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VIA OVERNIGHT DELIVERY

December 30, 2002
PUBLIC SERVICE COMMISSION
RECEIVED

Ms. Janet H. Deixler
Acting Executive Secretary
State of New York
Department of Public Service
Public Service Commission
Three Empire State Plaza
Albany, New York 12223
(518) 474-6530

DEC 31 2002

FILES
ALBANY, N.Y.

Re: CHOICE ^{SE45} COMMUNICATIONS, INC.

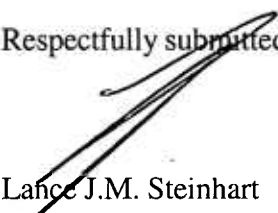
Dear Ms. Deixler:

On behalf of CHOICE COMMUNICATIONS, INC. enclosed please find one original and four (4) copies of CHOICE COMMUNICATIONS, INC.'s Application for Certification as a Common Carrier and as a Reseller of Telephone Services.

This filing includes an interexchange tariff consisting of sheets 1 through 39 bearing an issue date of December 31, 2002 and an effective date of March 31, 2003. CHOICE COMMUNICATIONS, INC. hereby requests that its tariff become effective on the earliest possible date following certification.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope. If you have any questions, or if I may provide you with additional information, please do not hesitate to call me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for CHOICE COMMUNICATIONS, INC.

Enclosures

cc: Mr. Jomo Williams

acknowledged

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of	)	
	)	
CHOICE COMMUNICATIONS, INC.	)	
	)	
Application For Certification	)	
as a Common Carrier	)	Case No.

PETITION FOR CERTIFICATION AS A COMMON CARRIER

CHOICE COMMUNICATIONS, INC. (hereinafter "Applicant"), through its attorney, hereby petitions the New York Public Service Commission (hereinafter the "Commission") for Certification as a Common Carrier pursuant to Section 99 of New York State Public Service Law. In support thereof, the following information is provided:

1. Identification of applicant and principal business office:

Company Name:

CHOICE COMMUNICATIONS, INC.

Street Address:

176-25 Union Turnpike, Suite 276, Fresh Meadows, New York 11366

President and Telephone/Fax:

Jomo Williams Chief Executive Officer and Director

Telephone: (917) 587-7485 and (212) 531-0369; Fax: (718) 736-0630

Other Officers and Telephone/Fax:

Jamal Williams	Director
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Kenyatta Williams	Director
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Keith McMillan	Secretary
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Telephone: (917) 587-7485 and (212) 531-0369; Fax: (718) 736-0630

Copies of all correspondence should be sent to Lance J.M. Steinhart, Esq., 1720 Windward Concourse, Suite 250, Alpharetta, Georgia 30005 who can be reached at 770-232-9200 (telephone), 770-232-9208 (facsimile), and lsteinhart@telecomcounsel.com (e-mail).

2. Consumer Complaint Contact:

Jomo Williams, Chief Executive Officer

176-25 Union Turnpike, Suite 276, Fresh Meadows, New York 11366

Telephone/Fax:

Telephone: (917) 587-7485 and (212) 531-0369; Fax: (718) 736-0630

3. Authority to Transact Business in New York

A copy of the company's Articles of Incorporation and, if not incorporated in New York State, a copy of the authority to transact business in New York State (foreign business authority) is attached hereto as Exhibit A.

4. General description of the services to be offered and how it would enhance competition in the area to be served.

Upon receiving certification, the company intends to provide interstate and intrastate resold and facilities-based telecommunications services in New York, including the following:

1. Interexchange (switched and dedicated services):

- A. 1+ and 101XXXX outbound dialing;
- B. 800/888 toll-free inbound dialing;
- C. Prepaid and Postpaid calling cards;
- D. Directory Assistance; and
- E. Frame Relay and other data services.

2. Local Exchange:

- A. Local Exchange Services for business and residence customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs.
- B. Switched local exchange services such as flat-rated and measure-rated local services; vertical services, Direct Inward and Outward Dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (*e.g.*, private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services.

Grant of this Application will further the public interest and enhance competition by expanding the availability of competitive telecommunications services in the State of New York. In addition, intrastate offering of these services is in the public interest because the services will provide customers with access to new technologies and service choices, and can permit customers to achieve increased efficiencies and cost savings. Applicant's entry into the telecommunications services market thereby will enhance materially the telecommunications infrastructure in the State of New York and will facilitate economic development.

In particular, the public will benefit directly, through the use of the competitive services to be offered by Applicant, and indirectly, because the presence of Applicant in this market will increase the incentives for other telecommunications providers to operate more efficiently, offer more innovative services, reduce their prices, and improve their quality of service.

Applicant's proposed tariffs are attached hereto as Exhibit B. The Applicant further requests authority to file local service tariffs pursuant to 16 NYCRR 630.15, and to enter into contracts with customers in lieu of rates, charges, and regulations set forth in its tariffs on a non-discriminatory basis.

5. Description of the plant and system to be constructed and the anticipated construction schedule.

The Applicant intends to construct its own transmission and switching facilities, utilizing fiber optics, microwave, copper cables, carrier, digital, analog, and other technologies. The Applicant intends to install its initial Class 5 switch in Manhattan by the end of the year 2003 and intends to collocate telecommunications equipment in central offices in Manhattan. Remote vehicles and other switches may subsequently be installed in other areas. The facilities may be used for both switched and private line traffic and shall include the provision of business switched local exchange service. The facilities constructed by the Applicant may be used separately or in conjunction with similar facilities provided by or obtained from other entities.

The Applicant anticipates that its initial operations will be conducted in Manhattan, where its initial switching equipment will be located, and it will service customers in Manhattan, as well as the boroughs of Brooklyn, the Bronx, Queens and Staten Island. Future expansion will occur in other areas of the state as may be authorized by tariff. Accordingly, the Applicant requests statewide certification.

6. Statement regarding switching customers

The company has never acquired a customer by switching it from another company without the customer's authorization.

7. Statement regarding complaints

The company was never the subject of a complaint and/or investigation for unauthorized switching of a customer's local or long distance service from one carrier to another.

8. Federal Employer Identification Number.

Applicant's federal employer identification number is 75-3091159.

9. Access to public safety/emergency telephone services, access to the statewide relay system and lifeline service & Compliance with Commission's Order in Case 94-C-0095, issued May 22, 1996.

The Applicant will comply with all of the requirements set forth in the Commission's Order in Case 94-C-0095, issued May 22, 1996. The specific methodology for such compliance is set forth in Exhibit C which is attached hereto.

10. "0-" call processing

The company will have "0-" emergency calls processed by the ILEC or other "0-" certified operator services provider.

11. IntraLATA presubscription implementation plan.

A copy of the Applicant's IntraLATA presubscription implementation plan is attached hereto as Exhibit D.

In view of the foregoing, Applicant hereby respectfully submits that the Public Convenience and Necessity would be served by the grant of its Certification as a Common Carrier and its Certificate of Public Convenience and Necessity to operate as a reseller and facilities-based provider of local exchange and interexchange telephone services within the State of New York.

Respectfully submitted,

CHOICE COMMUNICATIONS, INC.

By: 

Lance J.M. Steinhart, Esq.
1720 Windward Concourse
Suite 250
Alpharetta, Georgia 30005
770-232-9200
Its Attorney

Duluth, Georgia

July 30, 2002

LIST OF EXHIBITS

Exhibit A - Authority To Transact Business & Articles of Incorporation

Exhibit B - Proposed Tariffs

Exhibit C - Compliance with the Commission's Order in Case 94-C-0095

Exhibit D - IntraLATA Presubscription Implementation Plan

**Exhibit A - Authority to Transact Business
& Articles of Incorporation**

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CERTIFICATE OF INCORPORATION

CSC 45

OF

CHOICE COMMUNICATIONS, INC.

Section 402 of the Business Corporation Law

FILED
2002 OCT -8 PM 1:28

Filer: MR. JOMO M. WILLIAMS
176-25 UNION TURNPIKE
SUITE 276
FRESH MEADOWS, NY 11366-1515
Cust. Ref#772246HXM

DRAWDOWN

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED OCT 08 2002
TAX \$
BY: *[Signature]*

OCT 8 12 10 PM '02

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State of New York }
Department of State } ss:

I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on **OCT 11 2007**



A handwritten signature in black ink, appearing to read "R. A. D.", written over a horizontal line.

Secretary of State

CSC 45 021008000

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CERTIFICATE OF INCORPORATION
OF
CHOICE COMMUNICATIONS, INC.

UNDER SECTION 402 OF THE BUSINESS CORPORATION LAW

The undersigned, a natural person of the age of eighteen years or over, desiring to form a corporation pursuant to the provisions of Section 402 of the Business Corporation Law of the State of New York, hereby certifies as follows:

FIRST: The name of the corporation is:

CHOICE COMMUNICATIONS, INC.

SECOND: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the Business Corporation Law of the State of New York, exclusive of any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained.

THIRD: The office of the corporation in the State of New York is to be located in the County of Queens.

FOURTH: The aggregate number of shares which the corporation shall have the authority to issue is:
Five Thousand (5000) shares at .0001 par value per share.

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FIFTH: The Secretary of State is designated as the agent of the corporation upon whom process against the corporation may be served, and the address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

176-25 Union Turnpike
Suite 276
Fresh Meadows, NY 11366-1515

SIXTH: No director of the corporation shall be personally liable to the corporation or its stockholders for damages for any breach of duty in such capacity except where a judgment or other final adjudication adverse to said director establishes: that the director's acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that said director personally gained a financial profit or other advantage to which he was not entitled, or the director's acts violated Section 719 of the New York Business Corporation Law.

Date: October 7, 2002


Heidi Malt
Incorporator
Corporation Service Company
80 State Street
Albany, NY 12207

Exhibit B - Proposed Tariffs