2001 and expiring July 7, 2001.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

March 8, 2001

Date



Jim Bennett

Secretary of State

**EXHIBIT B**

COMMONWEALTH OF KENTUCKY  
JOHN Y. BROWN III  
SECRETARY OF STATE



0515515.09

John Y. Brown III  
Secretary of State

APPLICATION FOR CERTIFICATE OF AUTHORITY

Pursuant to the provisions of KRS Chapter 27113, 273 or 274, the undersigned hereby applies for authority to transact business in Kentucky on behalf of the corporation named below and for that purpose submits the following statements:

Received and Filed  
05/08/2001 01:42 PM

Fee Receipt: \$90.00

Pcraine - P101

1. The corporation is  a business corporation (KRS 271 B).  a nonprofit corporation (KRS 273).  
 a professional service corporation (KRS 274).

2. The name of the corporation is  
OPTICAL TELEPHONE CORPORATION

3. The name of the corporation to be used in Kentucky is

(If "real name" is unavailable for use)

4. Alabama is the state or country under whose law the corporation is incorporated.

5. 03/16/01 is the date of incorporation and the period of duration is Perpetual

6. The street address of the corporation's principal office is

600 Boulevard South, Suite 104 Huntsville AL 35802  
Street City State Zip Code

7. The street address of the corporation's registered office in Kentucky is

400 West Market Street, Suite 1800, Louisville, Kentucky 40202  
Street City State Zip Code

and the name of the registered agent at that office is  
National Registered Agents, Inc.

8. The names and usual business addresses of the corporation's current officers and directors are as follows:

President See attached schedule

Vice President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

Directors See attached schedule

(Attach a continuation sheet, if necessary)

9. If a professional service corporation, all the individual shareholders, not less than one half of the directors, and all of the officers other than the secretary and treasurer are licensed in one or more states or territories of the United States or District of Columbia to render a professional service described in the statement of purposes of the corporation.

10. A certificate of existence duly authenticated by the Secretary of State accompanies this application.

11. This application will be effective upon filing, unless a delayed effective date and/or time is specified: \_\_\_\_\_  
(Delayed effective date and/or time)

Mark Frost  
Signature

Mark Frost, President  
Type or Print Name & Title

Date: March 16, 2001

I, National Registered Agents, Inc., consent to serve as the registered agent on behalf of the corporation.  
Type or print name of registered agent

William B. Woodgrass  
Signature of Registered Agent  
WILLIAM B. WOODGRASS Asst. Secy.  
Type or Print Name & Title

**ATTACHMENT**

**OPTICAL TELEPHONE CORPORATION**  
**Officers and Directors List**

**OFFICERS**

Mark Frost, President  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

John Ross, Vice President  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

**DIRECTORS**

Mark Frost, Director  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

John Ross, Director  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

**EXHIBIT C**

## CUSTOMER SERVICE

The name, address and telephone number of OTC's customer service representative is:

John Ross, Vice President  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Telephone: (256) 705-3522  
Fax: (256) 705-3513

OTC's toll free number for customer inquiries and complaints is: (866) 318-5480.

**EXHIBIT D**