



CROCKER & CROCKER, P.C.  
ATTORNEYS AT LAW

**PATRICK D. CROCKER**  
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May 1, 2009

Ms. Renee Jenkins, Executive Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43266-0573

**e-FILED VIA DIS SYSTEM**

Re: FIDELITY TELECOM, LLC  
Docket No. 09 – 373 – TP – ACE

Dear Ms. Jenkins:

Enclosed herewith for filing with the Commission please find an original of the above captioned corporation's Application for a Certificate of Public Convenience and Necessity to provide long distance telecommunications services within the State of Ohio.

Should you have any questions concerning this matter, please contact the undersigned.

Very truly yours,

CROCKER & CROCKER, P.C.

Patrick D. Crocker

PDC/tld

**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS**  
(Effective: 01/18/2008)

In the Matter of the Application of Fidelity Telecom, LLC )  
to apply for Certificate of Public Convenience and )  
Necessity to provide resold CTS and telecommunication )  
services in Ohio )

TRF Docket No. 90-\_\_\_\_\_

Case No. 09 - 373 -TP - ACE

NOTE: Unless you have reserved a Case # or are filing a Contract, leave the "Case No" fields BLANK.

Name of Registrant(s) FIDELITY TELECOM, LLC  
DBA(s) of Registrant(s) \_\_\_\_\_  
Address of Registrant(s) 23250 Chagrin Blvd., Suite 250, Beachwood, OH 44122  
Company Web Address www.FidelityVoice.com (under construction)  
Regulatory Contact Person(s) Ron Kohn Phone (216) 593-0300 Fax (866) 549-6489  
Regulatory Contact Person's Email Address ronk@fidelityvoice.com  
Contact Person for Annual Report Ron Kohn Phone (216) 593-0300  
Address (if different from above) \_\_\_\_\_  
Consumer Contact Information Ron Kohn Phone (216) 593-0300  
Address (if different from above) \_\_\_\_\_

Motion for protective order included with filing?  Yes  No

Motion for waiver(s) filed affecting this case?  Yes  No [Note: Waivers may toll any automatic timeframe.]

**Section I – Pursuant to Chapter [4901:11-6 OAC](#) – Part I – Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below. CMRS providers: Please see the bottom of Section II.**

NOTES: (1) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.

(2) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at [www.puco.ohio.gov](http://www.puco.ohio.gov) under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.

<b>Carrier Type</b> <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> ILEC	<input type="checkbox"/> CLEC	<input checked="" type="checkbox"/> CTS	<input type="checkbox"/> AOS/IOS
<b>Tier 1 Regulatory Treatment</b>				
Change Rates within approved Range	<input type="checkbox"/> TRF <a href="#">1-6-04(B)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-04(B)</a> (0 day Notice)		
New Service, expanded local calling area, correction of textual error	<input type="checkbox"/> ZTA <a href="#">1-6-04(B)</a> (0 day Notice)	<input type="checkbox"/> ZTA <a href="#">1-6-04(B)</a> (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA <a href="#">1-6-04(B)</a> (Auto 30 days)	<input type="checkbox"/> ATA <a href="#">1-6-04(B)</a> (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA <a href="#">1-6-04(B)</a> (Auto 30 days)	<input type="checkbox"/> ATA <a href="#">1-6-04(B)</a> (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR <a href="#">1-6-17</a> (0 day Notice)	<input type="checkbox"/> CTR <a href="#">1-6-17</a> (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW <a href="#">1-6-12(A)</a> (Non-Auto)	<input type="checkbox"/> ATW <a href="#">1-6-12(A)</a> (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input type="checkbox"/> SLF <a href="#">1-6-04(B)</a> (Auto 30 days)		
<b>Tier 2 Regulatory Treatment</b>				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF <a href="#">1-6-05(E)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-05(E)</a> (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF <a href="#">1-6-05(C)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-05(C)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-05(C)</a> (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF <a href="#">1-6-05(E)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-05(E)</a> (0 day Notice)	<input type="checkbox"/> TRF <a href="#">1-6-05(E)</a> (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR <a href="#">1-6-17</a> (0 day Notice)	<input type="checkbox"/> CTR <a href="#">1-6-17</a> (0 day Notice)	<input type="checkbox"/> CTR <a href="#">1-6-17</a> (0 day Notice)	
Commercial (Business) Contracts	Not Filed	Not Filed	Not Filed	
Business Services (see "Other" below)	Detariffed	Detariffed	Detariffed	
Residential & Business Toll Services (see "Other" below)	Detariffed	Detariffed	Detariffed	

**Section I – Part II – Certificate Status and Procedural**

<b>Certificate Status</b>	ILEC	CLEC	CTS	AOS/IOS
Certification (See Supplemental ACE form)		<input type="checkbox"/> ACE <a href="#">1-6-10</a> (Auto 30 days)	<input checked="" type="checkbox"/> ACE <a href="#">1-6-10</a> (Auto 30 days)	<input type="checkbox"/> ACE <a href="#">1-6-10</a> (Auto 30 days)
Add Exchanges to Certificate	<input type="checkbox"/> ATA <a href="#">1-6-09(C)</a> (Auto 30 days)	<input type="checkbox"/> AAC <a href="#">1-6-10(F)</a> (0 day Notice)	CLECs must attach a current CLEC Exchange Listing Form	
Abandon all Services - With Customers	<input type="checkbox"/> ABN <a href="#">1-6-11(A)</a> (Non-Auto)	<input type="checkbox"/> ABN <a href="#">1-6-11(A)</a> (Auto 90 day)	<input type="checkbox"/> ABN <a href="#">1-6-11(B)</a> (Auto 14 day)	<input type="checkbox"/> ABN <a href="#">1-6-11(B)</a> (Auto 14 day)
Abandon all Services - Without Customers		<input type="checkbox"/> ABN <a href="#">1-6-11(A)</a> (Auto 30 days)	<input type="checkbox"/> ABN <a href="#">1-6-11(B)</a> (Auto 14 day)	<input type="checkbox"/> ABN <a href="#">1-6-11(B)</a> (Auto 14 day)
Change of Official Name (See below)	<input type="checkbox"/> ACN <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> ACN <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)
Change in Ownership (See below)	<input type="checkbox"/> ACO <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> ACO <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)
Merger (See below)	<input type="checkbox"/> AMT <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> AMT <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)
Transfer a Certificate (See below)	<input type="checkbox"/> ATC <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> ATC <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)
Transaction for transfer or lease of property, plant or business (See below)	<input type="checkbox"/> ATR <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> ATR <a href="#">1-6-14(B)</a> (Auto 30 days)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)	<input type="checkbox"/> CIO <a href="#">1-6-14(A)</a> (0 day Notice)
<b>Procedural</b>				
Designation of Process Agent(s)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)

**Section II – Carrier to Carrier (Pursuant to [4901:1-7](#)), CMRS and Other**

<b>Carrier to Carrier</b>	ILEC	CLEC		
Interconnection agreement, or amendment to an approved agreement	<input type="checkbox"/> NAG <a href="#">1-7-07</a> (Auto 90 day)	<input type="checkbox"/> NAG <a href="#">1-7-07</a> (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB <a href="#">1-7-09</a> (Non-Auto)	<input type="checkbox"/> ARB <a href="#">1-7-09</a> (Non-Auto)		
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA <a href="#">1-7-14</a> (Auto 30 day)	<input type="checkbox"/> ATA <a href="#">1-7-14</a> (Auto 30 day)		
Introduce or change access service pursuant to 07-464-TP-COI	<input type="checkbox"/> ATA (Auto 30 day)			
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC <a href="#">1-7-04</a> or <a href="#">1-7-05</a> (Non-Auto)	<input type="checkbox"/> UNC <a href="#">1-7-04</a> or <a href="#">1-7-05</a> (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC <a href="#">1-7-23(B)</a> (Non-Auto)	<input type="checkbox"/> UNC <a href="#">1-7-05</a> (Non-Auto)		
<b>CMRS Providers</b> See <a href="#">4901:1-6-15</a>	<input type="checkbox"/> RCC [Registration & Change in Operations] (0 day)		<input type="checkbox"/> NAG [Interconnection Agreement or Amendment] (Auto 90 days)	
<b>Other*</b> (explain) _____				

\*NOTE: During the interim period between the effective date of the rules and an Applicant's Detariffing Filing, changes to existing business Tier 2 and all toll services, including the addition of new business Tier 2 and all new toll services, will be processed as 0-day TRF filings, and briefly described in the "Other" section above.

**All Section I and II applications that result in a change to one or more tariff pages require, at a minimum, the following exhibits. Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR and CIO applications see [the 4901:1-6-14 Filing Requirements on the Commission's Web Page](#) for a complete list of exhibits.**

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

**Section III. – Attestation**

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

**AFFIDAVIT**

***Compliance with Commission Rules and Service Standards***

I am an officer/agent of the applicant corporation, Fidelity Telecom, LLC, and am authorized to make this statement on its behalf.  
(Name)

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) \_\_\_\_\_ at (Location) Beachwood, Ohio

\*(Signature and Title)  Ron Kohn, Managing Member

(Date) 4/22/09

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

**VERIFICATION**

I, Ron Kohn, verify that I have utilized the Telecommunications Application Form for Routine Proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

\*(Signature and Title)  Ron Kohn, Managing Member

(Date) 4/22/09

*\*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.*

***Send your completed Application Form, including all required attachments as well as the required number of copies, to:***

**Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street, Columbus, OH 43215-3793**

***Or  
Make such filing electronically as directed in Case No 06-900-AU-WVR***

**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS SUPPLEMENTAL APPLICATION FORM**  
**for CARRIER CERTIFICATION**  
**(Effective: 09/19/2007)**

(Pursuant to Case Nos. 06-1344-TP-ORD and 06-1345-TP-ORD)

NOTE: This SUPPLEMENTAL form must be used WITH the  
TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS.

In the Matter of the Application of Fidelity Telecom, LLC )  
apply for Certificate of Public Convenience and )  
Necessity to provide CTS telecommunication services in )  
Ohio )

Case No. 09 - 373 - TP - ACE

Name of Registrant(s) Fidelity Telecom, LLC  
DBA(s) of Registrant(s) \_\_\_\_\_  
Address of Registrant(s) 23250 Chagrin Blvd., Suite 250, Beachwood, OH 44122

Motion for protective order included with filing?  Yes  No  
Motion for waiver(s) filed affecting this case?  Yes  No [Note: waiver(s) tolls any automatic timeframe]

**List of Required Exhibits**

Tariffs: (Include all that apply)

- Interexchange Tariff<sup>1</sup>                       Local Tariff<sup>1</sup>                       Carrier-to-Carrier (Access) Tariff

Description of Services

NOTE: All Facilities-Based carriers must file an Access Tariff

- Service provisioned via Resale                       Service provisioned via Facilities                       Both Resold and Facilities-based  
 Description of Proposed Services                       Statement about the provision of CTS services                       Description of the proposed market area  
 Explanation of how the proposed services in the proposed market area are in the public interest.                       Description of the class of customers (e.g., residence, business) that the applicant intends to serve

Business Requirements

- Evidence of Registration with:**     Ohio Department of Taxation                       Ohio Secretary of State<sup>2</sup> & Certificate of Good Standing

**Documentation attesting to the applicant's financial viability, including the following:**

- An executive Summary describing the applicant's current financial condition, liquidity, and capital resources. Describe internally generated sources of cash and external funds available to support the applicant's operations that are the subject of this certification application.  
 Copy of financial statements (actual and pro forma income statement and a balance sheet). Indicate if financial statements are based on a certain geographical area(s) or information in other jurisdictions  
 Documentation to support the applicant's cash and funding sources.

**Documentation attesting to the applicant's managerial ability and corporate structure, including the following:**

- Documentation attesting to the applicant's technical and managerial expertise relative to the proposed service offering(s) and proposed service area  
 List of names, addresses, and phone numbers of officers and directors, or partners.  
 Documentation indicating the applicant's corporate structure and ownership  
 Information regarding any similar operations in other states.

If this company has been previously certified in the State of Ohio, include that certification number \_\_\_\_\_

<sup>1</sup> Detariffed services are regulated but not required to be filed in a tariff. For purposes of Certification, all detariffed services offered must be provided as an exhibit.

<sup>2</sup> Certification from Ohio Secretary of State (domestic or foreign corporation, authorized use of fictitious name, etc.), and Certificate of Good Standing is required.

- Verification that the applicant will maintain local telephony records separate and apart from any other accounting records in accordance with the GAAP.

**Documentation attesting to the applicant's managerial ability and corporate structure (cont'd):**

- Verification of compliance with any affiliate transaction requirements

**Documentation attesting to the applicant's proposed interactions with other Carriers**

- Explanation as to whether rates are derived through (check all applicable):
  - interconnection agreement
  - retail tariffs
  - resale tariffs
- Explanation as to which service areas company currently has an approved interconnection or resale agreement.
- A notarized affidavit accompanied by bona fide letters requesting negotiation pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and a proposed timeline for construction, interconnection, and offering of services to end users.

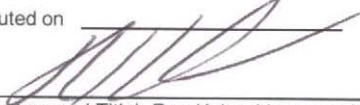
**Documentation attesting to the applicant's proposed interactions with Customers**

- Explanation of whether applicant intends to provide Local Services which require payment in advance of Customer receiving dial tone.
- Tariff sheet(s) listing the services and associated charges that must be paid prior to customer receiving dial tone (if applicable)
- A sample copy of the customer bill and disconnection notice the applicant plans to utilize.
- Provide a copy of any customer application form required in order to establish residential service, if applicable.
- For CLECs, List of Ohio ILEC Exchanges the applicant intends to serve (Use spreadsheet from: [http://www.puc.state.oh.us/puco/forms/form.cfm?doc\\_id=357](http://www.puc.state.oh.us/puco/forms/form.cfm?doc_id=357))
- If Mirroring the entire ILEC exchanges for both serving area and local calling areas, tariffs may incorporate by reference. If not mirroring the entire ILEC serving and/or local calling areas, the CLEC shall specifically define their service and local calling areas in the tariff.

**Affidavit**

I am an authorized representative of the applicant corporation Fidelity Telecom, LLC  
(Name)

and I am authorized to make this statement on its behalf. I attest that I have utilized the Telecommunications Supplemental Application Form for Carrier Certification provided by the Commission, and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct.

Executed on   
(Signature and Title) Ron Kohn, Managing Member

at Beachwood, Ohio  
4/22/02  
(Date)

## **EXHIBIT LIST**

<b>EXHIBIT A</b>	<b>TARIFF</b>
<b>EXHIBIT B</b>	<b>DESCRIPTION OF SERVICES</b>
Exhibit B-1	How Service Provisioned
Exhibit B-2	Description of Proposed Services
Exhibit B-3	Description of Proposed Market Area
Exhibit B-4	Explanation of How Proposed Market Area is in Public Interest
Exhibit B-5	Description of Class of Customers Served
<b>EXHIBIT C</b>	<b>BUSINESS REQUIREMENTS</b>
Exhibit C-1	Registration with Ohio Department of Taxation
Exhibit C-2	Certification Ohio Secretary of State and Good Standing Certificate
<b>EXHIBIT D</b>	<b>DOCUMENTATION ATTESTING TO FINANCIAL VIABILITY</b>
Exhibit D-1	Executive Summary of Financial Condition, Liquidity, and Capital Resources
Exhibit D-2	Financial Statements (Actual and Pro Forma Income Statement and Balance Sheet)
Exhibit D-3	Documentation to support cash and funding sources.
<b>EXHIBIT E</b>	<b>MANAGERIAL ABILITY AND CORPORATE STRUCTURE</b>
Exhibit E-1	Technical and Managerial Expertise
Exhibit E-2	Officers and Directors
Exhibit E-3	Corporate Structure and Ownership
Exhibit E-4	Similar Operations in Other States
Exhibit E-5	Verification Records Maintained in Accordance with GAAP
Exhibit E-6	Compliance with Affiliate Transaction Requirements
<b>EXHIBIT F</b>	<b>DOCUMENTATION ATTESTING TO PROPOSED INTERACTIONS</b>
Exhibit F-1	Sample Bill and Disconnection Notice

**EXHIBIT A**  
**Tariffs**

**Interexchange Services      P.U.C.O. Tariff No. 1**

**Interexchange Service Catalog**



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INTEREXCHANGE TELECOMMUNICATIONS SERVICES

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**TITLE PAGE**

**INTEREXCHANGE TELECOMMUNICATIONS SERVICES TARIFF**

**OF**

**FIDELITY TELECOM, LLC**

Toll Services, except for Customer Deposits, Return Check Charge and Late Payment Charges are now located in the Company's Pricing Guide and may also be viewed at the Company's headquarters: 23250 Chagrin Blvd., Suite 250, Beachwood, OH 44122.

"Customers have certain rights and responsibilities under the Minimum Telephone Service Standards (Ohio Adm. Code 4901:1-5)(MTSS). These safeguards can be found in the Appendix to Ohio Adm. Code 4901:1-5-03, which is entitled "Telephone Customer Rights and Responsibilities". **These rights and responsibilities include complaint handling, ordering or changing service, service repair, payment of bills, and disconnection and reconnection of service.**

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Issued: May 1, 2009

Effective: June 2, 2009

Issued by: Ron Kohn, Managing Member  
FIDELITY TELECOM, LLC  
23250 Chagrin Blvd., Suite 250  
Beachwood, OH 44122

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INTEREXCHANGE TELECOMMUNICATIONS SERVICES

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**INTEREXCHANGE TELECOMMUNICATIONS SERVICES**

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**1.1 Return Check Charge**

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of this tariff and pursuant to Ohio law and Commission regulations. At the option of the Company, this charge may be waived because of extenuating circumstances (i.e. bank error).

**1.2 Late Payment Charge**

If any portion of the payment is not received by the Company, or if any portion of the payment is received by the Company in funds that are not immediately available, within thirty (30) days after the billing date, are subject to late payment penalty charges of 1.5% per month. The late payment charge will not be applied to previous late payment charges that have assessed against but not paid for, but will apply to the accumulated services for which the Customer is in arrears. Late payment charges will be applied without discrimination.

**1.3 Deposits**

Company will not require deposits or advance payments by Customers for services.

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Interexchange Telecommunications Services

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PRICE LIST  
FOR  
DETARIFFED  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES  
PROVIDED BY  
**FIDELITY TELECOM, LLC**

This Price List includes the interexchange services offered to Customers within the State of Ohio that are detariffed by the Public Utilities Commission of Ohio.

The general terms and conditions applicable to the services listed in this Price list are contained in P.U.C.O. Tariff No. 1 on file with the Public Utilities Commission of Ohio.

Copies of the Tariff on file with the Public Utilities Commission of Ohio may be inspected during normal business hours at the Company's principal place of business at 23250 Chagrin Blvd., Suite 250, Beachwood, OH 44122.

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Interexchange Telecommunications Services

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Switched Services

A. Switched Inbound Usage Charges

The Company's Switched Service is offered to business customers for both inbound and outbound, intraLATA, and interLATA, calling over standard switched lines. Calls are billed in sixty (60) second increments after an initial minimum call duration of sixty (60) seconds. The following rates are not time of day sensitive or distance sensitive, and apply 24 hours a day, 7 days a week.

**DAY/EVENING/NIGHT/WEEKEND**

<b>Mileage / Time of Day</b>	<b>Initial 18 Seconds</b>	<b>Additional 6 Seconds</b>
ALL	\$0.0297	\$0.0099

B. Switched Outbound Usage Charges

**DAY/EVENING/NIGHT/WEEKEND**

<b>Mileage / Time of Day</b>	<b>Initial 18 Seconds</b>	<b>Additional 6 Seconds</b>
ALL	\$0.0297	\$0.0099

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Interexchange Telecommunications Services

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Dedicated Services

The Company's Dedicated Service is offered to business and residential customers for both inbound and outbound, intraLATA and interLATA, calling over dedicated access lines. Calls are billed in sixty (60) second increments after an initial minimum call duration of sixty (60) seconds. The following rates are not time of day sensitive or distance sensitive, and apply 24 hours a day, 7 days a week.

A. Dedicated Inbound Usage Rates

**DAY/EVENING/NIGHT/WEEKEND**

<b>Mileage / Time of Day</b>	<b>Initial 18 Seconds</b>	<b>Additional 6 Seconds</b>
ALL	\$0.147	\$0.049

B. Dedicated Outbound Usage Rates

**DAY/EVENING/NIGHT/WEEKEND**

<b>Mileage / Time of Day</b>	<b>Initial 18 Seconds</b>	<b>Additional 6 Seconds</b>
ALL	\$0.147	\$0.049

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Interexchange Telecommunications Services

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Calling Card Usage Rates

**DAY/EVENING/NIGHT/WEEKEND**

<b>Mileage / Time of Day</b>	<b>Initial 30 Seconds</b>	<b>Additional 6 Seconds</b>
ALL	\$0.15	\$0.03

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Interexchange Telecommunications Services

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Recurring Charges

Customers will incur the following monthly Recurring Charges:

	<u>SWITCHED ACCESS</u>	<u>DEDICATED ACCESS</u>
Per 800 Number	\$5.00	\$500.00
Accounting Codes(non-verified)	\$10.00	\$10.00
Authorization Codes/BTN (verified)	\$10.00	\$10.00
Authorization Code change/add/delete	\$20.00	\$2,000.00
Monthly Recurring Charge Per T-1	N/A	MILAGE BASED
Monthly Billing Charge	\$5.00	\$5.00

Non-Recurring Charges

Customers will incur the following Non-recurring Charges:

	<u>SWITCHED ACCESS</u>	<u>DEDICATED ACCESS</u>
Per 800 Number	\$5.00	\$500.00
Accounting Codes(non-verified)	\$25.00	\$2,500.00
Authorization Codes/BTN (verified)	\$25.00	\$2,500.00
Authorization Code change/add/delete	\$25.00	\$2,500.00
Set and Installation Charge	\$25.00	\$2,500.00

Pay Telephone (Payphone) Surcharge

A surcharge shall be assessed for each call made from a pay telephone to an 800 number or using a travel card and dialing the carrier prefix in the form 101XXXX. Although collected on the customer's bill, this charge is reimbursed to pay telephone service provider.

Per Call	\$0.75
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Directory Assistance

The Company provides Directory Assistance as an ancillary service exclusively to its customers. Directory Assistance is accessible by dialing "1" plus the area code of the desired number, and 555-1212. The customer may request up to two numbers per call to Directory Assistance.

Directory Assistance, Per Call	\$1.50
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<u>Long Distance Operator Assistance Service</u>	\$1.99
--	--------



**EXHIBIT B**  
**Description of Services (Exhibit B-1 through B-5)**

**EXHIBIT B-1**  
**Service will be provisioned via resale**

Fidelity Telecom, LLC's ("Applicant") owns no transmission facilities. Applicant will offer service to its subscribers using facilities of the communications networks of AT&T, other facilities-based IXC's and the local exchange telephone companies ("LECs").

Applicant has no plans at this time to construct any telecommunications transmission facilities of its own and seeks no construction authority by means of this Application. Applicant will operate exclusively as a reseller.

**EXHIBIT B-2**  
**Description of Proposed Services**

Applicant also seeks authority to offer a full range of "1+" interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out -WATS, in-WATS, and Calling Card services.

**EXHIBIT B-3**  
**Description of the proposed market area**

The applicant proposed to provide service in all areas in the State of Ohio serviced by AT&T Ohio, other facilities-based IXC's and the local exchange telephone companies ("LECs").

**EXHIBIT B-4**  
**Explanation of how the proposed services in the proposed  
market area are in the public interest**

Granting this application will promote the public interest by increasing competition in the provision of telecommunications services in Ohio. Fidelity Telecom, LLC will provide business customer high quality, cost effective local exchange telecommunications service, with an emphasis on customer service. In addition to driving prices closer to costs, thereby ensuring just and reasonable rates, competition also promotes efficiency in the delivery of services and in the development of new services. These very real benefits work to maximize the public interest by providing continuing incentive for carriers to reduce costs, while simultaneously promoting the availability of potentially desirable services.

**EXHIBIT B-5**  
**Description of the class of customers (e.g., residential,  
business) that the applicant intends to serve**

The Applicant intends to service residential and business customers.

**EXHIBIT C**  
**Business Requirements (See Exhibits C-1 and C-2)**

**EXHIBIT C-1**  
**Evidence of Registration with Ohio Department of Taxation**

Applicant is filing such notification concurrently with this filing. A copy of the notice is attached hereto.



CROCKER & CROCKER, P.C.

ATTORNEYS AT LAW

**PATRICK D. CROCKER**  
[patrick@crockerlawfirm.com](mailto:patrick@crockerlawfirm.com)

May 1, 2009

William Peters, Assistant Administrator  
Ohio Department of Taxation  
Personal Property Tax Division  
Public Utilities Tax Section  
PO Box 530  
Columbus, OH 43216-0530

Dear Mr. Peters:

Please accept this letter as notice that Fidelity Telecom, LLC has applied for a Certificate of Public Convenience and Necessity from the Public Utilities Commission of Ohio ("PUCO") to operate as a provider of telecommunications services within Ohio. The Company expects to begin providing services at or near the time its application is approved by the PUCO.

Information concerning the Company may be obtained by writing or calling the Company at the address and phone number below:

Fidelity Telecom, LLC  
23250 Chagrin Blvd., Suite 250  
Beachwood, OH 44122  
Telephone: (216) 893-0300  
Facsimile: (866) 549-6989

Should you have any questions relating to this correspondence, direct them to the undersigned.

Very truly yours,

CROCKER & CROCKER, P.C.

Patrick D. Crocker

PDC/tld

**EXHIBIT C-2**  
**Evidence of Registration with Ohio Secretary of State**  
**and**  
**Good Standing Certificate**

\*200909701250\*

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
04/08/2009	200909701250	ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO. (LCP)	125.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

CROCKER & CROCKER P.C.  
THE KALAMAZOO BUILDING  
107 WEST MICHIGAN AVE 4TH FL  
KALAMAZOO, MI 49007

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Jennifer Brunner**

**1848967**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**FIDELITY TELECOM, LLC**

and, that said business records show the filing and recording of:

Document(s):  
**ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.**

Document No(s):  
**200909701250**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 6th day of April, A.D. 2009.

Handwritten signature of Jennifer Brunner in cursive.

Ohio Secretary of State

**United States of America  
State of Ohio  
Office of the Secretary of State**

*I, Jennifer Brunner, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show FIDELITY TELECOM, LLC, an Ohio For Profit Limited Liability Company, Registration Number 1848967, was organized within the State of Ohio on April 06, 2009, is currently in FULL FORCE AND EFFECT upon the records of this office.*



*Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 1st day of May, A.D. 2009*

A handwritten signature in black ink, appearing to read "Jennifer Brunner".

**Ohio Secretary of State**

**EXHIBIT D**  
**Documentation attesting to applicant's financial viability**  
**(See Exhibits D-1 through D-3)**

**EXHIBIT D-1**

**An executive Summary describing the applicant's current financial condition, liquidity, and capital resources. Describe internally generated sources of cash and external funds available to support the applicant's operations that are the subject of this certification application.**

See Exhibit D-2



**EXHIBIT D-2**  
**Copy of financial statements**  
**(actual and pro forma income statement and balance sheet)**

**Indicate if financial statements are based on a certain geographical area(s) or  
information in other jurisdictions**

		Fidelity Telecom LLC														
		Pro-Forma														
		Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	12 Months		
Revenue:																
	Long Distance	\$ 30,000	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000	\$ 75,000	\$ 80,000	\$ 85,000	\$ 690,000		
<b>Total Revenue</b>		\$ 30,000	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000	\$ 75,000	\$ 80,000	\$ 85,000	\$ 690,000		
Cost of Good Sold																
	Carrier Expense	\$ 15,000	\$ 17,500	\$ 20,000	\$ 22,500	\$ 25,000	\$ 27,500	\$ 30,000	\$ 32,500	\$ 35,000	\$ 37,500	\$ 40,000	\$ 42,500	\$ 345,000		
<b>Total COGS</b>		\$ 15,000	\$ 17,500	\$ 20,000	\$ 22,500	\$ 25,000	\$ 27,500	\$ 30,000	\$ 32,500	\$ 35,000	\$ 37,500	\$ 40,000	\$ 42,500	\$ 345,000		
Expense																
	Agent Commissions	\$ 6,000	\$ 7,000	\$ 8,000	\$ 9,000	\$ 10,000	\$ 11,000	\$ 12,000	\$ 13,000	\$ 14,000	\$ 15,000	\$ 16,000	\$ 17,000	\$ 138,000		
	Payroll	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 60,000		
	Payroll Expenses	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 550	\$ 6,600		
	Professional Fees	\$ 1,000	\$ 750	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 7,750		
	Office Expense	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 900		
	Travel & Ent	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 600		
	Billing Service	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 6,000		
	Rent	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 3,600		
	Insurance	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 2,400		
<b>Total Expense</b>		\$ 13,675	\$ 14,425	\$ 15,275	\$ 16,275	\$ 17,275	\$ 18,275	\$ 19,275	\$ 20,275	\$ 21,275	\$ 22,275	\$ 23,275	\$ 24,275	\$ 225,850		
Net Income		\$ 1,325	\$ 3,075	\$ 4,726	\$ 6,226	\$ 7,726	\$ 9,226	\$ 10,726	\$ 12,226	\$ 13,726	\$ 15,226	\$ 16,726	\$ 18,226	\$ 119,150		

**EXHIBIT D-3**  
**Documentation to support the applicant's cash and funding sources**



To Whom It May Concern:

Please let this letter serve as authorization for Fidelity Telecom, LLC to use, as it deems necessary, funds from the Fidelity Voice Services LLC line of credit with National City Bank.

Thank you,

A handwritten signature in blue ink, appearing to read 'Marc Scheer', with a long horizontal flourish extending to the right.

Marc Scheer – Member  
Fidelity Voice Services LLC



**Business Banking**  
23000 Millcreek Blvd., LOC 01-7548  
Highland Hills, Ohio 44122

April 22, 2009

Fidelity Voice Services LLC  
23250 Chagrin Boulevard  
Beachwood, Ohio 44122

Re: Line of Credit

To whom it may concern,

This letter is to inform you that Fidelity Voice Services LLC currently has a line of credit in the amount of \$250,000 with National City Bank, now a part of PNC. The line has a current principal balance of \$0.00 and is being paid as agreed.

If you have any questions, please contact Chris Boesch at 216-905-6869.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Cefaratti".

Jennifer Cefaratti  
Client Relationship Representative  
Business Banking

**EXHIBIT E**  
**Documentation attesting to the applicant's managerial**  
**ability and corporate structure**  
**(See Exhibit E-1 through E-6)**

**EXHIBIT E-1**  
**Documentation attesting to the applicant's technical and managerial**  
**expertise relative to the proposed service offering(s) and proposed**  
**service area**

Ron Kohn 30 years experience in business  
15 years served as President of Restaurant chain in Cleveland Ohio  
Past 15 years as C level executive in Telecommunications Industry

Marc Scheer 20 Years running businesses  
Past 5 years as VP of Fidelity Voice and Data

Mitch Marks  
30 years experience in Telco  
Past 10 years as VP of Regional Carrier (Fidelity)

Robert Marks  
20 year telco experience  
Past 10 years Pres of Regional Carrier(Fidelity)  
Prior 5 years ran ATT and Corecomm local service

**EXHIBIT E-2**  
**List of names, addresses, and phone numbers of officer and directors**

**OFFICERS AND DIRECTORS**

Ron Kohn	Managing Member
Marc Scheer	Member
Mitch Marks	Member
Robert Marks	Member

All individuals named above can be reached at:

Fidelity Telecom, LLC  
23250 Chagrin Blvd, Suite 250  
Beachwood, OH 44122  
Telephone: (216) 893-0300  
Facsimile: (866) 549-6989

**EXHIBIT E-3**  
**Documentation indicating the applicant's corporate structure and ownership**

Fidelity Telecom, LLC is an Ohio Limited Liability Company, which is owned by:

Ron Kohn	25%
Marc Scheer	25%
Mitch Marks	25%
Robert Marks	25%



**EXHIBIT E-4**

**Information regarding any similar operations in other states.  
If the company has been previously certified in the State of Ohio,  
include that certification number**

Applicant is a newly formed company that is seeking authority to provide the resale of telecommunications services within the state of Ohio.

The Company has not previously been certified in Ohio.

**EXHIBIT E-5**

**Verification that the applicant will maintain local telephony records  
separate and apart from any other account records in accordance  
with the GAAP.**

Applicant will maintain its local telephone records separate and apart from any other account records in accordance with GAAP.

**EXHIBIT E-6**  
**Verification of compliance with any affiliate transaction requirements**

Applicant is affiliated with:

Fidelity Voice and Data  
23250 Chagrin Blvd, Suite 250  
Beachwood, Ohio 44122

**EXHIBIT F**  
**Documentation attesting to the applicant's proposed interactions**  
**with Customers**

**EXHIBIT F-1**  
**A sample of the customer bill and disconnection notice the applicant**  
**plans to utilize.**

## Sample Bill

**Customer:** [Insert Customer's Name] **Address:** [Insert Address]

**Account No.:** [Insert account number or phone number]

Billing Date	Billing Period	Date Due

### FIDELITY TELECOM, LLC

23250 Chagrin Blvd., Suite 250,  
Beachwood, OH 44122

FOR BILLING INQUIRIES: 216-593-0300

FOR SERVICE INQUIRIES: 866-549-6489

Description	Rate	Quantity	Amount
Current Month's Charges			
Credits applied to account:			
Unpaid charges from previous bill:			
Late payments:			
Charges for regulated competitive service:			
Charges for long distance service calls, including any usage-sensitive charges:			
Non-recurring, fractional or nonbasic service			
Charges for nonregulated services or products:			
Taxes and surcharges: [include summary]			
9-1-1 charges:			
An itemization of long distance charges is attached.			
<b>Total Due</b> \$			

Please remit this bill via U.S. Mail to the address listed on this invoice.

If your complaint is not resolved after you have called Fidelity Telecom, LLC, or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.pickocc.org](http://www.pickocc.org).

## **ITEMIZATION OF CHARGES**

**Itemization of long distance service charges:**

**Monthly rate for long distance flat-rate service (or usage rate or base rate) -**

## NON-RESIDENTIAL DISCONNECTION NOTICE

Fidelity Telecom, LLC

[Date]

Customer Name  
Address 1  
Address 2  
City, State, Zip

Account Number: xxxxxxxx  
Amount Past Due: \$xxxx.xx

This will serve notice that Fidelity Telecom, LLC intends to disconnect your long distance telephone service. Fidelity Telecom, LLC has decided to take this action, because it has not received payment for services since [insert date]. The total amount past due is [insert amount]. Failure to pay the amount required at the company's office or to one of its authorized agents by [insert date] may result in the disconnection of local or toll services. An additional charge for reconnection may apply if your service is disconnected. Payment to an authorized agent may result in the untimely or improper crediting of your account.

The reasons for disconnection of service are [insert reasons]. In order to avoid the disconnection, the subscriber must take the following action [insert action taken and amount of payment to be made which is not greater than past due balance, not including non-regulated services]. The earliest date when disconnection will occur is [insert date].

Please note that the total amount due to avoid disconnection of local service is [insert figure]. The total amount due for toll charges is [insert figure]. Nonpayment of toll charges may result in the disconnection of toll service but not in the disconnection of local service. [If applicable – The total amount due for non-regulated charges is [insert figure]. However, nonpayment of non-regulated charges cannot result in the disconnection of local service or regulated toll service.]

You may contact us to make an inquiry, to discuss the delinquency, or to make a complaint.

Customer Service  
Fidelity Telecom, LLC  
23250 Chagrin Blvd., Suite 250  
Beachwood, OH 44122

Phone: 216-245-4140  
Hours: 7:00 a.m. to 4:00 p.m. EST

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Fidelity Telecom, LLC, or for general information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

You may also be charged a deposit prior to restoration of service, which is [*two-twelfths of the reasonably estimated charge for the following twelve months of service*].

## RESIDENTIAL DISCONNECTION NOTICE

Fidelity Telecom, LLC

[Date]

Customer Name  
Address 1  
Address 2  
City, State, Zip

Account Number: xxxxxxxx  
Amount Past Due: \$xxxx.xx

This will serve as notice that Fidelity Telecom, LLC intends to disconnect your long distance telephone service. Fidelity Telecom, LLC has decided to take this action, because it has not received payment for services since [insert date]. The total amount past due is [insert amount]. Failure to pay the amount required at the company's office or to one of its authorized agents by [insert date] may result in the disconnection of toll services. An additional charge for reconnection may apply if your service is disconnected. Payments to an unauthorized payment agent may result in the untimely or improper crediting of your account.

The reasons for disconnection of service are [insert reasons]. In order to avoid the disconnection, the subscriber must take the following action [insert action taken and amount of payment to be made which is not greater than past due balance, not including non-regulated services]. The earliest date when disconnection will occur is [insert date].

Please note that the total amount due to avoid disconnection of local service is [insert figure]. Please note that the total amount due for toll charges is [insert figure]. Nonpayment of toll charges may result in the disconnection of toll services, but not in the disconnection of local service. [If applicable – The total amount due for non-regulated charges is [insert figure]. However, nonpayment of non-regulated charges cannot result in the disconnection of local service or regulated toll service.]

If you wish to contact Fidelity Telecom, LLC to discuss your account, please call or send all correspondence to:

Customer Service  
Fidelity Telecom, LLC  
23250 Chagrin Blvd., Suite 250  
Beachwood, OH 44122

Phone: 216-245-4140  
Hours: 7:00 a.m. to 4:00 p.m. EST

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Fidelity Telecom, LLC, or for general information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.puco.ohio.gov](http://www.puco.ohio.gov).

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