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Sent: Thursday, February 16, 2006 3:52 PM
To: Filings@psc.state.fl.us
Subject: New Docket- Sprint's Joint Petition for Waiver
Attachments: Sprint Communications Co, LP and Spring LD, inc. Joint Petitioni for Waiver.pdf

Filed on behalf of:

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Docket No. 060142 - TP

Title of filing: Sprint Communications Company, Limited Partnership and Sprint Long Distance, Inc.'s Joint Petition for Waiver of Rule 25-4.118, Florida Administrative Code.

Filed on behalf of Sprint**11 pages**

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February 16, 2006

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 060142-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint Communications Company, Limited Partnership and Sprint Long Distance, Inc. is Sprint's Joint Petition for Waiver of Rule 25-4.118, Florida Administrative Code.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan S. Masterton

Enclosure

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CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.
Mail this 16th day of February, 2006 to the following:

Florida Public Service Commission
Patrick Wiggins
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Florida Public Service Commission
Ray Kennedy
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Susan S. Masterton

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications)
Company, Limited Partnership and Sprint)
Long Distance, Inc. for Waiver of)
Rule 25-4.118, F.A.C., Local,)
Local Toll or Toll Provider Selection in)
Connection with the Transfer of certain)
Sprint Communications Company, Limited)
Partnership Long Distance Customers to)
SprintLong Distance, Inc.)

Docket No. 060142-TTP

Filed: February 16, 2006

JOINT PETITION FOR WAIVER

Pursuant to Rule 25-24.455(4), Florida Administrative Code, Sprint Communications Company, Limited Partnership ("Sprint LP") and Sprint Long Distance, Inc. ("Sprint LD"), collectively "Joint Petitioners", petition the Florida Public Service Commission ("Commission") for a waiver of Rule 25-4.118, Florida Administrative Code. The purpose of the Petition is to allow the transfer of residential and business long distance customers of Sprint LP that are located in the local service territory of Sprint-Florida, Incorporated (Sprint-FL) to Sprint LD without obtaining individual authorization and verification from each of Sprint LP's customers. This transfer of customers is incident to the spin-off of Sprint Nextel Corporation's incumbent local exchange operations, approved by this Commission in Order No. PSC-06-0033-FOF-TP.¹

In support of this Petition, Petitioners state as follows:

Description of Petitioners

1. Sprint LP is a Delaware limited partnership with principal offices located at 6200 Sprint Parkway, Overland Park, KS. Sprint LP is registered with the Commission to

¹ Upon completion of the separation, Sprint-FL and Sprint LD will change their names to reflect the LTD Holding Company's new name of Embarq Corporation.

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provide intrastate interexchange service in Florida. Sprint's representative for the purposes of this proceeding is:

William R. Atkinson
Sprint Nextel
3065 Cumberland Cir., SE
Mailstop GAATLD0602
Atlanta, Georgia 30339
(404) 649-4882 (voice)
(404) 649-1652 (fax)
bill.atkinson@sprint.com

2. Sprint LD is a Delaware corporation with principal offices located at 6200 Sprint Parkway, Overland Park, KS 66251. Sprint LD is registered with the Commission to provide intrastate interexchange service in Florida. Sprint LD's representative for the purposes of this proceeding is:

Susan S. Masterton, Esq.
Sprint-Florida, Incorporated
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (voice)
(850) 878-0777 (fax)
susan.masterton@sprint.com

Rule to be Waived

3. Pursuant to Rule 25-4.118, F.A.C., a customer's interexchange telecommunications provider may not be changed without the customer's authorization. To make such a change, a carrier must obtain a letter of agency from the customer requesting the change, must obtain confirmation from the subscriber via a customer-initiated call, or must use an independent third party to verify the subscriber's order. The requirements of Rule 25-4.118, F.A.C., are applicable to interexchange companies through incorporation by reference in Rule 25-24.490, F.A.C.

4. Petitioners are requesting a waiver of Rule 25-4.118, F.A.C., so that Sprint LP may transfer to Sprint LD residential and business long distance customers located in Sprint-FL's local service territory. As explained more fully below, affected Sprint customers will be notified in writing prior to the transfer of their services and of their rights under federal law pursuant to the applicable rule of the Federal Communications Commission ("FCC").²

Description of the Transaction

5. Sprint LP will transfer its residential customers located in Sprint-FL's local service territory to Sprint LD. In addition, Sprint LP will transfer its small business customers located in Sprint-FL's territory and business customers with headquarters located in Sprint-FL's territory to Sprint LD.³ The transfer is anticipated to begin on April 29, 2006 and be completed by May 7, 2006 and will affect approximately 800,000 long distance customers of Sprint LP.

6. The Commission has previously approved and acknowledged the transfer of ownership of Sprint LD (as well as Sprint-Florida, Incorporated and Sprint Payphone Services, Inc.) from Sprint Nextel Corporation to Embarq Corporation f/k/n as LTD Holding Company, Inc. As stated in the application for transfer of control, Sprint LD was created to serve as the long distance adjunct to Sprint-Florida, Incorporated.

7. The purpose of the transfer and the requested waiver is to ensure that the separation of Sprint's incumbent local service operations from Sprint Nextel results in a seamless transition for customers in Sprint-FL territory who currently purchase their long

² 47 C.F.R. § 64.1120(e).

³ Sprint LP will continue to provide interexchange services to residential and business customers throughout Florida and its other jurisdictions. In addition, Sprint LP will continue to provide wholesale interexchange services so that companies like Sprint LD can meet their customers' expectations in Florida and other states.

distance service from Sprint LP. The transfer and waiver will facilitate “one-stop shopping” for Sprint-FL customers and ensure that Sprint-FL customers receiving bundled service offerings that include long distance service currently provided by Sprint LP will continue to receive these bundles at the same rates, terms and conditions as they do now.⁴

8. There will be no changes to the affected customers service plans, rates, features, terms or conditions as a result of the proposed transaction. Sprint LD’s current tariffs on file with the Commission allow Sprint LD to continue to provide service under the same rates, terms and conditions that the customers currently receive service.

9. As required by the FCC rule, Sprint LD will provide notice to the affected customers at least 30 days prior to the transfer via letter explaining the transfer and available customer choices. Drafts of the customer notice letters are attached as Attachment A.⁵ The notices in Attachment A will also serve as Sprint’s compliance with FCC Rule 64.1120(e), by providing at least 30 days notice of the transfer to affected customers.

10. The customer interface for these customers will not change. Sprint LD will be responsible for any outstanding customer complaints after the date of the transfer, but will work with Sprint LP to resolve any complaints regarding service prior to the transfer.

Public Interest Considerations

11. The Commission enacted Rule 25-4.118, F.A.C., to implement the provisions of section 364.603, Florida Statutes. Rule 25-24.455, F.A.C., allows the Commission to waive the application of rules applicable to IXCs based on consideration of the following:

⁴ Over 50% of Sprint-FL’s residential customers currently purchase a bundle that includes long distance service.

⁵ Separate notices will be provided to residential and business customers.

- (a) The factors enumerated in section 364.337(4), Florida Statutes;
- (b) The extent to which competitive forces may serve the same function as, or obviate the need for, the provision sought to be waived;
- (c) Alternative regulatory requirements for the company which may serve the purposes of this part; and
- (d) Whether the waiver is in the public interest.


12. The public interest will be served by waiving Rule 25-4.118, Florida Administrative Code, for the transfer of Sprint LP's customers to Sprint LD because it will: ensure a seamless transition for customers in Sprint-FL territory who currently purchase their long distance service from Sprint LP; facilitate "one-stop shopping" for Sprint-FL customers; and, ensure that Sprint-FL customers receiving bundled service offerings that include long distance service currently provided by Sprint LP will continue to receive these bundles at the same rates, terms and conditions as they do now. Waiver of Rule 25-4.118 also may avoid possible disruptions of service to customers, as customers may fail to respond to a request for authorization or neglect to select another carrier. Competitive forces in the long distance market obviate the need for strict compliance with Rule 25-4.118 under the circumstances. The procedures for transfer and customer notification proposed by the Joint Petitioners are alternative regulatory procedures that serve the purposes of the rule and will prevent unnecessary slamming complaints during the transition.

13. The Commission has granted petitions for waiver in similar circumstances in several prior cases. See, e.g., *In re: Petition for waiver of carrier selection requirements of Rule 25-4.118, F.A.C. to allow Covista, Inc. to transfer certain commercial long distance customer accounts to PaeTec Communications, Inc.*, Order No. PSC-04-0818-PAA-TI, issued August 23, 2004 in Docket No. 040607-TI; *In re: Joint application for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for transfer of partial*

customer base from The Free Network, L.L.C. (Holder of IXC Registration No. TJ 237) to Lightyear Communications Inc. (holder of IXC Registration No. TI189), Order No. PSC-03-0955-PAA-TI, issued August 22, 2003 in Docket No. 030483-TI.

WHEREFORE, Joint Petitioners request that the Commission grant the Petition and waive the requirements of Rule 25-4.118 to permit Sprint LP to transfer certain customers to Sprint LD, as described above. In addition, Joint Petitioners request that the Commission consider and rule on this Petition expeditiously, to enable Joint Petitioners to meet the April 29, 2006 to May 7, 2006 timeframes for transferring customers set forth above.

Respectfully submitted this 16th day of February 2006.



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-and-

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(404) 649-4882 (voice)
(404) 649-1652 (fax)
bill.atkinson@sprint.com

On behalf of Joint Petitioners

Consumer Migration Letter
Final Draft

IMPORTANT NOTICE REGARDING YOUR SPRINT LONG DISTANCE SERVICE

<Date>

<Long Distance Account Number>

<First Name> <Last Name>

<Address>

<City>, <State> <ZIP>

Dear <First Name> <Last Name>:

We are contacting you about an upcoming change to your long distance service. We recently told you about <NLC Company Name>, your new local telecommunications company. As we explained, <NLC Company Name> will not be part of the Sprint Nextel family of companies.

As a result of this separation, Sprint Communications Company L.P., your current long distance provider, will transfer your long distance service to <NLC Long Distance, Inc.>, a subsidiary of <NLC Company Name>. The transfer of your services will begin on or about April 29, 2006, and should conclude on or about May 7, 2006. After the transfer is complete, <NLC Long Distance, Inc.> will replace Sprint Communications Company L.P. as the long distance service provider listed on your invoice. These changes are subject to obtaining all required regulatory approvals, and the filing of all appropriate documents with state agencies.

Please be assured that this transition will have no impact on your services whatsoever. You will continue to receive uninterrupted service at the same high level of quality you have come to expect. You will also retain your current plan, rates, features, Terms and Conditions of Service, and your current customer service contacts.* You will not incur any charges related to the transfer of service to <NLC Long Distance, Inc.>, and no action is required from you regarding this transfer.

All customers have a choice in carriers for their long distance service. If you choose a different carrier for your long distance service, you may incur a fee for transferring your service. Should you choose to stay with Sprint Communications Company L.P. or select another carrier for your long distance service, you will lose certain "bundled" discounts or other benefits you may currently enjoy on your local and long distance service. A list of most long distance service providers is typically available in your local telephone directory.

Under Federal Communications Commission rules, any restrictions or "freezes" you may have placed on your account to block changes to your preferred long distance carrier will be removed as part of the transfer process. If you wish to reinstate such restrictions, have any questions about the transfer, need any assistance, or if you have any complaints before, during, and after this transfer process, please contact customer service at <1-800-xxx-xxxx>.

We welcome you to <NLC Company Name> and look forward to providing you with reliable, innovative products and services for years to come.

Sincerely,

ATTACHMENT A

<NLC Consumer Signature>

* Customers with a bundled product (a combination of local products that qualify them for a specific long distance plan) who make a change to that bundle of services will be moved to an appropriate qualifying long distance plan. Specific details regarding the long distance plan may be found at www.xxxxxxxxxx.

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Business Migration Letter
Final Draft

IMPORTANT NOTICE
REGARDING YOUR SPRINT BUSINESS LONG DISTANCE SERVICE

<Date>

<Long Distance Account Number>
<Company Name>
<Address>
<City>, <State>, <ZIP>

Dear Valued Business Customer:

We want to let you know about an upcoming change to your business long distance service. Our local telecommunications division is being separated from Sprint Nextel to become an independent company - <NLC Company Name>. If you have local services from Sprint, you should have already received information about these plans.

As a part of this process, and as allowed under your terms of service, Sprint Communications Company L.P., your current long distance provider, will assign your business long distance service to <NLC Long Distance, Inc.>, an affiliate of Sprint Communications Company L.P., and a subsidiary of <NLC Company Name>. The transfer of your business long distance service will begin on or about April 29, 2006, and should conclude on or about May 7, 2006. After the transfer is complete, <NLC Long Distance, Inc.> will replace Sprint Communications Company L.P. as the long distance service provider listed on your invoice.

This transition will have no other impacts on your business long distance service. The transfer will occur automatically; no action is required on your part. You will continue to receive the same quality of service that you currently enjoy. <NLC Long Distance, Inc.> will be responsible for handling any questions or complaints you may have before, during, and after this transfer process.

The transfer will not affect your rates or terms of service, including the right to choose a different long distance carrier. Should you choose any carrier other than <NLC Long Distance, Inc.> for your long distance service, please be aware that any discounts or other benefits you may enjoy as a result of combining your local and long distance service with one provider will be lost. Any early termination liabilities associated with your long distance service may also apply.

Under Federal Communications Commission rules, any restrictions or "freezes" you may have placed on your account to block changes to your preferred business long distance carrier will be removed as a part of the transfer process. Your local carrier can reinstate such restrictions if you wish. You may visit www.sprint.com/pic for further information.

If you have any questions about the transfer of your business long distance service, please call us at 1-866-407-6523. We look forward to providing you with outstanding products and services.

Sincerely,

Tom McEvoy
President, Business Markets