

David B. Erwin
Attorney-at-Law

127 Riversink Road
Crawfordville, Florida 32327

Phone 850.926.9331
Fax 850.926.8448
derwin@lewisweb.net

August 11, 1998

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

981016-TX

Re: ALEC Application - American Phone Corporation

Dear Ms. Bayo:

Enclosed please find the original and six copies of the ALEC application of American Phone Corporation. Also, enclosed is the company's check in the amount of \$250.00 to cover the filing fee.

Thank you for your attention to this matter.

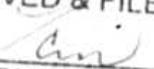
Sincerely,



David B. Erwin

DBE:jm
Enclosure
Copy to: Gary Golden

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08514 AUG 11 88

FPSC-RECORDS/REPORTING

**FLORIDA PUBLIC SERVICE COMMISSION
CAPITAL CIRCLE OFFICE CENTER - 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850**

**APPLICATION FORM
for**

**AUTHORITY TO PROVIDE ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA**

INSTRUCTIONS

1. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing alternative local exchange certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee.
2. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
3. Use a separate sheet for each answer which will not fit the allotted space.
4. If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Communications, Certification & Compliance Section
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0866
(904) 413-6600**

5. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250 made payable to the Florida Public Service Commission at the above address.

1. This is an application for (check one):

Original authority (new company)

Approval of transfer (to another certificated company)

Example, a certificated company purchases an existing company and desires to retain the original certificate authority.

Approval of assignment of existing certificate (to a noncertificated company)

Example, a non-certificated company purchases an existing company and desires to retain the certificate of authority rather than apply for a new certificate.

Approval for transfer of control (to another certificated company)

Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of applicant:

American Phone Corporation

3. Name under which the applicant will do business (d/b/a):

American Phone Corporation

4. If applicable, please provide proof of fictitious name (d/b/a) registration.

Fictitious name registration number: _____

5. A. National mailing address including street name, number, post office box, city, state, zip code, and phone number.

American Phone Corporation
7700 North Capital of Texas Highway, #1211
Austin Texas 78731
(512) 795-0076

B. Florida mailing address including street name, number, post office box, city, state, zip code, and phone number.

**American Phone Corporation
c/o David Erwin
127 Riversink Road
Crawfordville, Florida 32327
(850) 926-9331 – Voice
(850) 926-8448 - Fax**

6. Structure of organization:

- | | |
|---|--|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation |
| <input checked="" type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Other, Please explain _____ |

7. If applicant is an individual, partnership, or joint venture, please give name, title and address of each legal entity.

N/A

8. State whether any of the officers, directors, or any of the ten largest stockholders have previously been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

N/A

9. If incorporated, please provide proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

Corporate charter number: 98000003559

10. Please provide the name, title, address, telephone number, internet address, and facsimile number for the person serving as ongoing liaison with the Commission, and if different, the liaison responsible for this application.

David Erwin (850) 926-9331 - Voice
127 Riversink Road (850) 926-8448 - Fax
Crawfordville, Florida 32327 derwin@lewisweb.net

11. Please list other states in which the applicant is currently providing or has applied to provide local exchange or alternative local exchange service.

None

12. Has the applicant been denied certification in any other state? If so, please list the state and reason for denial.

No

13. Have penalties been imposed against the applicant in any other state? If so, please list the state and reason for penalty.

No

14. Please indicate how a customer can file a service complaint with your company.

Customer will be able to file a complaint by phone, fax or mail to the company or to the FPSC. Addresses and 800 phone numbers will be provided when they sign up for service.

15. Please complete and file a price list in accordance with Commission Rule 25-24.825.

Lists will be developed regionally based on the local exchange carrier that is being resold.

16. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide alternative local exchange service in Florida.

A. Financial capability. See Attached

Regarding the showing of financial capability, the following applies:

FORM PSC/CMU 8 (11/95)
Required by Chapter 364.337 F.S.

The application should contain the applicant's financial statements for the most recent 3 years, including:

1. the balance sheet
2. income statement
3. statement of retained earnings.

Further, a written explanation, which can include supporting documentation, regarding the following should be provided to show financial capability.

1. Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.
3. Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

NOTE: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

If available, the financial statements should be audited financial statements.

If the applicant does not have audited financial statements, it shall be so stated. The unaudited financial statements should then be signed by the applicant's chief executive officer and chief financial officer. The signatures should attest that the financial statements are true and correct.

B. Managerial capability.

See Attached

C. Technical capability.

See Attached

(If you will be providing local intra-exchange switched telecommunications service, then state how you will provide access to 911 emergency service. If the nature of the emergency 911 service access and funding mechanism is not equivalent to that provided by the local exchange companies in the areas to be served, described in detail the difference.)

American Phone Corporation
Financial Statement
June 30, 1997

ASSETS

Current Assets	
Cash on hand	\$2,000.00
Accounts Receivable	\$18,100.00
Total Current Assets	\$20,100.00
Fixed Assets	
Equipment - Corporate	\$9,108.00
Total Fixed Assets	\$9,108.00
TOTAL ASSETS	\$29,208.00

LIABILITIES

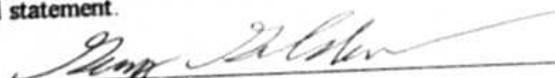
Current Liabilities	
Accounts Payable	\$0.00
Total Current Liabilities	\$0.00
Long Term Liabilities	
Notes Payable	\$0.00
Total Long Term Liabilities	\$0.00
TOTAL LIABILITIES	\$0.00

EQUITY

Current Year Earnings	\$29,208.00
TOTAL EQUITY	\$29,208.00
TOTAL LIABILITY & EQUITY	\$29,208.00

By my signature below, I, Gary Golden, Chief Executive Officer of American Phone Corporation, attest to the truth and accuracy of this un-audited financial statement.

7-29-98
Date


Signature



July 28, 1998

David B. Erwin, Esquire
127 Riversink Road
Crawfordville, FL 32327

Dear David:

This letter is in response to our discussions with respect to previous questions which have been raised by staff at the Public Service Commission regarding other ALEC applications for the authority to provide inter-exchange telecommunications service and local exchange services within the State of Florida.

The particular question that I am addressing is American Phone Corporation's ability to get financing to provide these services. I want to assure you that I have devoted considerable effort to this project and have considered the question of finance. I believe that our business plan is sound since it is based on many years of experience in the telecommunications industry. Our approach to this process is extremely conservative and we believe that we can grow the business slowly and soundly.

Our projections indicate that we will be able to support the operation with a small capital base, supplemented by retained earnings over the next twelve months. Slow and steady growth of our customer base will allow us to meet our financial obligations as we proceed. To ensure adequate funding, we are projecting that we should have the ability to acquire an additional \$50,000 to cover our cash needs.

In order to meet that need, I, Gary Golden as President and stockholder in American Phone Corporation, am prepared to provide a shareholder loan to the company for an amount up to \$50,000 if needed. I currently have over \$100,000.00 available. That full amount is available to us on an immediate basis.

If there are any additional questions relating to our pending application, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gary Golden'.

Gary Golden
President

Gary Golden

For more than twenty years, Gary Golden has been responsible for developing and managing major projects. Whether working at a Bell Operating Telephone Company or at AT&T headquarters, Mr. Golden has demonstrated his ability to get the job done. His responsibilities continuously increased during his nearly fifteen year tenure with the Bell System and ranged from hands on technical duties through management of operating units to the development and implementation of nationwide programs.

Moving into the emerging cellular telephone industry nearly at its inception, he gained valuable experience as Director of Field Operations for an independent, cellular telephone company and later in his own consulting firm. His successes in the cellular industry included winning the rights to a RSA market of his own.

More recently, Mr. Golden recognized the emergence of a new industry that has the potential for becoming an even greater success than cellular telephony, became actively involved in the Wireless Cable TV Industry. Serving as Senior Vice President for The Cellular Group, Inc., he was directly responsible for developing two Wireless Cable systems in Reading, Pennsylvania and in Baton Rouge Louisiana.

Mr. Golden's experience in all of the various aspects of the telecommunications industry enables him to provide the leadership necessary to form and develop local exchange and inter-exchange services for American Phone Corporation's residential and business customers.

David B. Erwin
Attorney-at-Law

127 Riversink Road
Crawfordville, Florida 32327

DEPOSIT DATE

Phone 850.926.9331
Fax 850.926.8448
derwin@lewisweb.net

D 8 2 7 #W AUG 11 1998

August 11, 1998

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2002

AMERICAN PHONE CORPORATION

244 SHOPPING AT #166
SARASOTA, FL 34237-7125

DATE August 6, 1998 63-1269-631

PAY TO THE ORDER OF Florida Public Service Commission \$ 250.00

Two Hundred Fifty----- DOLLARS

THE HUNTINGTON NATIONAL BANK
ORLANDO, FLORIDA 32802

FOR ALEC Application Fee

