

**CROCKER & CROCKER**

ATTORNEYS AT LAW

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

<b>PAID T.R.A.</b>	
Chk #	2212
Amount	25.00
Rcvd By	TS
Date	11/14/08

November 12, 2008

Tre Hargett, Chairman  
c/o Sharla Dillon, Docket Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

<b>DOCKET NO.</b>
08-00212

Re: Petition of Globalcom, Inc. ("Globalcom") to Utilize an Assumed Name

Dear Chairman Hargett:

Please find enclosed for filing an original and thirteen (13) copies of the above reference Petition. As detailed in the Petition, Globalcom desires to do business in the State of Tennessee using the assume name "First Communications".

Enclosed is a check in the amount of \$25.00 payable to the "Tennessee Regulatory Authority" to cover the filing fee.

Also enclosed is an exact duplicate of this filing. Please date-stamp the duplicate and return same in the self-addressed, stamped envelope.

Should you have any questions, please contact me.

Very truly yours,

CROCKER & CROCKER, P.C.

  
Patrick D. Crocker

PDC/pas

BEFORE THE  
STATE OF TENNESSEE  
REGULATORY AUTHORITY

PETITION OF	)	
GLOBALCOM, INC.	)	Docket No. _____
TO UTILIZE AN ASSUMED NAME	)	

PETITION TO UTILIZE ASSUMED NAME

Globalcom, Inc. ("Applicant" or "Company"), by its attorneys, pursuant to Section 1220-4-1-.08 hereby respectfully requests that the Tennessee Regulatory Authority ("TRA"), approve the Company's use of the assumed name "First Communications".

Upon approval of the use of the assumed name, the Company will amend the title page of its tariff on file with the Tennessee Regulatory Authority accordingly.

The Company further submits the following:

1. On October 10, 2008 the TRA issued an Order in Docket No. 08-00139 granting the Joint Petition of Globalcom, Inc. and First Communications, Inc. for Approval of the Indirect Transfer of Control of Globalcom, Inc. to First Communications, Inc., and shortly thereafter the transfer was consummated.

1. On October 17, 2008, pursuant to T.C.A. § 48-14-103, the Company filed an Application for Registration of Assumed Corporate Name with the Tennessee Secretary of State to use the assumed name "First Communications" for purposes of aligning the Company's identity more closely with that of its parent company, First Communications, Inc. A file-stamped copy of the application and the accompanying filing acknowledgement from the Secretary of State is attached hereto as Exhibit A.

2. The Company has amended its Surety Bond No. K07674090 obtained pursuant to T.C.A. § 64-4-125 in favor of the State of Tennessee with Westchester Fire Insurance Company to reflect usage of the assumed name. The Rider to Bond is attached hereto as Exhibit B.

3. The Company notified customers by utilizing a bill insert in its October billing cycle. A copy of the notification is attached as Exhibit C. The assumed name will be used on a going forward basis, rather than on a service specific basis.

Wherefore, Globalcom, Inc. respectfully requests that the TRA authorize the utilization of the assumed name "First Communications" so that the Applicant may proceed with business under that name without undue delay.

Respectfully submitted,

Globalcom, Inc.  
d/b/a First Communications

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Patrick D. Crocker  
Crocker & Crocker, P.C.  
The Kalamazoo Building  
107 West Michigan Ave, 4<sup>th</sup> Floor  
Kalamazoo, MI 49007

**VERIFICATION**

Patrick D. Crocker, Attorney for Globalcom, Inc. d/b/a First Communications first being duly sworn on oath, deposes and says that he is authorized to verify the foregoing application. He has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

GLOBALCOM, INC.  
D/B/A FIRST COMMUNICATIONS

By: \_\_\_\_\_

Patrick D. Crocker

The foregoing instrument was acknowledged before me this

12<sup>th</sup> day of November 2008, by Patrick D. Crocker.

**PAULA A. SCHNEIDER**  
Notary Public, State of Michigan  
County of Kalamazoo  
My Commission Expires **06-24-2011**  
Acting in the county of \_\_\_\_\_

*Paula A. Schneider*

NOTARY PUBLIC: Paula A. Schneider

My Commission Expires: June 24, 2011

## **EXHIBIT A**

### **Registration of Assumed Corporate Name**

**Secretary of State**  
**Division of Business Services**  
**312 Eighth Avenue North**  
**6th Floor, William R. Snodgrass Tower**  
**Nashville, Tennessee 37243**

DATE: 10/17/08  
REQUEST NUMBER: 6390-2501  
TELEPHONE CONTACT: (615) 741-2286  
FILE DATE/TIME: 10/17/08 0941  
EFFECTIVE DATE/TIME:  
CONTROL NUMBER: 0390450

TO:  
GLOBALCOM INC.  
200 E RANDOLPH  
FLOOR 23  
CHICAGO, IL 60601

RE:  
FIRST COMMUNICATIONS  
APPLICATION FOR REGISTRATION OF ASSUMED CORPORATE  
NAME

THIS WILL ACKNOWLEDGE THE FILING OF THE ATTACHED ASSUMED NAME  
REGISTRATION FOR A FIVE YEAR PERIOD BEGINNING WITH AN EFFECTIVE DATE AS  
INDICATED ABOVE.

THE CORPORATION MAY RENEW THE RIGHT TO USE THIS NAME WITHIN TWO  
(2) MONTHS PRECEDING THE EXPIRATION OF SUCH RIGHT, FOR A PERIOD OF FIVE (5)  
YEARS, BY FILING AN APPLICATION WITH THE SECRETARY OF STATE.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR  
FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

-----  
FOR: APPLICATION FOR REGISTRATION OF ASSUMED CORPORATE      ON DATE: 10/17/08  
NAME

FROM:  
GLOBALCOM, INC.  
333 W. WACKER DR.  
15TH FLOOR  
CHICAGO, IL 60606-0000

	FEES	
RECEIVED:	\$20.00	\$0.00
TOTAL PAYMENT RECEIVED:		\$20.00

RECEIPT NUMBER: 00004488218  
ACCOUNT NUMBER: 00380069



SS-4458

*Riley C. Darnell*

RILEY C. DARNELL  
SECRETARY OF STATE

State of Tennessee



Department of State  
Corporate Filings  
312 Eighth Avenue North  
6th Floor, William R. Snodgrass Tower  
Nashville, TN 37243

APPLICATION FOR  
REGISTRATION OF  
ASSUMED CORPORATE  
NAME

2008 OCT

For Office Use Only

9:41

FILED  
NILEY DANIEL  
SECRETARY OF STATE

6399.2501

Pursuant to the provisions of Section 48-14-101(d) of the Tennessee Business Corporation Act or Section 48-54-101(d) of the Tennessee Nonprofit Corporation Act, the undersigned corporation hereby submits this application:

1. The true name of the corporation is Globalcom, Inc.

2. The state or country of incorporation is IL

3. The corporation intends to transact business in Tennessee under an assumed corporate name.

4. The assumed corporate name the corporation proposes to use is

First Communications

[NOTE: The assumed corporate name must meet the requirements of Section 48-14-101 of the Tennessee Business Corporation Act or Section 48-54-101 of the Tennessee Nonprofit Corporation Act.]

10-16-08  
Signature Date

Globalcom, Inc.  
Name of Corporation

C.O.O  
Signer's Capacity

JMM  
Signature

Joseph Morris  
Name (typed or printed)

0390450

## **EXHIBIT B**

### **Rider to Bond**





## RIDER TO BOND

WESTCHESTER FIRE INSURANCE COMPANY

To be attached to and form a part of Bond No. K07674090 dated October 9, 2008

issued by Westchester Fire Insurance Company, as Surety, on behalf of

Globalcom, Inc. as Principal in favor of

State of Tennessee as Obligee.

WHEREAS, it is understood and agreed that the attached bond is hereby amended to reflect

### Principal Name Change

From: Globalcom, Inc.

To: Globalcom, Inc. DBA First Communications

The attached bond shall be subject to all of its terms, conditions and limitations except as herein modified.

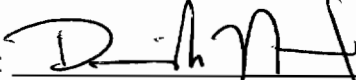
Signed, sealed and dated this 5<sup>th</sup> day of November, 2008.

ACCEPTED:

Principal named in Bond

Obligee named in Bond

WESTCHESTER FIRE INSURANCE COMPANY

By:  (SEAL)  
Derrick Nosal, Attorney-in-Fact

# Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY



1262950

**Know all men by these presents:** That **WESTCHESTER FIRE INSURANCE COMPANY**, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

FURTHER RESOLVED, that the Resolution of the Board of Directors of the Company adopted at the meeting held on November 8, 1999 relating to the authorization of certain persons to execute, for and on behalf of the Company, Written Commitments and appointments and delegations, is hereby rescinded.

Does hereby nominate, constitute and appoint **KIM F. JAMISON, JOSEPH A. GASKILL, DERRICK NOSAL, RICHARD VALENTE, JACQUELINE KERWIN, COLLEEN SYRING and KYLE BAMBULE** all of the City of Chicago, State of Illinois, **DANIEL J. NEEDHAM and CYNTHIA J. HASTINGS** both of the City of Cleveland, State of Ohio, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof. And the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said **Stephen M. Haney**, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said **WESTCHESTER FIRE INSURANCE COMPANY** this 6th day of June 2008.



**WESTCHESTER FIRE INSURANCE COMPANY**

*Stephen M. Haney*

Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 6th day of June, A.D. 2008, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came **Stephen M. Haney**, Vice-President of the **WESTCHESTER FIRE INSURANCE COMPANY** to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



**COMMONWEALTH OF PENNSYLVANIA**  
**NOTARIAL SEAL**  
**KAREN E. BRANDT, Notary Public**  
City of Philadelphia, Phila. County  
My Commission Expires September 26, 2010

*Karen E. Brandt*

Notary Public

I, the undersigned Assistant Secretary of **WESTCHESTER FIRE INSURANCE COMPANY**, do hereby certify that the original **POWER OF ATTORNEY**, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 5<sup>TH</sup> day of NOVEMBER 2008.



*William L. Kelly*

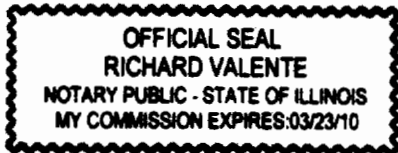
William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER June 6, 2010.

**SURETY COMPANY ACKNOWLEDGEMENT**

STATE OF ILLINOIS  
COUNTY OF WILL

On this 5th day of November in the year 2008 before me personally came Derrick Nosal to me known, who, being by me duly sworn, did depose and say that he resides in Mokena, Illinois; that he is the Attorney-in-Fact of the **WESTCHESTER FIRE INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation and that he signed his name thereto by like order.



  
\_\_\_\_\_  
Notary Public

## **EXHIBIT C**

### **Customer Notification**



Dear Valued Customer,

We are happy to share some exciting news about your telecommunications services. We are proud to announce that, as of October 1, 2008, Globalcom, Inc. has become a part of the First Communications, Inc family of companies.

This event will have no impact on your current services. There will be no change to your rates, service features, or the way in which you use your service. Please be assured that your existing Customer Care team will remain in Chicago and will continue to function as normal. Therefore, you can continue to request changes to your service, submit trouble tickets and receive timely troubleshooting resolutions in the same manner you have in the past. Please continue to call **800-589-1531** or the number printed on your invoice for service or billing inquiries.

First Communications is a full service, facilities-based telecommunications provider headquartered in Northeast Ohio. With sales and service offices in Ohio, Michigan, Pennsylvania, Illinois, and California, First Communications serves more than 214,000 business and residential customers across the U.S. and has a solid financial history with over seven years (30 straight quarters) of profitability with a strong equity base, including a Fortune 100 company. For more information about First Communications, please visit our website [www.firstcomm.com](http://www.firstcomm.com).

First Communications continues to commit itself to creating customer-centric solutions. We recognize the success of a company depends largely on customer satisfaction, which is why we feel this is such exciting news. Both First Communications and Globalcom, Inc. understand this and we will be working together to provide a high level of service while introducing new solutions for your communications needs. First Communications is proud to enhance our presence in the Midwest market and further develop relationships with you the customer.

While we will retain a strong Chicago presence, we will begin work to combine these companies. Over the coming months, we will endeavor to provide you an even higher level of service and introduce new innovative products. To give you a chance to Be Heard, I encourage you to contact me at 330-835-2442 or email me at [rhexamer@firstcomm.com](mailto:rhexamer@firstcomm.com) if you have any questions or concerns.

Welcome to First Communications and thank you for your business

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Hexamer".

Ray Hexamer  
Chief Executive Officer  
First Communications