



PIPER
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PHONE (202) 861-3900
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October 19, 2000

001576-TI

FEDERAL EXPRESS

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

Check received with filing and
forwarded to Fiscal for deposit.
Fiscal to forward money to check
to RAR with proof of deposit.

[Handwritten signature]

Re: Interexchange Resale Application of Digital Broadband Communications, Inc.

Dear Ms. Bayo:

On behalf of Digital Broadband Communications, Inc. ("Digital Broadband"), enclosed for filing please find an original and five (5) copies of Digital Broadband's Interexchange Application for the State of Florida. Also enclosed is the requisite filing fee of \$250.00.

Please date stamp the enclosed extra copy of this filing and return it in the envelope provided. Please direct all correspondence concerning this filing to me at the above address.

Sincerely,

[Handwritten signature of E. Ashton Johnston]

E. Ashton Johnston
Counsel for Digital Broadband Communications, Inc.

Enclosures

cc: B. Kelly Kiser, Esq. (w/o enclosure)
Mark Goodearl

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 13423-00. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

DOCUMENT NUMBER-DATE

13423-00 OCT 20 00

**** FLORIDA PUBLIC SERVICE COMMISSION ****

**DIVISION OF TELECOMMUNICATIONS
BUREAU OF CERTIFICATION AND SERVICE EVALUATION**

Application Form for Authority to Provide
Interexchange Telecommunications Service
Between Points Within the State of Florida

001576-TI

Instructions

- ◆ This form is used as an application for an original certificate and for approval of assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Appendix A).
- ◆ Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

Note: No filing fee is required for an assignment or transfer of an existing certificate to another certificated company.

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Telecommunications
Bureau of Certification and Service Evaluation
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

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

Original certificate (new company).

Approval of assignment/transfer of existing certificate:
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 of transfer of control:
Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Digital Broadband Communications, Inc. ("Digital Broadband")

3. Name under which applicant will do business (fictitious name, etc.):

Same as above.

4. Official mailing address (including street name & number, post office box, city, state, zip code):

**Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451
Tel: 781-290-4000
Fax: 781-290-4026**

5. Florida address (including street name & number, post office box, city, state, zip code):

Digital Broadband does not maintain offices in the state of Florida.

6. Select type of business your company will be conducting \checkmark (check all that apply):
- Facilities-based carrier** - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
 - Operator Service Provider** - company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
 - Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
 - Switchless Rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
 - Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers, then offers resold service by enrolling unaffiliated customers.
 - Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

7. Structure of organization;

- | | |
|--|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Other | |

8. **If individual**, provide:

N/A

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

N/A

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

A copy of Digital Broadband's authorization to transact business in Florida is attached as Exhibit A.

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) **The Florida Secretary of State fictitious name registration number:**

N/A

12. If a limited liability partnership, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:**

N/A

13. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement. N/A

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

14. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) **The Florida registration number:**
N/A

15. Provide **F.E.I. Number** (if applicable): **043455185**

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?
(X) Yes () No

(b) If not, who will bill for your services?

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

(c) How is this information provided?

17. Who will receive the bills for your service?

- Residential Customers Business Customers
 PATs providers PATs station end-users
 Hotels& motels Hotel & motel guests
 Universities Universities dormitory residents
 Other: (specify)

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: E. Ashton Johnston, Piper Marbury Rudnick & Wolfe LLP
Title: Counsel for Digital Broadband Communications, Inc.
Address: 1200 19th Street, N.W.
City/State/Zip: Washington, D.C. 20036
Telephone No.: (202) 861-6665 **Fax No.:** (202) 822-4963

Internet E-Mail Address: ashton.johnston@piperrudnick.com
Internet Website Address: www.piperrudnick.com

(b) Official point of contact for the ongoing operations of the company:

Name: B. Kelly Kiser
Title: Vice President Legal and Regulatory Affairs
Address: 200 West Street
City/State/Zip: Waltham, MA 02451
Telephone No.: 781-290-4000 **Fax No.:** 781-290-4026
Internet E-Mail Address: kkiser@digitalbroadband.com
Internet Website Address: www.digitalbroadband.com

(c) Complaints/inquiries from customers:

Name: Steve Melanson
Title: Vice President Customer Service
Address: 200 West Street
City/State/Zip: Waltham, MA 02451
Telephone No.: 781-290-4000 **Fax No.:** 781-290-4026

Internet E-Mail Address: smelanson@digitalbroadband.com
Internet Website Address: www.digitalbroadband.com

19. List the states in which the applicant:

- (a) has operated as an interexchange telecommunications company.

Please see Exhibit B.

- (b) has applications pending to be certificated as an interexchange telecommunications company.

Please see Exhibit B.

- (c) is certificated to operate as an interexchange telecommunications company.

Please see Exhibit B.

- (d) has been denied authority to operate as an interexchange telecommunications company and the circumstances involved.

Digital Broadband has never been denied authority to provide interexchange or local exchange service.

- (e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

Digital Broadband has never had regulatory penalties imposed for violations of statutes.

- (f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

Digital Broadband has been sued in the State of Pennsylvania by ATX Telecommunications Services, Inc. ("ATX") on a claim of trespass with the intent to induce employees of ATX to leave that company and seek employment with Digital Broadband. Digital Broadband has filed a Motion to Dismiss for failure to state a cause of action among other reasons. The Motion is currently pending.

20. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) 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.

No officer, director or shareholder of Digital Broadband has previously been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime.

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

No officer, director or shareholder of Digital Broadband has previously been an officer, director, partner or stockholder in any other Florida certificated telephone company.

21. The applicant will provide the following interexchange carrier services \checkmark (check all that apply):

- a. **MTS with distance sensitive per minute rates**
 - Method of access is FGA
 - Method of access is FGB
 - Method of access is FGD
 - Method of access is 800

- b. **MTS with route specific rates per minute**
 - Method of access is FGA
 - Method of access is FGB
 - Method of access is FGD
 - Method of access is 800

- c. **MTS with statewide flat rates per minute (i.e. not distance sensitive)**
 - Method of access is FGA
 - Method of access is FGB
 - Method of access is FGD
 - Method of access is 800

- d. **MTS for pay telephone service providers**

- e. **Block-of-time calling plan (Reach Out Florida, Ring America, etc.).**

- f. **800 service (toll free)**

- g. **WATS type service (bulk or volume discount)**
 - Method of access is via dedicated facilities
 - Method of access is via switched facilities

- h. **Private line services (Channel Services)**
(For ex. 1.544 mbs., DS-3, etc.)

- i. **Travel service**
 - Method of access is 950
 - Method of access is 800

- j. **900 service**

k. **Operator services**

Available to presubscribed customers
Available to non presubscribed customers (for example, to patrons of hotels, students in universities, patients in hospitals).
Available to inmates

l. **Services included are:**

Station assistance
Person-to-person assistance
X Directory assistance
Operator verify and interrupt
Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

See Exhibit C.

23. Submit the following:

A. Financial capability.

The application **should contain** the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

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

See Exhibit D.

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.*

Further, the following (which includes supporting documentation) should be provided:

1. **A written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.

See Exhibit E.

2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service.

See Exhibit E.

3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.

See Exhibit E.

B. **Managerial capability**; give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

See Exhibit F.

C. **Technical capability**; give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

See Exhibit F.

**** APPLICANT ACKNOWLEDGMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Signature: _____



Michael Duffy

Date: **October 12, 2000**

Title: **Senior Vice President,
General Counsel and Secretary**

Telephone No. **(781) 290-4000**

Address: **200 West Street
Waltham, MA 02451**

Fax No. **(781) 290-4026**

ATTACHMENTS:

- A - CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - CURRENT FLORIDA INTRASTATE NETWORK
- D - AFFIDAVIT

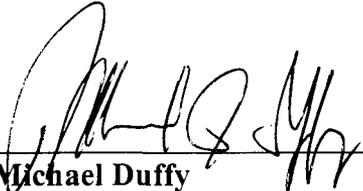
CUSTOMER DEPOSITS AND ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be provided in one of the following ways (applicant, please check one):

- (**XX**) The applicant will not collect deposits nor will it collect payments for service more than one month in advance.

- () The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.
(The bond must accompany the application.)

UTILITY OFFICIAL:

Signature:  _____
Michael Duffy

Date: October 12, 2000

Title: **Senior Vice President,
General Counsel and Secretary**

Telephone No. **(781) 290-4000**

Address: **200 West Street
Waltham, MA 02451**

Fax No. **(781) 290-4026**

CURRENT FLORIDA INTRASTATE SERVICES

Applicant **has** (X) or **has not** () previously provided intrastate telecommunications in Florida.

If the answer is has, fully describe the following:

- a) What services have been provided and when did these services begin?

Please see Exhibit B.

- b) If the services are not currently offered, when were they discontinued?

Please see Exhibit B.

UTILITY OFFICIAL:

Signature: _____


Michael Duffy

Date: **October 12, 2000**

Title: **Senior Vice President,
General Counsel and Secretary**

Telephone No. **(781) 290-4000**

Address: **200 West Street
Waltham, MA 02451**

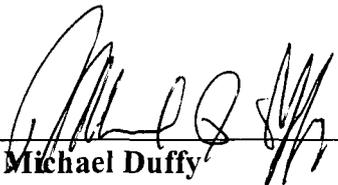
Fax No. **(781) 290-4026**

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

Signature:  _____
Michael Duffy

Date: **October 12, 2000**

Title: **Senior Vice President,
General Counsel and Secretary**

Telephone No. **(781) 290-4000**

Address: **200 West Street
Waltham, MA 02451**

Fax No. **(781) 290-4026**

Exhibit A



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

October 3, 2000

C T CORPORATION SYSTEM
TALLAHASSEE, FL

Qualification documents for DIGITAL BROADBAND COMMUNICATIONS, INC. were filed on October 3, 2000 and assigned document number F00000005526. Please refer to this number whenever corresponding with this office.

Your corporation is now qualified and authorized to transact business in Florida as of the file date.

A corporation annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (850) 487-6051, the Foreign Qualification/Tax Lien Section.

Buck Kohr
Corporate Specialist
Division of Corporations

Letter Number: 400A00052442

APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

FILED
00 OCT -3 PM 3:33
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA.

- 1. Digital Broadband Communications, Inc.
(Name of corporation; must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)
- 2. Delaware 3. 04-3455185
(State or country under the law of which it is incorporated) (FEI number, if applicable)
- 4. 03/09/1999 5. Perpetual
(Date of incorporation) (Duration: Year corp. will cease to exist or "perpetual")
- 6. Upon Qualification
(Date first transacted business in Florida.) (SEE SECTIONS 607.1501, 607.1502 and 817.155, F.S.)
- 7. 200 West Street, Waltham, MA 02451

(Current mailing address)

8. Telecommunication services
(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box **NOT** acceptable)

Name: C T Corporation System

Office Address: 1200 South Pine Island Road

Plantation, Florida, 33324
(Zip code)

10. Registered agent's acceptance:

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

By: Connie Bryan **CONNIE BRYAN**
(Registered agent's signature) **SPECIAL ASSISTANT SECRETARY**

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

12. Names and addresses of officers and/or directors: (Street address **ONLY** - P.O. Box **NOT** acceptable)

A. DIRECTORS (Street address only - P.O. Box NOT acceptable)

Chairman: SEE ATTACHMENT

Address: _____

Vice Chairman: _____

Address: _____

Director: _____

Address: _____

Director: _____

Address: _____

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OCT -3 PM 3:33
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

B. OFFICERS (Street address only - P.O. Box NOT acceptable)

President: SEE ATTACHMENT

Address: _____

Vice President: _____

Address: _____

Secretary: _____

Address: _____

Treasurer: _____

Address: _____

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13. B Kelly Kiser
(Signature of Chairman, Vice Chairman, or any officer listed in number 12 of the application)

14. B. Kelly Kiser, Vice President, Legal & Regulatory Affairs
(Typed or printed name and capacity of person signing application)

Schedule of Officers and Directors

Officers

Name: Thomas Gillett
Title: Chairman
Work Address: 200 West Street, Waltham, MA 02451

Name: Valeri Marks
Title: CEO/President
Work Address: 200 West Street, Waltham, MA 02451

Name: Donato (Don) DeNovellis
Title: Senior Vice President, Chief Financial Officer and Treasurer
Work Address: 200 West Street, Waltham, MA 02451

Name: Michael Duffy
Title: Senior Vice President, General Counsel and Secretary
Work Address: 200 West Street, Waltham, MA 02451

Name: Sean Dandley
Title: Senior Vice President, Sales
Work Address: 200 West Street, Waltham, MA 02451

Name: Mark Dunn
Title: Executive Vice President and Chief Technology Officer
Work Address: 200 West Street, Waltham, MA 02451

Name: B. Kelly Kiser
Title: Vice President Legal and Regulatory Affairs
Work Address: 200 West Street, Waltham, MA 02451

Directors

Name: Thomas Gillett
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Valeri Marks
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Robert Bicksler
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

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00 OCT -3 PM 3:38
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Name: William Charman
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Sean Dandley
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Timothy Dibble
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Anthony DiNovi
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Lane MacDonald
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Soren Oberg
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Dave Blahnik
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Michael Duffy
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

Name: Donato (Don) DeNovellis
Title: Director
Work Address: 200 West Street, Waltham, MA 02451

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Exhibit B

Digital Broadband Communications, Inc. ("Digital Broadband") is authorized to provide service or is in the process of obtaining authority to provide service in the following states:

Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia and Wisconsin.

Digital Broadband operates in the Northeastern United States as a provider of a full range of telecommunications services for its customers. Where it is so certified, Digital Broadband offers local exchange resale and digital subscriber line services in addition to interexchange resale service. Among Digital Broadband's service offerings are a calling card product and an 800 number product. These products allow customers to make or receive calls from any location in the United States and have that call billed to the customer's billing address. Recently, Digital Broadband became aware that a minimal amount of revenue is being generated by its long distance products in the State of Florida. For example, in the month of June approximately \$60.00 in revenue was attributable to calls originated in the State of Florida. Digital Broadband has filed this application for authority to resell interexchange services in Florida in order to insure that Digital Broadband is in compliance with applicable state regulations where its services may be used. Digital Broadband does not market its services in the State of Florida.

Exhibit C

TITLE SHEET

RESOLD

INTEREXCHANGE TOLL

TELECOMMUNICATIONS SERVICES

This Tariff applies to the Telecommunications Services furnished by Digital Broadband Communications, Inc. ("Carrier") with principal offices at 200 West Street, Waltham, Massachusetts, 02451. This tariff applies to calls originating and terminating solely between one or more points in the State of Florida. This tariff is on file with the Florida Public Service Commission and copies may be inspected at the company's principal place of business.

Issued: October 20, 2000

Effective:

Issued by: B. Kelly Kiser, Vice President Legal and Regulatory Affairs
Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

CHECK-SHEET

The pages of this Tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

<u>PAGE</u>	<u>REVISION</u>	<u>PAGE</u>	<u>REVISION</u>
1	Original	21	Original
2	Original	22	Original
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6	Original	26	Original
7	Original	27	Original
8	Original	28	Original
9	Original	29	Original
10	Original	30	Original
11	Original	31	Original
12	Original	32	Original
13	Original		
14	Original		
15	Original		
16	Original		
17	Original		
18	Original		
19	Original		
20	Original		

* Indicates new or revised page.

Issued: October 20, 2000

Effective:

Issued by: B. Kelly Kiser, Vice President Legal and Regulatory Affairs
Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

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Issued: October 20, 2000

Effective:

Issued by: B. Kelly Kiser, Vice President Legal and Regulatory Affairs
Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

SYMBOLS

The following are the only symbols used for the purposes indicated below:

- (D) Delete or discontinue
- (I) - To signify increased rate
- (M) Moved from another tariff location
- (N) New
- (R) - To signify reduced rate
- (T) To signify change in text or regulation but not in rate or charge

Issued: October 20, 2000

Effective:

Issued by: B. Kelly Kiser, Vice President Legal and Regulatory Affairs
Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

TARIFF FORMAT

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the Tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the Tariff page in effect.
- C. Paragraph Numbering Sequence - There are various levels of alphanumeric coding. Each level of coding is subservient to its next higher level. The following is an example of the numbering sequence used in this tariff.
- 2.1
2.1.1.
2.1.1.1.(a)
- D. Check Sheets - When a tariff filing is made with the Commission, an undated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross-reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on the check sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Commission.

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Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to Carrier's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable Carrier to identify the origin of service of the Customer so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no Customer shall have any property or other right or interest in the use of any particular authorization code. Automatic numbering identification (ANI) may be used as or in connection with the authorization code.

Automatic Numbering Identification (ANI) - A type of signaling provided by a local exchange telephone company which automatically identifies the local exchange line from which a call originates.

Carrier or Company - DIGITAL BROADBAND COMMUNICATIONS, INC.

Common Carrier - An authorized company or entity providing telecommunications services to the public.

Customer - The person or legal entity which subscribes to, utilizes, or enters into arrangements for Carrier's telecommunications services and is responsible for payment of Carrier's services.

Commission - Florida Public Service Commission

Holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

Interruption - The inability to complete calls due to equipment malfunctions or human errors. Interruption shall not include, and no allowance shall be given for, service difficulties such as slow dial tone, circuits, busy or other network and/or switching capacity shortages. Nor shall Interruption include the failure of any service or facilities provided by a common carrier or other entity other than the Carrier. Any Interruption allowance provided within this Tariff by Carrier shall not apply where service is interrupted by the negligence or willful act of the Customer, or where the Carrier, pursuant to the terms of this Tariff, terminates service because of non-payment of bills, unlawful or improper use of the Carrier's facilities or service, or any other reason covered by this Tariff or by applicable law.

Local Access and Transport Area (LATA) - A geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 82-0192, within which a local exchange company provides communications services.

Measured Charge - A charge assessed on a per minute basis in calculating a portion of the charges due for a completed call.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

Travel Card - A prepaid or postpaid calling card issued by Carrier, which allows Customers to make telephone calls and charge the calls to a credit or debit account. Calls charged to a Carrier-issued credit travel card will appear on the Customer's regular monthly bill. Calls charged to a Carrier-issued debit travel card will be charged against the debit account.

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SECTION 2. RULES AND REGULATIONS

2.1 Application of Tariff

- 2.1.1. This Tariff contains the regulations and rates applicable to intrastate telecommunications services provided by Carrier to business customers for telecommunications between points within the State. Carrier's services are furnished subject to availability of facilities and services and subject to the terms and conditions of this Tariff.
- 2.1.2. Carrier's services may be provided over the telecommunications channels, facilities or services of other service providers including the facilities of the incumbent local exchange carrier and may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers.
- 2.1.3. The rates and regulations contained in this Tariff apply only to the services furnished by Carrier to the Customer and do not apply, unless otherwise specified, to the lines, facilities, or services provided by the incumbent local exchange telephone company or other common carrier for use in accessing the services of Carrier.
- 2.1.4. The Customer is entitled to limit the use of Carrier's services by end users at the Customer's facilities, and may use other common carriers in addition to or in lieu of Carrier.
- 2.1.5. Reseller's and rebiller's of the company's services must be certificated by the Florida Public Service Commission.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.2 Use of Services

- 2.2.1. Carrier's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
- 2.2.2. The use of Carrier's services without payment for service or attempting to avoid payment for services by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.3. Carrier's services are available for use twenty-four hours per day, seven days per week, except with respect to limited planned outages about which the Customer will be provided advance notice.
- 2.2.4. Carrier does not transmit messages pursuant to this Tariff, but its services may be used for that purpose.
- 2.2.5. Carrier's services may be canceled for nonpayment of uncontested bill charges or for other violations of this Tariff.

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SECTION 2. RULES AND REGULATIONS (Cont'd)**2.3 Liability of Carrier**

- 2.3.1. Due to the unavailability of errors incident to the services and to the use of the facilities furnished by the Carrier or connecting carriers, the services and facilities furnished by the Carrier and connecting carriers are subject to the terms, conditions and limitations set forth herein.
- 2.3.2. When service is interrupted for a period of at least 24 hours after notice by the Customer to Carrier, an allowance equal to 1/13 of fixed billing cycle charges for service and facilities furnished by the Carrier rendered useless or substantially impaired shall apply to each of the first three full 24 hour periods during which the interruption continues after notice by the Customer to the Carrier. An allowance of 2/13 of fixed billing cycle charges will be credited for each full 24-hour period of interruption beyond the first three full 24-hour periods. Credit in any billing period shall not exceed the total non-usage charges for that period for the services and facilities furnished by the Carrier rendered useless or substantially impaired. No allowance shall apply to any non-recurring or usage charges.
- 2.3.3. The liability of the Carrier for any loss or damages whatsoever arising out of mistakes, omissions, delays, errors, defects or failures in the service, or in any non-regulated equipment or facilities, shall not exceed an amount, equivalent to the proportionate charge to the Customer for the period during which the mistake, omission, delay, defect, or failure existed, or the Tariff charge for the call involved. Under no circumstances shall the Carrier be liable for any consequential, special, indirect, incidental or exemplary damages.
- 2.3.4. Carrier shall not be liable for any act or omission of any connecting carrier, underlying carrier, or incumbent local exchange company; for any act or omission of any other provider of connections, facilities, or service other than the Carrier; or for culpable conduct of the Customer or failure of equipment, facilities or connection provided by the Customer.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.3 Liability of Carrier (Cont'd)

- 2.3.5. Carrier shall not be liable for defacement of, or damage to, the premises of a Customer resulting from the attachment or instruments, apparatus and associated Wiring furnished by the Carrier on such Customer's premises or by the installation or removal thereof, when such defacement or damage is not the result of the Carrier's gross negligence. No agents or employees of the other participating carriers shall be deemed to be agents or employees of Carrier.
- 2.3.6. Carrier shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order, regulation or other actions of any governing authority or agency thereof.
- 2.3.7. Carrier shall not be liable for any unlawful or unauthorized use of Carrier's facilities and service, unless such use results solely from the negligence or willful misconduct of Carrier.
- 2.3.8. The Customer is responsible for taking all necessary legal steps for interconnecting Customer-provided terminal equipment with Carrier's facilities. The Customer shall secure all licenses, permits, rights-of-way, and other arrangements necessary for such interconnection.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.4. Responsibilities of the Customer

- 2.4.1. The Customer is responsible for placing any necessary orders; for complying with Tariff regulations; for the placement of any stickers or tent cards provided by the Carrier or as required by law; and for assuring that end users comply with Tariff regulation. The Customer shall ensure compliance with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the Customer to end users. The Customer is also responsible for the payment of charges for calls originated at the Customer's numbers which are not collect, third party, calling card or credit card calls.
- 2.4.2. The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by Carrier on the Customer's behalf.
- 2.4.3. If required for the provision of Carrier's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to Carrier.
- 2.4.4. The Customer is responsible for arranging access to its premises at times mutually agreeable to Carrier and the Customer when required for Carrier personnel to install, repair, maintain, program, inspect or remove equipment with the provision of Carrier's services.

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SECTION 2. RULES AND REGULATIONS (Cont'd)**2.4. Responsibilities of the Customer (Cont'd)**

- 2.4.5. The Customer shall ensure that the equipment and/or system is properly interfaced with Carrier facilities or services, that the signals emitted into Carrier's network are of the proper mode, bandwidth, power, and signal level for the intended use of the Customer and in compliance with the criteria set forth in this Tariff and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communication service, Carrier will permit such equipment to be connected with its channels without use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to Carrier equipment, personnel, or the quality of service to other Customers, Carrier may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, Carrier may, upon five (5) days written notice, via first class U.S. mail, terminate the Customer's service.
- 2.4.6. The Customer is responsible for payment of the charges set forth in this Tariff.
- 2.4.7. The Customer is responsible for compliance with the applicable regulations set forth in this Tariff.
- 2.4.8. The Customer shall indemnify and hold Carrier harmless from all liability disclaimed by Carrier as specified in Section 2.3. above, arising in connection with the provision of service by Carrier.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.5. Cancellation or Interruption of Services

- 2.5.1. Without incurring liability, Carrier may discontinue services to a Customer or may withhold the provision of ordered or contracted services, subject to the procedures set forth in 2.5.1-2;
1. For nonpayment of any sum due Carrier for more than thirty (30) days after issuance of the bill for the amount due;
 2. For violation of any of the provisions of this Tariff;
 3. For violation of any law, rule, regulation or policy of any governing authority having jurisdiction over Carrier's services; or
 4. By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting Carrier from furnishing its services.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.5. Cancellation or Interruption of Services (Cont'd)

2.5.2. Procedures for discontinuance of existing services:

1. Carrier may discontinue service without notice for any of the following reasons:
 - (a) If a Customer causes or permits any signals or voltages to be transmitted over Carrier's network in such a manner as to cause a hazard or to interfere with Carrier's service to others.
 - (b) If a Customer uses Carrier's services in a manner that violates applicable law.
2. In all other circumstances, Carrier will provide the Customer with written notice via first class U.S. mail stating the reason for discontinuance, and will allow the Customer not less than fifteen (15) days to remove the cause for discontinuance. In cases of non-payment of charges due, the Customer will be allowed at least ten (10) days written notice via first class mail that disconnection will take place within ten (10) days, excluding Sundays and Holidays, and the Customer will be given the opportunity to make full payment of all undisputed charges, and in no event will service be discontinued on the day preceding any day on which Carrier is not prepared to accept payment of the amount due and to reconnect service.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.5. Cancellation or Interruption of Services (Cont'd)

- 2.5.3. Without incurring liability, Carrier may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer's and Carrier's equipment and facilities and may continue such interruption until any items of non-compliance or improper equipment operations so identified are rectified.
- 2.5.4. Service may be discontinued by Carrier, without notice to the Customer, by blocking traffic to certain countries, cities, or NXX exchanges, or by blocking calls using certain Customer authorization codes, when Carrier deems it necessary to take such action to prevent unlawful use of its service. Carrier will restore service as soon as it can be provided without undue risk, and will upon request by the Customer affected, assist in a new authorization code to replace the one that had been deactivated.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.6. Billing Arrangements

- 2.6.1. Customers will either be billed directly by Carrier or its intermediary, or charges will be included in the Customer's regular telephone bill pursuant to billing and collection agreements established by Carrier or its intermediary with the applicable telephone company.
- 2.6.2. Carrier will render bills monthly. Payment is due within thirty (30) days after Customer's receipt of its bill.
- 2.6.3. Carrier may impose a late payment charge of 1.25% on any bill not paid within thirty (30) days of receipt by the customer.

2.7. Validation of Credit

Carrier reserves the right to validate the creditworthiness of Customers.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.8. Contested Charges

All bills are presumed accurate, and will be binding on the Customer unless oral or verbal objection is received by Carrier within thirty (30) days after such bills are rendered. In the case of a billing dispute between the Customer and Carrier for service furnished to the Customer or end user, which cannot be settled with mutual satisfaction, the Customer may take the following course of action within thirty (30) days of the billing date:

- 2.8.1. First, the Customer may request, and Carrier will provide, an in-depth review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection.
- 2.8.2. Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of Carrier, the Customer may file an appropriate complaint with the Commission. The address and telephone number of the Commission is:

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
1-800-342-3552

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.9. Billing Entity Conditions

When billing functions on behalf of Carrier are performed by local exchange telephone companies, or others, the payment conditions and regulations of such companies apply, including any applicable interest and/or late payment charge conditions.

2.10. Taxes

All federal excise taxes and state and local sales taxes, are billed as separate items and are not included in the quoted rates.

2.11. Minimum Call Completion Rate

Carrier will ensure an industry standard blocking rate between P.01 and P.02.

2.12. Promotions

Carrier may from time to time offer promotional services with the approval of the Commission via a tariff filing. See Section 4 for Rates and Charges.

2.13. Billing and Collection Practices

Carrier will adopt all billing and collection practices as set forth by the Commission.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.14. Shortage of Equipment or Facilities

2.14.1. The Carrier reserves the right to limit or to allocate the use of existing facilities, or of additional facilities offered by the Carrier, when necessary because of lack of facilities or due to some other cause beyond the Carrier's control.

2.14.2. The furnishing of service under this tariff is subject to the availability on a continuing basis of all necessary facilities and is limited to the capacity of the Carrier's facilities as well as facilities the Carrier may obtain from other carriers to furnish service from time to time, at the sole discretion of the Carrier.

2.15. Advance Payments and Deposits

2.15.1. Advance Payments

The Company does not require Customers to make advance payments at this time.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.15. Advance Payments and Deposits(Cont'd)

2.15.2. Deposits

The Company does not require Customers to make deposits at this time.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES

3.1. General

The Services described in this tariff are offered by the Carrier via its own facilities and/or the facilities of the other carriers. Services are offered as one-way or two-way communications services. The Company does not offer operator assisted calling.

Rates for service may vary by call type and/or term commitments. Usage rates, per-call service charges, monthly fees and installation charges may apply. Call timing is defined in the description for each service. Service is available 24 hours per day, 7 days per week.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)**3.2. Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between serving wire centers associated with the originating and terminating points of the call. The serving wire centers of a call are determined by the area codes and exchanges of the origination and destination points.

The distance between the Wire Center of the Customer's equipment and that of the destination point is calculated by using the "V" and "H" coordinates commonly used in the industry.

- Step 1 - Obtain the "V" and "H" coordinates for the Wire Centers serving the Customer and the destination point.
- Step 2 - Obtain the difference between the "V" coordinates of each of the Wire Centers. Obtain the Difference between the "H" coordinates.
- Step 3 - Square the differences obtained in Step 2.
- Step 4 - Add the squares of the "V" difference and "H" difference obtained in Step 3.
- Step 5 - Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.
- Step 6 - Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the Wire Centers.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)

3.3. Call Charges

- 3.3.1 Long distance usage charges are based on the actual usage of the Company's network. Chargeable time begins when the calling and the called station are connected.
- 3.3.2 Chargeable time ends when the calling service point terminates, thereby releasing the network connection. If the called party hangs up but the calling number does not, chargeable time ends when the network connection is released by automatic timing, equipment in the telephone network.
- 3.3.3 The minimum and additional usage call duration for billing purposes is in the description for each product.
- 3.3.4 The Company will not bill for unanswered calls in areas where equal access is available. The Company will not knowingly bill for unanswered calls in areas where equal access is not available.
- 3.3.5 Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect in that boundary for each portion of the call.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)

3.4. Switched Outbound Service

Switched outbound service is an outbound calling service billed in six (6) second increments with a minimum period for billing purposes of six (6) seconds. There is no minimum monthly fee nor volume discounts. Usage is not mileage-sensitive nor time-of-day sensitive.

Rate per minute: \$0.069

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)**3.5. Dedicated Outbound Service**

Dedicated outbound service designed for business Customers. Calls are billed in six (6) second increments with a six (6) second minimum billing period. Calls originate from Customer-provided dedicated access lines. Rates are not mileage or time-of-day sensitive and do not include charges for facilities from the Customer location to the Carrier Point of Presence (POP). This service is offered on a volume discount based on actual monthly usage. There is no minimum monthly fee. Usage is not mileage-sensitive nor time-of-day sensitive.

<u>Monthly Usage</u>	<u>Rate Per Minute</u>
less than \$5,000 per month	\$0.049
\$5,001 - \$10,000 per month	\$0.046
more than \$10,000 per month	\$0.044

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)**3.6. Switched Inbound Service**

Switched Inbound Service is available to Customer for incoming calls. Calls originate from any interstate or intrastate location over a toll free number and terminate to a Customer-provided business switched access line. Call charges are billed to the Subscriber rather than to the originating caller. Rates are neither time-of-day sensitive nor mileage sensitive. Calls are billed in six (6) second increments after a minimum call duration for billing purposes of six (6) seconds. Rates are not mileage or time-of-day sensitive. Service is available on a month-to-month basis only.

Rate per minute: \$0.069

3.7. Dedicated Inbound Service

Dedicated Inbound Service is available to business Subscribers for incoming calls. Calls originate from any interstate or intrastate location over a toll free number and terminate to a Customer-provided dedicated access line. Call charges are billed to the Subscriber rather than to the originating caller. Calls are billed in six (6) second increments. The minimum call duration for billing purposes is six (6) seconds. This service is offered on a volume discount based on actual monthly usage. There is no minimum monthly fee. Usage is not mileage-sensitive nor time-of-day sensitive. Service is available on a month-to-month basis only.

<u>Monthly Usage</u>	<u>Rate Per Minute</u>
less than \$5,000 per month	\$0.049
\$5,001 - \$10,000 per month	\$0.046
more than \$10,000 per month	\$0.044

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)**3.8. Global Card Service**

Global Card Service is available to business Customers for placing calls while away from home or office. Calls are originated by dialing a toll-free access number, followed by an account identification number and personal identification number. Calls may originate from standard residential, business or pay telephone access lines and may terminate to any interstate or intrastate location. Calls are billed in six (6) second increments after an initial period for billing purposes of eighteen (18) seconds. There is no per call surcharge.

Rate per minute: \$0.15

3.9. Directory Assistance

Directory Assistance is available to Customers. A Directory Assistance charge applies to each call to the Directory Assistance Bureau. Up to two requests may be made on each call to Directory Assistance. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

Per call charge: \$0.95

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SECTION 4. CONTRACTS AND PROMOTIONS

4.1. Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide special request from a Customer or prospective Customer to develop a competitive bid for a service not generally available under this tariff. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis.

4.2. Promotions

4.2.1 General

From time to time, the Company may provide promotional offerings to introduce a current or potential subscriber to a service not being used by the subscriber. These offerings may be limited to certain durations, dates, times, quantities or locations and may waive or reduce recurring or non-recurring charges.

This tariff will be revised to reflect these promotional offerings.

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Exhibit D

Financial Statements

PROPRIETARY

FILED UNDER SEAL

Exhibit E

A Written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served:

Digital Broadband Communications, Inc. ("Digital Broadband") possesses the financial capability to provide the requested services in the State of Florida. Digital Broadband, by this application, seeks authority to provide resold interexchange services in Florida. The provision of resold interexchange services in Florida will require little initial investment by Digital Broadband. As a going concern, Digital Broadband already has a marketing department that is ready to operate in Florida with little additional capital investment required. Digital Broadband will resell the services of carriers already operating in Florida. Digital Broadband will only place orders for service from the underlying carriers as customers are obtained.

A written explanation that the applicant has sufficient financial capability to maintain the requested service:

As demonstrated by the balance sheet and income statement attached to this application, Digital Broadband possesses the financial capability to maintain the requested service. Digital Broadband currently operates in several states and generates revenue on an ongoing basis. Digital Broadband will not be dependent on Florida revenue to maintain service in Florida. As shown in the financial statements submitted with this application, Digital Broadband generates monthly revenue. Digital Broadband submits that, given the relatively low cost of operating as a resold interexchange services provider, this sum demonstrates that Digital Broadband possesses the financial capability to maintain its services in Florida.

A written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations:

Digital Broadband's operations in Florida will consist of the resale of interexchange service. Digital Broadband will not own any facilities in Florida for the transmission of telecommunications services. To the extent Digital Broadband enters into any lease of telecommunications facilities, Digital Broadband will do so on a "customer need" basis whereby the leased facilities will be used to provide service to an existing customer and thereby generate revenue to cover the lease of the facility.

Exhibit F

Management and Technical Biographies

MANAGEMENT BIOGRAPHIES OF DIGITAL BROADBAND COMMUNICATIONS, INC.

Thomas F. Gillett, Chairman of the Board

Thomas F. Gillett has 30 years of experience in telecommunications. Mr. Gillett began his career with AT&T and went on to become one of the founders of two multi-billion dollar publicly traded telecommunications companies.

Mr. Gillett's most recent founding role was with MetroNet Communications in Canada. MetroNet was Canada's first competitive telephone company. His roles included Chief Technology Officer and Senior Vice President Business Development. He directed the planning, investment, construction, and activation of telecommunications networks throughout Canada. He also led major strategic alliances, including a \$1 billion acquisition of another Canadian telecommunications company. He was directly involved with raising over \$2 billion in equity and debt capital. In 1999, MetroNet merged with AT&T Canada when AT&T agreed to acquire all of MetroNet.

Prior to moving to Canada to be a part of MetroNet, Mr. Gillett was one of the original founders of Brooks Fiber Properties. Brooks was a United States based competitive telecommunications company that built new networks in 42 cities. He was the President of Brooks' first telecom venture and also was President of GLA, Brooks' international consulting company. In 1997, Brooks was sold to WorldCom.

Prior to Brooks, Mr. Gillett was the Vice President of Technology Transfer and Business Development at Cable Television Laboratories, the R&D consortium of the cable television industry. He was the second employee hired at the Labs, reporting to the CEO, and helped build its staff. He worked on strategic issues for the cable TV industry and developed new network concepts. Mr. Gillett also testified before the US Senate and House about the future of America's telecommunications infrastructure.

Mr. Gillett has 19 years of experience from GTE and AT&T. He held several management positions, from manager to director, in engineering, marketing, planning, and business development roles. At GTE, he conceived, planned and directed their Cerritos test bed, a citywide advanced technology and new services effort. For those efforts he was highlighted in Fortune magazine, discussed in media such as The New York Times, and selected in 1989 as Fiber Optics Man of the Year.

Mr. Gillett holds undergraduate and graduate degrees in Management Engineering and Management from Rensselaer Polytechnic Institute.

**Valeri A. Marks,
President and Chief Executive Officer (CEO)**

Valeri A. Marks joined Digital Broadband Communications in July 2000 as President and CEO. Ms. Marks brings 20 years of extensive telecommunications, Internet and entrepreneurial business experience from a successful career that spans leadership positions at both Southwestern Bell Communications (SBC) and Ameritech.

Ms. Marks most recently served as President and CEO of SBC Internet Services, a division of SBC providing consumer and business Internet and IP services. She shouldered full profit and loss responsibility while growing the division to nearly one million customers.

Prior to her work at SBC, Ms. Marks was President of Ameritech's Interactive Media Services division where she led Ameritech.net to a number one rating as the best regional Internet Service Provider (ISP) in the nation. She also led the launch of the company's Internet product portfolio, which included Ameritech yellowpages.net (an online shopping and directory service), dial-up Internet access, Ameritech.net (SM), high-speed access, business IP services, Web site development and Web hosting.

Previously, Ms. Marks worked in a variety of general management positions across the Ameritech region and also led a key business initiative at New Zealand Telecom.

Ms. Marks holds a BS degree in Math and Computer Science from Franklin College in Indiana and received an MBA degree from the University of Michigan.

**Stephen Catanzano,
Senior Vice President, Business Development & Co-Founder**

As Senior Vice President of Business Development, Stephen Catanzano has the responsibility for the strategic business development of Digital Broadband Communications. This role includes regulatory, new city deployment planning and product and service development.

Mr. Catanzano joined Digital Broadband Communication from Aware, Inc. where he was the Director of Business Development and Global Accounts. Aware is one of five core technology developers for ADSL Technology.

Prior to Aware, Mr. Catanzano worked as the Market Development Manager and Internet Market Development Manager for the Shiva Corporation, the original developer of "Remote Access" concepts, products and technology. He was responsible for developing and managing strategic accounts with companies such as Netscape and Microsoft. He also pioneered Shiva's efforts in the United States and Asia Pacific region to sell products in the Internet marketplace.

Prior to his role at Aware and Shiva, Mr. Catanzano owned the Mutual Fund Investment Group in Wellesley, MA, an Investment Company with the Securities Exchange Commission and a member of the National Association of Securities Dealers. Mr. Catanzano was the registered principal of the firm. While in college, he also owned a mail order catalog business called Sports Image.

Mr. Catanzano currently holds a BS degree from Bentley College in finance. He is completing a MBA degree from Babson College, focused on Entrepreneurship.

**Mark Dunn,
Chief Technology Officer (CTO) and Co-Founder**

Mark Dunn brings expertise in both DSL technologies and the development and implementation of fault tolerant networks to Digital Broadband Communications. He is responsible for developing, operating and expanding the Digital Broadband communications network.

Mr. Dunn has spent 14 years in the high technology field focusing on the design, deployment and management of data communications, telecommunications, computer networking and remote access systems.

Most recently, Mr. Dunn served as the Applications Engineering Manager at Aware Inc. where he gained industry-leading experience with xDSL products and technologies. The Applications Engineering department, which Mr. Dunn created and headed, was a multifunction department comprised of technical support, sales support, as well as application engineering.

Mr. Dunn was previously employed at the Naval Underwater System Center in Newport, RI. There he designed digital signal processing and data communications systems for the collection of acoustic data to support sonar system development. During this time he served on special assignment at the headquarters of the Submarine Force, US Atlantic Fleet in Norfolk, VA. There he designed ultra-reliable data transmissions systems for communicating with submarines at sea.

Mr. Dunn has gained network and operations experience in key consulting and management areas within the telecommunications and DSL industries. As a Technical Consultant with Shiva Corporation, Mr. Dunn consulted in the areas of remote access, security and network design to Shiva corporate, ISPs and telecommunications customers.

Mr. Dunn holds a BS degree in Electrical Engineering from Union College in Schenectady, NY.

Don DeNovellis
Chief Financial Officer (CFO)

Don DeNovellis joined Digital Broadband Communications in August 2000 and is responsible for the company's financial functions. As a seasoned finance and administration executive, Mr. DeNovellis brings excellent strategic, problem solving and analytical skills to his role at Digital Broadband.

Before joining Digital Broadband, Mr. DeNovellis was Vice President and Chief Financial Officer of CO Space Inc., a provider of collocation and technical services to the telecommunications and data storage markets. He played a key role in the merger of CO Space with InterNap Network Services Corporation, a publicly traded, high-performance Internet company. From 1993 -1999 Mr. DeNovellis was Executive Vice President, Finance and Administration and Chief Financial Officer at the Ekco Group Inc., where he was responsible for corporate and business unit strategy, capital management and financial functions.

Previously, Mr. DeNovellis held key leadership positions with Xerox Corporation. His responsibilities at Xerox included the restructuring of an \$11 billion property casualty insurance subsidiary and management of finance functions at Crum and Forster and at VMS Realty Partners, a \$7 billion real estate company.

Mr. DeNovellis holds a BS degree in Business Administration from Drexel University and is a registered CPA in New York and Connecticut.

**Julie S. Blouse,
Chief Information Officer (CIO)**

Julie S. Blouse joined Digital Broadband in August 2000 as Chief Information Officer (CIO) and brings to the position 20 years of progressive experience in the area of Information Technology (IT).

Prior to joining the company, Ms. Blouse was Senior Vice President and CIO at GST Telecommunications where she provided strategic and tactical direction for all IT initiatives - ensuring that the technology infrastructure supported current needs and future growth plans.

From 1986 to 1997 Ms. Blouse held a variety of management and systems analyst positions at PTI Systems in Vancouver, Washington. As Manager of Application Systems she was responsible for the telephone operation business including production, projects and enhancements activities. In the role of Supervisor of Applications Systems at PTI, Ms. Blouse directed project teams on a variety of applications focusing on billing, message processing, facilities management, order management and trouble ticketing. Other positions included Project Leader of major software development efforts.

Ms. Blouse studied Computer Science and General Business at Portland State University in Oregon.

**Sean M. Dandley,
Senior Vice President, Marketing and Sales**

Sean Dandley joined Digital Broadband Communications in October of 1999 and is responsible for the company's sales and marketing activities.

Mr. Dandley, former CEO & President of Sales for DSCI, has worked in the telecommunications field for the past 12 years. He has created national and regional sales organizations that have provided superior service and garnered high customer loyalty. Mr. Dandley guided DSCI from its start in March of 1998 through its explosive growth to \$10 million in revenues in calendar year 1999.

Prior to founding DSCI Mr. Dandley established a distinguished sales career with positions at Eastern Telecom and USTelecenters. At Eastern Telecom, a network sales agent for Bell Atlantic, Southern New England Telephone and Bell south, Mr. Dandley managed sales professionals and seven sales offices located in five states. Prior to entering sales management, Mr. Dandley was the operations manager of Protocol Communications, one of New England's largest call centers.

Mr. Dandley holds a BA degree from the University of Massachusetts, Amherst and a MBA degree from Bentley College. Mr. Dandley has also attended the U.S. Army Officers Basic Course – Ordnance.

**Michael P. Duffy ,
Senior Vice President, General Counsel and Secretary**

Michael Duffy joined Digital Broadband Communications in December 1999.

From 1996 through 1999, Mr. Duffy was Senior Vice President, General Counsel and Secretary of ETC w/tci, Inc., a subsidiary of TCI Ventures / Liberty Media. ETC managed a portfolio of established and start-up businesses which developed and distributed a wide range of for-profit education, training and communications services and products. At ETC, Mr. Duffy was responsible for acquisition, investment, financing, sale, integration and liquidation transactions for ETC's portfolio of businesses. Mr. Duffy also managed all legal and regulatory matters for ETC's portfolio of businesses, established ETC's legal department, and supervised two internal counsel and teams of external counsel on corporate, litigation, employment and regulatory matters.

From 1986 through 1996, Mr. Duffy practiced law at Ropes & Gray in Boston where he advised public and private companies on domestic and international corporate transactions and general corporate matters including: mergers, acquisitions and joint ventures, public and private offerings, senior, mezzanine and equity financings, public disclosure and reporting, corporate governance, regulatory matters, and executive compensation.

Mr. Duffy holds an AB degree, magna cum laude, from Harvard College and law degrees from the University of Oxford and the University of Pennsylvania. Mr. Duffy is admitted to practice law in Massachusetts and the District of Columbia.

**David J. Blahnik,
Vice President, Corporate Development**

Mr. Blahnik joined Digital Broadband Corporation in November 1999 and is responsible for the company's business and strategic planning initiatives, mergers and acquisitions, and alliance coordination.

Mr. Blahnik has over fourteen years of advanced business and management experience, with the past five years specifically focused on business development, strategic planning, and mergers and acquisitions in the competitive telecommunications industry.

From 1997 through 1999, Mr. Blahnik was Director of Business Development for MetroNet Communications (now AT&T Canada), a Canadian CLEC. His early responsibilities at MetroNet included a variety of roles during the company's start-up phase, including business and strategic planning, new city evaluations and analyses. Additionally his responsibilities included a variety of business development initiatives in the company's new markets, including the coordination of mergers and acquisitions and city activation tasks. Most recently, Mr. Blahnik was responsible for MetroNet/AT&T Canada's national municipal affairs and building access programs.

From 1995 through 1997, Mr. Blahnik was a Director of Business Operations and Senior Consultant for GLA International, an international consulting division of Brooks Fiber Properties. At Brooks, Mr. Blahnik's responsibilities included business planning, strategic analysis, due diligence and mergers and acquisitions evaluations for both internal Brooks initiatives and outside consulting clients including companies and investors in the Cable TV, CLEC and utility/telecommunications industries.

Mr. Blahnik has a BS degree in Accounting from Southwest Missouri State, an MBA in Finance from the University of Missouri, and a Masters in International Affairs from Washington University in St. Louis.

Theresa M. Landers
Vice President, Network Services

Theresa M. Landers joined Digital Broadband Communications as Vice President of Network Services in July 1999 following her twenty-year career in engineering with Bell Atlantic. Ms. Landers is currently responsible for the planning, construction and capacity management of the Digital Broadband Communications Network and has responsibility for the site construction and equipment installation at each of the collocation sites within the ILEC central offices. She brings to Digital Broadband expertise in areas of transmission systems planning, network design and automated provisioning, and planning systems.

At Bell Atlantic Ms. Landers held key management positions in both engineering and operations and was recognized with achievement awards for leadership and technical excellence. Most recently Ms. Landers was responsible for the buildout of the entire Bell Atlantic Interoffice Facility network for New England. Previously, she managed Enterprise Network Planning and Support when she was responsible for Tier 2 support of Corporate Datakit and Packet x.25 networks and for the planning of TX3/TNET networks. She also managed development of integrated tactical and strategic Information Technology plans for the Enterprise Infrastructure.

Ms. Landers holds a BS degree in Management Engineering from Worcester Polytechnic Institute and a MBA degree in Management Information Systems from Boston University.

**Steve Melanson,
Vice President, Customer Services**

Steve Melanson joined Digital Broadband Communications as Vice President of Customer Services in June 1999. Mr. Melanson has built Digital Broadband's Customer Care organization, its Network Operations organization - including Digital Broadband's "Center of Excellence" - and its Service Delivery organization. Mr. Melanson has also developed quality assurance metrics for the Digital Broadband Communications Network (DBCN) as well as customer satisfaction metrics.

Prior to joining Digital Broadband, Mr. Melanson served in key operations management positions over a 12-year career including roles at iBasis Inc., a leading provider of Voice-over-IP (VoIP) solutions, and PictureTel Corporation, a leading provider of videoconferencing equipment and services. During his career, Mr. Melanson drove the successful design and implementation of high quality operational initiatives.

Prior to his career as an Operations executive, Mr. Melanson served as an Operations officer in the United States Coast Guard.

Mr. Melanson holds a BS degree in Mathematics and Computer Science from the United States Coast Guard Academy.



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FAX (202) 223-2085

October 19, 2000

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DEPOSIT DATE
D378 OCT 23 2000

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

Re: Interexchange Resale Application of Digital Broadband Communications, Inc.

Dear Ms. Bayo:

On behalf of Digital Broadband Communications, Inc. ("Digital Broadband"), enclosed for filing please find an original and five (5) copies of Digital Broadband's Interexchange Application for the State of Florida. Also enclosed is the requisite filing fee of \$250.00.

Please date stamp the enclosed extra copy of this filing and return it in the envelope provided. Please direct all correspondence concerning this filing to me at the above address.

Sincerely,

E. Ashton Johnston
Counsel for Digital Broadband Communications, Inc.

Enclosures

cc: B. Kelly Kiser, Esq. (w/o enclosure)
Mark Goodearl



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DEPOSIT DATE

D378 ⁴² OCT 23 2000

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

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 WASHINGTON, D.C. 20036-2430

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PAY TO THE
 ORDER OF

FLORIDA PUBLIC SERV COMMISSION

\$ 250.00

TWO HUNDRED FIFTY AND 00/100

Dollars

FLORIDA PUBLIC SERV COMMISSION

Amelia D. Winter