



210 N Park Ave  
Winter Park, FL  
32789

PO Drawer 200  
Winter Park, FL  
32790-0200

Tel 407-740-8575  
Fax 407-740-0613  
tmi@tminc.com

April 6, 2005  
*Via Overnight Delivery*

Mr. Patrick Miller, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Attention: Sharla Dillon, Dockets and Records Manager

**Re: Docket No. 06-00067; YMax Communications Corp Application for Certificate to Provide Facilities-Based Competing Local Exchange Telecommunications Services -- Response to TRA Data Requests**

Dear Chairman Miller:

Enclosed for filing are the original and thirteen (13) copies of supplemental information regarding the Application of YMax Communications Corp. referenced above.

Questions regarding this filing may be directed to my attention at (407) 740-3031 or via e-mail at sthomas@tminc.com.

Please acknowledge receipt of this filing by returning, file-stamped the extra copy of this cover letter in the self-addressed, stamped envelope enclosed for this purpose.

Thank you for your assistance.

Sincerely,

Sharon Thomas  
Consultant to YMax Communications Corp.

*Enclosure*

cc: P. Russo - YMax  
Service List  
File: YMax - TN Local  
TMS: TNL0600a

RECEIVED  
2005 APR -7 AM 10:12  
TRA DO NOT ROOM

YMax Communications Corp.  
Response to TRA Requests Dated March 30, 2006  
Docket No. 06-00067

YMax Communications Corp. provides the following information in response to the requests for information included in the letter dated March 30, 2006, from Darlene Standley.

1. The \$5,000,000 line of credit reflects funds available from Daniel Borislow, CEO and President of YMax Communications Corp., and sole owner of YMax Corporation, the parent of YMax Communications Corp. An affidavit executed by Mr. Borislow attesting to his willingness and capability to provide the necessary financial backing for YMax's operations in Tennessee is attached.
2. A sample bill – see attached.
3. A surety bond in the amount of \$20,000 is attached. YMax will not have equipment or facilities in Tennessee valued at more than \$5,000,000.
4. Pre-filed testimony of Daniel Borislow is attached.
5. See attached Certificate of Service, which was the last page attached to the Application.

**AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF PALM BEACH


Daniel Borislow, being first duly sworn, deposes and states as follows:

I am Chief Executive Officer and President of YMax Communications Corp.;

I am the Chairman of the Board and sole shareholder of YMax Corporation, the parent and sole owner of YMax Communications Corp.

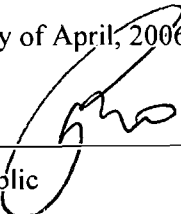
YMax Corporation hereby commits to provide financial support to YMax Communications Corp. sufficient to fund its competitive telecommunications operations in Tennessee.

YMax Corporation has sufficient financial resources to provide such financial support to YMax Communications Corp.

  
\_\_\_\_\_  
Daniel Borislow

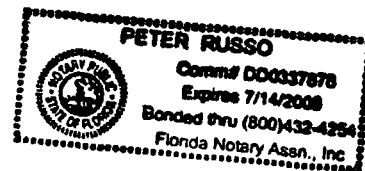
Subscribed and sworn to before me this

5 day of April, 2006

  
\_\_\_\_\_  
Notary Public  
State of Florida

My commission expires:

7/14/2008



# YMax Communications Corp.

223 Sunset Avenue, Suite 223 Y Palm Beach, Florida 33480  
V 561-832-3021 Y FAX 561-832-9377

John Doe  
Account No: XXXXX  
Telephone Number: XXX-XXX-XXXX  
Invoice Number: XXXXXXXX  
Invoice Date: XX/XX/XXXX  
Page 1 of X

## Account Summary:

Previous Charges:	\$xx.xx
Payments Received:	\$xx.xx
Balance from Prior Bill:	\$xx.xx
Current Charges:	\$xx.xx
<b>Total Amount Due by XX/XX/XX:</b>	<b>\$xx.xx</b>

## Current Charges:

### Your Calling Plan

Local Exchange Service (XXX-XXX-XXXX)	\$xx.xx
Ohio Long Distance Calls	\$xx.xx
State-to-State Long Distance Calls	\$xx.xx
Directory Assistance Charges	\$xx.xx
Surcharges:	\$xx.xx
Taxes	\$xx.xx
<b>Total Current Charges:</b>	<b>\$xx.xx</b>

For questions about your bill, please call YMax Customer Service toll-free at (888) 230-0060 or write to us at 223 Sunset Avenue, Suite 223, Palm Beach, Florida 33480.

*Cut along dotted line and return bottom portion with your payment*

YMax Communications Corp.

**Payment Coupon**  
Account No: XXXXX  
Invoice Number: XXXXXXXX

Total Charges	Due Date
\$xx.xx	xx/xx/xxxx

John Doe  
Address 1  
Address 2  
City, TN ZIP

Total Amount Paid. \_\_\_\_\_

Please make checks payable to YMax Communications Corp.

## REMIT PAYMENT TO:

YMax Communications Corp.  
223 Sunset Valley Drive, Suite 223  
Palm Beach, Florida 33480

# YMax Communications Corp.

223 Sunset Avenue Suite 223 Y Palm Beach, Florida 33480  
V 561-232-3021 Y FAX 561-832-8377

John Doe  
Account No: XXXXX  
Telephone Number: XXX-XXX-XXXX  
Invoice Number: XXXXXXXX  
Invoice Date: XX/XX/XXXX  
Page 2 of X

## Surcharges

Subscriber Line Charge	\$xx.xx
Local Number Portability Surcharge	\$xx.xx
Federal USF	\$xx.xx
Total Surcharges:	\$xx.xx

## Taxes

E911 Tax	\$xx.xx
Federal Excise Tax	\$xx.xx
Total Taxes:	\$xx.xx

## Call Detail

### Ohio Long Distance Calls:

Date	Time	Number	City	State	Minutes	Charges
xx/xx	11 15a	XXX-XXX-XXXX	Akron	OH	2 0	\$X XX

### State-to-State Long Distance Calls:

Date	Time	Number	City	State	Minutes	Charges
xx/xx	11 15a	XXX-XXX-XXXX	Akron	OH	2 0	\$X XX

### Directory Assistance Calls:

Date	No. of Calls	Charges
xx/xx	2	\$2 50

# TENNESSEE REGULATORY AUTHORITY

## TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond #: 83BSBDX6971

**WHEREAS**, Ymax Communications Corp. (the "Principal"), has applied to the Tennessee Regulatory Authority for authority to provide telecommunications services in the State of Tennessee; and

**WHEREAS**, under the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is required to file this bond in order to obtain such authority and to secure the payment of any monetary sanction imposed in any enforcement proceeding brought under Title 65 of the Tennessee Code Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the Tennessee Regulatory Authority (the "TRA"); and

**WHEREAS**, Hartford Fire Insurance Company (the "Surety"), a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to issue this bond in order to permit the Principal to comply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated;

**NOW THEREFORE, BE IT KNOWN**, that we the Principal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in accordance with the provisions of Tennessee Code Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand dollars (\$20,000.00) lawful money of the United States of America to be used for the full and prompt payment of any monetary sanction imposed against the Principal, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TRA, for which obligation we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

This bond shall become effective on the 16th day of March, 2006 and shall be continuous; provided, however, that each annual renewal period or portion thereof shall constitute a new bond term. Regardless of the number of years this bond may remain in force, the liability of the Surety shall not be cumulative, and the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed Twenty Thousand Dollars (\$20,000.00). The Surety may cancel this bond by giving thirty (30) days written notice of such cancellation to the TRA and Principal by certified mail, it being understood that the Surety shall not be relieved of liability that may have accrued under this bond prior to the date of cancellation.

### PRINCIPAL

Ymax Communications Corp.

Name of Company authorized by the TRA

Company ID # as assigned by TRA

SIGNATURE OF PRINCIPAL

Name:

Title:

Peter Russo  
Vice President

### SURETY

Hartford Fire Insurance Company

Name of Surety

Hartford Plaza, Hartford, CT 06115

Address of Surety

SIGNATURE OF SURETY AGENT

Name: Geoffrey Rampersad

Title: Attorney-in-Fact

Address of Surety Agent:

10335 N PORT WASHINGTON RD 200

MEQUON, WI 53092-5763

THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)

## ACKNOWLEDGMENT OF PRINCIPAL

STATE OF ~~TENNESSEE~~ FLORIDA  
 COUNTY OF PALM BEACH

Before me, a Notary Public of the State and County aforesaid, personally appeared PETER RUSSO  
 with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing  
 bond on behalf of YMAX COMMUNICATIONS CORP., and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 4 day of APRIL, 2006.

My Commission Expires:

April 17, 2007

Alisa Heitz  
 Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
Alisa Heitz  
 Commission # DD419506  
 Expires: APR. 17, 2009  
 Bonded Thru Atlantic Bonding Co., Inc.

## ACKNOWLEDGMENT OF SURETY

STATE OF FLORIDA  
 COUNTY OF Seminole

Before me, a Notary Public of the State and County aforesaid, personally appeared GEORGE RAMIREZ  
 with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the  
 foregoing bond on behalf of Hatchers Fire Tco., the within named Surety, a corporation licensed to do business in the  
 State of Florida and duly authorized by the Florida Commissioner of Insurance to engage in the surety business in this state  
 pursuant to Title 56, Chapter 2 of the Florida Code Annotated, and that he as such an individual being authorized to do so,  
 executed the foregoing bond, by signing the name of the corporation by himself and as such individual.

WITNESS my hand and seal this 25 day of March, 2006.

My Commission Expires:

11/17/2007, 2000

Emily Olán  
 Notary Public

EMILY OLAN  
 Notary Public, State of Florida  
 Comm. exp. Nov. 17, 2007  
 Comm. No. DD 268217

## APPROVAL AND INDORSEMENT

This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the  
 sureties on the same are good and worth the penalty thereof, and that the same has been filed with the Tennessee Regulatory  
 Authority, State of Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name:

Title:

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE  
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835)

Agency Code: 83 411562

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois  
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of UNLIMITED**

BEVERLY K BOHNERT, TERI TRAJICK, VALERIE MCCORMICK, DOUGLAS E BARNETTE, LAURA WILLIAMS, TERRI REINERTSEN, DEBORAH L NELSON, MARY T MONICA, DAN SHORT, VICKI WHEELER, SUZAN TURNER, SUSAN J NEWTON, GLORIA DIAZ, DEBBI SLOAN, MARGARET A CAREY, STEPHEN KNOTT, KIM GADDY, DEANNA L FULTON, SANDI SMITH, SUANNE COX, LISA PETTINGILL, HARJIT CHAHAL, TEZLYN J WALLACE, HOLLY CARTER, FRANTZ GEBARA, JULIO DELVALLE, JENNY DENNIS, ANN GILE, KATHLEEN ADAMS, EMILY OLAN, CLAUDETTE BLONDIN, GEOFFREY RAMPERSAD, SHELBY WIGGINS, NANCY DUDLEY, EUGENE HERRERA, CHRISTINA MILLER, LORI SAWYER, FRED HERRERA, SABRINA ASHLEY, APRIL HOLT, SLOBODANKA BILIC, JENNIFER PATES, DEBORAH PEKTAS, PAM MORRISSETTE, JENNIFER BENNETT, SHARI RUFF, DONALD GOFF, TANYA RIOS, JENNIFER PATES, SHANTA MAHADEO, CHRISTOPHER LOPEZ, JENNIFER RINALDI, RICARDO MALLARI OF LAKE MARY, FLORIDA

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003, the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Paul A. Bergenholtz*

Paul A. Bergenholtz, Assistant Secretary

*David T. Akers*

David T. Akers, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 4th day of August, 2004, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Scott E. Paseka*

Scott E. Paseka  
Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of March 21, 2006

Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Assistant Vice President



**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY**

In re: Application of )  
**YMax Communications Corp.** )  
For A Certificate to Provide Facilities-Based )  
Competing Local Exchange Telecommunications) )  
Services in Tennessee )

TRA Docket No. 06-\_\_\_\_\_

**TESTIMONY OF DANIEL BORISLOW  
ON BEHALF OF  
YMAX COMMUNICATIONS CORP.**

1 I, Daniel Borislow, do hereby testify as follows in support of the application of YMax  
2 Communications Corp. ("YMax") for a Certificate of Convenience and Necessity as a competing  
3 telecommunications services provider to provide facilities-based long distance and local exchange  
4 telecommunications services throughout the State of Tennessee.

5  
6 **Q. Please state your name and business address.**

7 A. My name is Daniel Borislow. My business address is 223 Sunset Avenue, Suite 223, Palm Beach,  
8 Florida 33480

9  
10 **Q. By whom are you employed and in what capacity?**

11 A. I am employed by YMax Communications Corp., and hold the position of CEO and President.

12  
13 **Q. Please give a brief description of your background and experience.**

14 A. From May 1989 through January 1999, I served as CEO and a Director of Tel-Save Holdings  
15 now Talk America. Tel-Save was a very profitable corporation. As the largest reseller and  
16 customer of AT&T, Tel-Save offered wholesale long distance to other resellers through  
17 marketing and partnership agreements. I took the company public in 1995 and built our own long  
18 distance network by strategically deploying five (5) Lucent class 5E switches across the United  
19 States. In 1997 I negotiated exclusive marketing rights with America Online and was the first  
20 company to offer services online with online billing, provisioning and customer service and a  
21 price point substantially lower than the rest of the market. Prior to my founding Tel-Save  
22 Incorporated, I built the cable systems in the city of Philadelphia

23  
24 **Q. What is the purpose of your testimony?**

25 A. The purpose of my testimony is to present evidence describing the technical, managerial and  
26 financial fitness of YMax Communications Corp. to provide Facilities-Based Local Exchange  
27 Service in Tennessee. This testimony will also describe the services proposed by YMax  
28 Communications Corp. and the proposed tariff structure. Finally, the purpose of my testimony is  
29 to show that the public interest will be served by approval of the application of YMax  
30 Communications Corp. for a certificate of public convenience and necessity to provide facilities-  
31 based service.

1 **Q. Has YMax registered to do business in Tennessee?**

2 A. Yes. The Applicant is a Delaware Corporation, authorized by the Tennessee Secretary of State to  
3 transact business in the State of Tennessee. Registration to conduct business in Tennessee was  
4 provided in Exhibit D of the application package.  
5

6 YMax Communications Corp. is a privately held corporation. YMax Communications Corp. is a  
7 Delaware corporation formed on May 24, 2005. Its parent company, YMax Corporation is also a  
8 Delaware corporation, formed on January 25, 2005.  
9

10 **Q. Has YMax previously obtained authority in Tennessee?**

11 A. No.  
12

13 **Q. Please describe the services YMax proposes to offer.**

14 A. YMax initially proposes to provide local service using unbundled network combinations available  
15 from BellSouth and via resold services. YMax may eventually provide local services via its own  
16 switching facilities.  
17

18 **Q. How will YMax bill for its services?**

19 A. YMax will bill customers directly.  
20

21 **Q. How are trouble reports, billing errors and complaints handled?**

22 A. YMax Communications Corp. provides its own Customer Service to Customers whom the  
23 Company bills directly. The Customer Service Department is open twenty-four (24) hours a day,  
24 seven (7) days a week. YMax's toll free telephone number for customer inquiries, complaints and  
25 repair is 1-888-230-0060. Customers may contact the company in writing at the headquarters  
26 address  
27

28 **Q. Where is YMax currently certificated?**  
29

30 A. YMax is a start-up company, and, as such, has not yet initiated operations in any state. Applicant  
31 has received authority to provide intrastate facilities-based and resold local exchange services and  
32 interexchange services in Florida, Iowa, Maryland (local only), Pennsylvania, New York,  
33 Montana, North Dakota, Texas, Washington and Wisconsin and has applications pending in every  
34 other state.

1 **Q. Describe YMax's financial ability to operate as a local service provider.**

2 A. YMax Communications Corp. is a start-up company and has not yet initiated operations in any  
3 state. I intend to provide the financial resources to support the Company's operations during its  
4 start-up period of operations. Company's Financial Statement is included in the Company's  
5 application and additional information regarding my financial capability is available upon  
6 request.

7  
8 **Q. Does YMax have the managerial and technical qualifications to provide local service in**  
9 **Tennessee?**

10 A. Yes. YMax has a very strong and experienced management team. Biographies of key executives  
11 and technical personnel have been included with the Company's application.

12  
13 **Q. Where in Tennessee does YMax intend to offer its services?**

14 A. Local exchange service will be offered within the present operating areas of BellSouth within  
15 Tennessee.

16  
17 **Q. How will Tennessee consumers benefit from YMax's services?**  
18

19 A. Certification of YMax Communications Corp. will serve the public interest and offer several  
20 benefits to local telecommunication customers in Tennessee. Experience with competition in  
21 other telecommunications markets demonstrates the benefits that competition can bring to  
22 consumers. YMax's proposed services will provide multiple public benefits by increasing the  
23 competitive choices available to users in Tennessee. Enhanced competition in  
24 telecommunications services likely will further stimulate economic development in Tennessee.  
25 In addition, increased competition will create incentives for all carriers to offer lower prices, more  
26 innovative services, and more responsive customer service.

27 **Q. Why is YMax seeking facilities-based authority in Tennessee? Will YMax use any public**  
28 **rights-of-way?**

29  
30 A. YMax plans to purchase unbundled network elements (UNE) and interconnection arrangements  
31 from BellSouth and therefore requires facilities-based authority. Since YMax has no immediate  
32 plans to deploy cable or fiber, it does not foresee using public rights-of-way in the next two  
33 quarters. However, YMax does request the Commission's consent to use public rights-of-way  
34 pursuant to applicable laws for possible future installations.

1     **Q.**     **Does this conclude your testimony?**

2     **A.**     **Yes.**

1  
2  
3  
4 **VERIFICATION**  
5

6 I, Daniel Borislow, first being duly sworn upon oath, depose and say that I am the CEO and President of  
7 YMax Communications Corp., that I have read the above and foregoing prefiled testimony by me  
8 subscribed and know the contents thereof; that said contents are true in substance and in fact, except to  
9 those matters stated upon information and belief, and as to those, I believe same to be true.  
10

11  
12   
13  
14  
15 Daniel Borislow, CEO/President  
16 YMax Communications Corp.  
17

18  
19 **State of Florida**

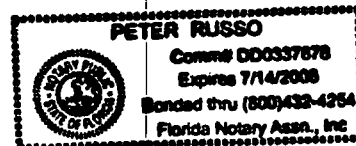
20  
21 **County of Palm Beach**  
22

23  
24  
25 Subscribed and sworn to before me

26 this 5 day of April, 2006  
27

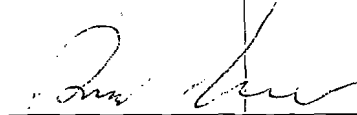
28  
29  
30  
31 Notary/Public  
32

33 My Commission expires: 7/14/2008



## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of YMax Communications Corp. local application upon the enclosed listing of incumbent LECs operating in the State of Tennessee, by mailing such copy by first class mail, postage prepaid or equivalent service



Shipping Department  
Technologies Management, Inc.

This 13<sup>th</sup> day or March 2006