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October 16, 2001

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

011366-TI

**Re: Petition of PNG Telecommunications, Inc. d/b/a
PowerNet Global Communications for limited waiver of
25-4.118 F.A.C.**

Dear Ms. Bayo:

PowerNet Global Communications (PNG) by its attorney, submits an original and eight copies of a Petition of PNG Telecommunications, Inc. d/b/a PowerNet Global Communications for limited waiver of 25-4.118 F.A.C. Please stamp one copy and return it in the enclosed, self-addressed, stamped envelope.

Please do not hesitate to contact me if you should have any questions or concerns at 513-645-1400, ext. 240 or e-mail me at dlbenedict@pngcom.com. Dennis Packer may be contacted at 513-645-1400, ext. 290 or dpacker@pngcom.com.

Sincerely,

Donna Benedict
Legal Administrative Assistant

/db

Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of)
PNG Telecommunications, Inc.) Docket No. 011366-TI
d/b/a PowerNet Global Communications)
for limited waiver of 25-4.118 F.A.C.)
)
)
)
)
)

PETITION FOR LIMITED WAIVER OF 25-4.118 F.A.C.

Pursuant to Fla. Stat. §364.337(4) and F.A.C. §25-24.455, PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), a certificated interexchange carrier, respectfully petitions the Commission for a waiver of the requirements set forth in 25-4.118 F.A.C. regarding interexchange carrier selection. Granting PNG's petition is in the public interest.

I. Factual Background

PNG provides resold intraLATA toll and interexchange telecommunications services in the State of Florida pursuant to the Commission's grant of a Certificate of Public Convenience and Necessity by Order No. PSC-95-0587-FOF-TI in Docket No. 941328-TI (Company Code TI346, Certificate No. 3981)¹.

PNG agreed to purchase the customer base of Atlantic Telephone Company, Inc. ("ATEL"). PNG will purchase the customers on a cash basis; no assets or securities will be

¹ The Commission has also granted PNG authority to provide service as an ALEC (Company Code TX409, Certificate No. 7369) although no customer's local exchange service will be switched as a result of the transaction between PNG and ATEL.

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exchanged. PNG and ATEL hope to complete transfer of the customers to PNG's network on or before November 15, 2001.

During the week of September 10, 2001, PNG mailed a letter to the affected ATEL customers explaining the transfer and assuring them that the quality of service and low rates they have enjoyed with ATEL will continue with PNG. The affected ATEL customers were informed that they would continue to receive quality long distance services at comparable or lower rates from PNG without interruption and without needed action. The affected ATEL customers were also reminded that they are under no obligation to take service from PNG, and that they are free to select another company to transmit their long distance calls. A copy of the letter is attached as Exhibit A.²

PNG filed the required notice to the Common Carrier Bureau of the Federal Communications Commission on September 12, 2001 in accordance with revised Section 64.1120 of the Commission's Rules. A copy of the filed notice is attached as Exhibit B.

The special circumstances warranting a deviation or waiver from the Commission's rules and order include the need to provide seamless transitions of long distance service for the affected ATEL customers.

II. Argument

Pursuant to the Commission's rules, before submitting a preferred carrier change, carriers must verify the subscriber's authorization of the change by one of the methods set forth in 25-

² This notice was sent pursuant to the amended rules promulgated by the Federal Communications Commission in First Report and Order, *In the Matter of 2000 Biennial Review-Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 00-257 (May 15, 2001) and Fourth Report and Order, *In the Matter of Implementation of the Subscriber Carrier Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 94-129 (May 15, 2001)

4.118 F.A.C. Section 25-24.455(4) F.A.C. provides that:

[a]n interexchange company may petition for waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or in part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company.

In disposing of a petition, the Commission may consider whether the petition is in the public interest, whether market forces obviate the need for the provision in a particular instance and whether reasonable alternative regulatory methods may serve the same purpose.

25-24.455(4)(a)-(c) F.A.C.

PNG believes that its petition is in the public interest and that alternative regulatory methods will serve the same purpose in this instance as the Commission's primary interexchange carrier change verification rules. PNG requests that the Commission accept the notice letter attached as Exhibit A in lieu of verification procedures of 25-4.118 F.A.C. The affected customers were notified that their interexchange service will be continued with PNG at the same or lower rates without action required of them; that they may receive a credit for any charge imposed by their local exchange carrier for changing their primary interexchange carrier; and that they are under no obligation to take service from PNG and may select another primary interexchange carrier. Customers were also given PNG's toll-free customer service numbers to call with any questions they may have about the transaction. PNG believes that the notice letter adequately serves the purpose of assuring that customers who remain with PNG genuinely want PNG as their interexchange and intraLATA toll carrier.

On the other hand, the Commission's verification rules would not be served by obtaining prior authorization and verification in order to switch the affected customers of ATEL to PNG.

Customers who may not understand the need to authorize the change in their intraLATA toll and interexchange service provider and who, therefore, fail to respond to a request for authorization, could lose their service or pay potentially higher rates.

Expedited action on this waiver is requested. The purchase agreement provides that time is of the essence in the transfer of the customer base to accommodate ATEL's business plans. Granting PNG's application would allow PNG to provide a seamless transition to former ATEL customers, while ensuring that the affected customers clearly understand available choices. Therefore, the Commission should grant PNG's request for expedited waiver of the Commission's verification rules set forth in 25-4.118 F.A.C.

Respectfully submitted,

POWERNET GLOBAL COMMUNICATIONS



Dennis M. Packer
General Counsel
4839 Business Center Way
Cincinnati, Ohio 45246
Tel: (513)645-1400, ext. 290
Fax: (877)893-8388
E-mail: dpacker@pngcom.com

Exhibit A
Notice Letter



4839 Business Center Way
Cincinnati, OH 45246

Phone: 513-942-7900

Fax: 513-942-5579

e-mail: solutions@pngcom

www.powernetglobal.com

Dear Atlantic Telephone Customer,

PowerNet Global Communications, a national provider of long-distance, data and Internet services has entered into an agreement with Atlantic Telephone ("ATEL") whereby PowerNet Global will purchase the assets of ATEL. As part of this transaction, ATEL and PowerNet Global have agreed to transfer ATEL customer accounts from ATEL to PowerNet Global. PNG will continue to offer you the same excellent service offered by ATEL coupled with the low rates offered by PowerNet Global.

PowerNet Global offers customers simple, flat-rate pricing any time of the day or night. So PowerNet Global will be offering you rates comparable to if not lower than the rates you are currently getting with ATEL.

ATEL and PowerNet Global will work together to ensure that your transition to PowerNet Global will be seamless with no interruption of service. Nor will you be required to pay any switchover fees associated with the transfer. If you have any questions or concerns about your service with ATEL, the change to PowerNet Global or about the rates, terms and conditions of services offered by PowerNet Global, we encourage you to call PowerNet Global's customer service at 1-888-637-7703. Our customer service representatives will be happy to discuss the transition with you and to answer any questions you may have.

Beginning now, you will receive your monthly bill from ATEL and PowerNet Global Communications (PNG). Your billing cycle ends on the 16th of each month. If you have an outstanding balance with Atlantic Telephone, you will receive a separate statement for this amount.

INSERT SERVICES FOR INDIVIDUAL ACCOUNTS HERE

If you had a calling card with ATEL, your new card is enclosed. If you wish, you may continue to use your old PIN but you must use the Toll Free number printed on the back of the enclosed card to use this calling card service.

Exhibit A
Notice Letter

If you do not have a Calling Card or a Toll-Free number but are interested in these convenient, money-saving services please give us a call and we'll be glad to tell you about these services and have them added to your account.

We are confident you will be pleased with the superior service you receive from PowerNet Global. We also recognize, however, that you are free to select another carrier at any time. If you do not choose another carrier before October 16, 2001, PowerNet Global will become your carrier, even if you have arranged for preferred carrier freeze with your local service provider. We want you to know that we value our relationship with you and pledge to provide you with value-added communications solutions and unrivaled customer support.

Sincerely,

Bernie Stevens
CEO
PowerNet Global Communications

Sincerely,

Richard Tamplin
President / Chairman
Atlantic Telephone

Exhibit B
FCC Notice



4839 Business Center Way
Cincinnati, OH 45246

Phone: 513-942-7900
Fax: 513-942-5506

E-Mail: solutions@pngcom.com
www.powernetglobal.com

September 12, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 00-257

Dear Ms. Salas:

PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), pursuant to amended Section 64.1120 of the Commission's Rules¹, respectfully notifies the Commission of its intent to transfer all presubscribed customers of Atlantic Telephone Company, Inc. ("ATEL") nationwide to PNG without first obtaining each subscriber's individual authorization and verification.² Pursuant to amended Section 64.1120 of the Commission's Rules, PNG provides the following information:

Names of Parties to the Transaction: The acquiring carrier is PNG Telecommunications, Inc. d/b/a PowerNet Global Communications. The selling carrier is Atlantic Telephone Company, Inc.

Types of Telecommunications Services Provided to the Affected Customers: PNG provides intrastate, interstate and international long distance services, local services and data services to residential and business customers through a combination of its own facilities and resale of the services of other carriers. PNG is authorized to provide service in 48 states and the FCC has authorized PNG to provide both interstate and international services.

¹ 47 C.F.R. §64.1120

² Pursuant to 47 C.F.R. §64.1150, prior to submitting a preferred carrier change, carriers must either (1) obtain the subscriber's written and signed authorization; (2) obtain confirmation from the subscriber via a toll-free number provided for the exclusive purpose of confirming orders electronically; or (3) utilize an independent third party to verify the subscriber's order.

ATEL provides resold intrastate, interstate and international long distance services to business and residential customers. ATEL has been authorized by the FCC to provide both interstate and international long distance services and ten states have authorized ATEL to provide resold intrastate long distance service.

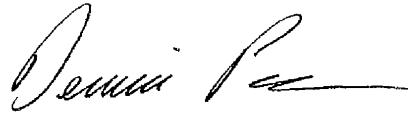
Date of the Transfer: The parties expect that ATEL customers will receive written notification of the transfer by September 17, 2001. ATEL customers will be transferred to PNG on October 16, 2001.

Certification of Compliance: PNG's certification that it will comply with the required procedures for the customer base transfer, including the provision of advance written notice to all affected ATEL customers, is appended hereto as Attachment A.

Notice Sent to Affected Customers: A copy of the notice sent to affected ATEL customers is appended hereto as Attachment B.

Respectfully Submitted

POWERNET GLOBAL COMMUNICATIONS



By:

Dennis M. Packer
General Counsel
4839 Business Center Way
Cincinnati, Ohio 45246
Tel: (513)645-1400, ext. 290
Fax: (877)893-8388
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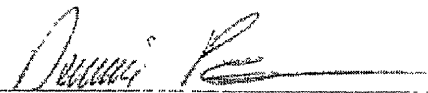
Exhibit B
FCC Notice

CERTIFICATION OF
PNG TELECOMMUNICATIONS, INC.
d/b/a
POWERNET GLOBAL COMMUNICATIONS

On behalf of PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), and in accordance with Section 64.1120, I hereby certify that:

1. Under penalty of perjury, that I have read the foregoing document and that the statements therein are true, complete and correct to the best of my knowledge, except as to statements therein that stated upon information and belief. As to those statements, I believe them to be true.
2. PNG will comply with the required FCC procedures for the transfer of Atlantic Telephone Company, Inc.'s ("ATEL") customer base to PNG, including the provision of advanced written notice to all affected ATEL customers.

POWERNET GLOBAL COMMUNICATIONS

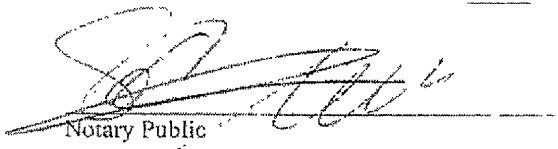
By: 

Name: DENNIS M. BAKER

Title: GENERAL COUNSEL

Date: SEPTEMBER 13, 2001

Sworn to and subscribed before me this 12th day of September, 2001.


Notary Public

My Commission expires:
STACY A. LEWIS, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 127.05 ORC

Exhibit B
FCC Notice

Dear Atlantic Telephone Customer,

PowerNet Global Communications, a national provider of long-distance, data and Internet services has entered into an agreement with Atlantic Telephone ("ATEL") whereby PowerNet Global will purchase the assets of ATEL. As part of this transaction, ATEL and PowerNet Global have agreed to transfer ATEL customer accounts from ATEL to PowerNet Global. PNG will continue to offer you the same excellent service offered by ATEL coupled with the low rates offered by PowerNet Global.

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ATEL and PowerNet Global will work together to ensure that your transition to PowerNet Global will be seamless with no interruption of service. Nor will you be required to pay any switchover fees associated with the transfer. If you have any questions or concerns about your service with ATEL, the change to PowerNet Global or about the rates, terms and conditions of services offered by PowerNet Global, we encourage you to call PowerNet Global's customer service at 1-888-637-7703. Our customer service representatives will be happy to discuss the transition with you and to answer any questions you may have.

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Exhibit B
FCC Notice

value-added communications solutions and unrivaled customer support.

Sincerely,

Sincerely,

Bernie Stevens
CEO
PowerNet Global Communications

Richard Tamplin
President / Chairman
Atlantic Telephone