

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance, TCG South Florida, and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.118, F.A.C., for migration of business local service customers from SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance to BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast or TCG South Florida, and request for expedited treatment.

DOCKET NO. 070692-TP  
ORDER NO. PSC-08-0025-PAA-TP  
ISSUED: January 7, 2008

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING  
SBC LONG DISTANCE, LLC D/B/A SBC LONG DISTANCE D/B/A AT&T LONG  
DISTANCE, TCG SOUTH FLORIDA, AND BELL SOUTH TELECOMMUNICATIONS, INC.  
D/B/A/ FLORIDA D/B/A AT&T SOUTHEAST'S JOINT PETITION FOR WAIVER OF  
CARRIER SELECTION REQUIREMENTS AND TRANSFER OF CUSTOMERS

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. Case Background

On November 16, 2007, SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance (SBC), TCG South Florida (TCG), and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T Florida) submitted a joint petition for a waiver of the subscriber carrier selection and verification requirements contained in Rule 25-4.118, Florida Administrative Code.

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FPSC-COMMISSION CLERK

SBC is a competitive local exchange company (CLEC), TCG is an alternative access vendor with CLEC authority, and AT&T Florida is an incumbent local exchange company. Each company provides local exchange telecommunications services. For the purposes of this order, the companies are collectively referred to as AT&T Companies.

Because of the integration and streamlining of certain AT&T Companies' business operations, SBC will cease providing services to its current single-line business local customers in Florida. SBC's single-line business customers located within AT&T Florida's service territory will be migrated to AT&T Florida. Those customers located elsewhere in Florida will be migrated to TCG. Collectively, there are approximately 54 single-line business customers in Florida. The migration of these customers' local telephone service will have no impact on the customers' long distance service provider. The current long distance service providers selected by the customers will remain the same.

AT&T Florida and TCG seek the waiver of Rule 25-4.118, Florida Administrative Code, so they will not have to obtain each customer's authorization. With the waiver, AT&T Florida and TCG can protect themselves from possible complaints of unauthorized carrier changes (slamming). Customers will benefit because they will not be subject to a loss of service.

We are vested with jurisdiction in this matter pursuant to Sections 364.02, 364.337, and 364.603, Florida Statutes.

## II. Analysis

Pursuant to Rule 25-4.118(1), Florida Administrative Code, a customer's carrier cannot be changed without the customer's authorization. Rule 25-4.118(2), Florida Administrative Code, provides that a carrier shall submit a change request only if one of the following has occurred:

- (a) The provider has a letter of agency (LOA) . . . from the customer requesting the change;
- (b) The provider has received a customer-initiated call for service . . . ;
- (c) A firm that is independent and unaffiliated with the provider . . . has verified the customer's requested change. . .

Pursuant to Rule 25-24.845, Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, is incorporated into Chapter 25-24, and applies to CLECs.

Section 364.337(2), Florida Statutes, states in pertinent part:

A certificated competitive local exchange telecommunications company may petition the commission for a waiver of some or all of the requirements of this chapter, except ss. 364.16, 364.336, and subsections (1) and (5). The commission may grant such petition if determined to be in the public interest.

The authority for Rule 25-4.118, Florida Administrative Code, is found in Section 364.603, Florida Statutes, which is a section this Commission is authorized to waive.

AT&T Florida and TCG have attested that they will provide for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. Customers will be migrated to comparable plans offered by AT&T Florida and TCG. Pursuant to a planned promotion, customers migrated to AT&T Florida will receive a 15% discount on the tariffed rates for their service for 12 months after transfer. Customers migrated to TCG will be charged tariffed rates that most closely match the rates currently billed by SBC. In either case, customers will have sufficient notice and ample time to make an informed decision on whether to remain with AT&T or select another provider.

Our staff has reviewed the notice that will be sent to SBC's customers and found it to be adequate. The customers should not experience any interruption of service or switching fees. In addition, AT&T Florida and TCG have agreed to resolve any customer complaints that arise from issues occurring prior to the customer migrations. None of the AT&T Companies have any outstanding regulatory assessment fees, penalties or interest associated with their respective certifications.

We find that, in this instance, it is appropriate to waive the carrier selection requirements of Rule 25-4.118, Florida Administrative Code. If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another carrier, and lose their local services. Furthermore, granting this waiver will minimize slamming complaints during the transition.

### III. Decision

Therefore, we find it appropriate to approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the migration of SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance's single-line business local customers to TCG South Florida and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the migration of SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance's single-line business local customers to TCG South Florida and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast, be granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of January, 2008.



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ANN COLE  
Commission Clerk

( S E A L )

CCP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 28, 2008.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.