

Matilda Sanders

ORIGINAL

From: Whitt, Chrystal [LTD] [Chrystal.Whitt@sprint.com]
Sent: Monday, February 27, 2006 3:32 PM
To: Filings@psc.state.fl.us
Subject: Docket No. _____ Sprint Communications Company, Limited Partnership and Sprint Long Distance, Inc. is Sprint's Joint Petition for a waiver
Attachments: Sprint Joint Petition of Waiver.pdf

060167-Tx

Filed on behalf of:

Susan S. Masterton
Counsel
Law/External Affairs
Sprint
1313 Blair Stone Rd.
Tallahassee, FL 32301
M/S FLTLHO0102
(850) 599-1560 v
(850) 878-0777 f
susan.masterton@sprint.com

Docket No.

Title of filing: Sprint Communications Company, Limited Partnership and Sprint Long Distance, Inc. is Sprint's Joint Petition for a waiver

Filed on behalf of Sprint

14 pages

DOCUMENT NUMBER-DATE
01684 FEB 27 8
FPSC-COMMISSION CLERK

ORIGINAL



Susan S. Masterton
Attorney

Law/External Affairs
P3TL100107
Post Office Box 2214
1513 Blair Stone Road
Tallahassee, FL 32316-2214
Voice 850 599 1560
Fax 850 878 0777
susan.masterton@mail.sprint.com

February 27, 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. _____

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 a 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

DOCUMENT NUMBER-DATE

01684 FEB 27 06

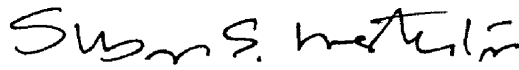
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.
Mail this 27th 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 Local Customers to Sprint Long Distance, Inc.)	Docket No. _____
)	
)	
)	
)	
)	Filed: February 27, 2006
)	
)	
)	

JOINT PETITION FOR WAIVER

Pursuant to Rule 25-24.455(4), Florida Administrative Code, and section 364.337(2), Florida Statutes, 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, to allow the transfer of the competitive local exchange customers of Sprint LP located in the Orlando, Florida area 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 certificated by the Commission to provide competitive local exchange service (Certificate No. 4732) and registered with the

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.

DOCUMENT NUMBER-DATE

01684 FEB 27 06

FPSC-COMMISSION CLERK

Commission to provide intrastate interexchange service in Florida. Sprint LP'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 certificated by the Commission to provide competitive local exchange service (Certificate No. 8609) and 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 local exchange or 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., and to CLECs through incorporation by reference in Rule 25-24.845, F.A.C.

4. Petitioners are requesting a waiver of Rule 25-4.118, F.A.C., so that Sprint LP's local customers located in the Orlando, Florida area may be transferred to Sprint LD. In connection with their local service, many of these customers also purchase long distance service from Sprint LP. 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. The CLEC customers of Sprint LP located in the Orlando area will be transferred to Sprint LD. As stated previously, many of these customers also purchase long distance service, which will be included in the transfer. The transfer is anticipated to begin on April 29, 2006 and be completed by May 7, 2006 and will affect approximately 440 customers of Sprint LP.³

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/a LTD Holding Company, Inc. ("Embarq"). In addition to serving as Embarq's long distance subsidiary, Sprint LD serves as the CLEC subsidiary of Embarq in Florida, and was created to allow Embarq to compete for local customers outside of Sprint-Florida's certificated territory.

² 47 C.F.R. § 64.1120(e).

³ These dates are target dates. It is not anticipated that the transfer will occur prior to these date, but might occur somewhat later. In any event, the notification letter will be sent at least 30 days before the transfer, as required by FCC rules.

As part of the separation of Embarq from Sprint Nextel, the CLEC customers of Sprint LP in the Orlando area are being transferred to Sprint LD. Subsequent to the transfer, Sprint LP will no longer provide these competitive local exchange services in the Orlando area. The purpose of the transfer and the requested waiver is to facilitate the separation of Sprint's incumbent local service operations from Sprint Nextel and to ensure the seamless transfer of Sprint LP's competitive local service customers in the Orlando area to Sprint LD.

7. There will be no changes to the affected customers, service plans, rates, features, terms or conditions as a result of the proposed transaction.

8. 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.⁴ 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.

9. 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.

⁴ Separate notices will be provided based on the services a customer receives:

1. Local only - will receive the Local-Only Migration Letter
2. Local + LD at a single customer location - will receive the Local + LD Migration Letter
3. Local + LD a multiple customer locations - Local service is PIC'ed to Sprint LD service, and that LD service is a part of an LD billing hierarchy. In that instance, customer receives 2 letters: (1) the Local-Only Migration Letter, and (2) the Standard LD Migration Letter
4. Data - will receive the Data Migration Letter. It is possible that Data customers will also fit into one of the voice categories above.

Public Interest Considerations

10. 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:

- (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.

Section 364.337(2), F.S., allows the Commission to waive the application of certain regulations to CLECs if it determines that such waiver is in the public interest.⁵

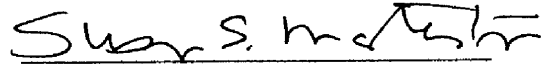
11. The public interest will be served by waiving Rule 25-4.118, F.A.C., for the transfer of Sprint LP's customers to Sprint LD because it will facilitate the separation of Sprint's incumbent local service operations from Sprint Nextel and ensure the seamless transfer of Sprint LP's competitive local service customers in the Orlando area to Sprint LD. 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, neglect to select another carrier and lose their local and long distance service. Competitive forces in the competitive local exchange and long distance markets 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.

⁵ Section 364.337(2), F.S., allows the Commission to waive any provisions of chapter 364, F.S, except sections 364.16, 364.336 and 364.337 (1) and (5).

12. The Commission has granted petitions for waiver in similar circumstances. 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; *In re: Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for transfer of portion of long distance customer base and accounts receivable from Lightyear Communications, Inc. (holder of IXC Certificate No. 3500) and Lightyear Telecommunications LLC (holder of IXC Certificate No. 3960) to A.R.C. Networks, Inc. d/b/a InfoHighway (holder of IXC Certificate No. 4702)*, Order No. PSC-02-1622-PAA-TI, issued November 25, 2002 in Docket No. 021052-TI.

WHEREFORE, Joint Petitioners request that the Commission grant the Petition and waive the requirements of Rule 25-4.118 to permit the transfer of certain customers of Sprint LP 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 27th day of February 2006.



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

-and-

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

On behalf of Joint Petitioners

SMNI Migration Letter – LOCAL ONLY
Draft -- 2/07/06

IMPORTANT NOTICE REGARDING YOUR SPRINT BUSINESS LOCAL SERVICE

<Date>

<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 local service. As you have learned from information you have recently received, our local telecommunications division is being separated from Sprint Nextel to become an independent company - <NLC Company Name>.

As a part of this process, and as allowed under your terms of service, Sprint Communications Company L.P., your current local provider, will assign your business local 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 local 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 local service provider listed on your invoice.

This transition will have no other impacts on your business local 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 local carrier. Should you change your local carrier from <NLC Long Distance, Inc.>, please be aware that discounts and special offers you currently enjoy as a result of receiving both local and long distance services from Sprint will no longer apply. Additionally, any early termination liabilities associated with your service may apply.

Under Federal Communications Commission rules, any restrictions or “freezes” you may have placed on your account to block changes to your preferred business local carrier will be lifted as a part of the transfer process. If you wish to reinstate such restrictions, you should contact us at <1-800-xxx-xxxx> anytime after May 15, 2006.

If you have any questions about the transfer of your business local service, please call us at <1-800-xxx-xxxx>. We look forward to providing you with outstanding products and services.

Sincerely,

<NLC Business Signature>

SMNI Migration Letter – LOCAL + LD
Draft -- 2/07/06

IMPORTANT NOTICE
REGARDING YOUR SPRINT BUSINESS LOCAL AND LONG DISTANCE SERVICES

<Date>

<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 local and long distance services. As you have learned from information you have recently received, our local telecommunications division is being separated from Sprint Nextel to become an independent company - <NLC Company Name>.

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

This transition will have no other impacts on your business local or long distance services. 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 local or long distance carrier. Should you change your local or long distance carrier from <NLC Long Distance, Inc.>, please be aware that discounts and special offers you currently enjoy as a result of receiving both local and long distance services from Sprint will no longer apply. Additionally, any early termination liabilities associated with your services may 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 or preferred business local carrier will be lifted as a part of the transfer process. If you wish to reinstate such restrictions, you should contact us at <1-800-xxx-xxxx> anytime after May 15, 2006.

If you have any questions about the transfer of your business local and long distance services, please call us at <1-800-xxx-xxxx>. We look forward to providing you with outstanding products and services.

Sincerely,

<NLC Business Signature>

Logo: Transition Logo (Sprint red diamond becoming EMBARQ)
Signature: Tom McEvoy

IMPORTANT NOTICE
REGARDING YOUR SPRINT BUSINESS LONG DISTANCE SERVICE

<Company Name>
<Address>
<City>, <State>, <ZIP>

March 17, 2006

<Long Distance Account Number>

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 - EMBARQ™. 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 agreement to Embarq Communications, Inc., an affiliate of Sprint Communications Company L.P. 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, Embarq Communications, 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. Embarq Communications, 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 Embarq Communications, 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

SMNI Migration Letter -- LOCAL ONLY
Draft -- 2/07/06

IMPORTANT NOTICE REGARDING YOUR SPRINT BUSINESS LOCAL SERVICE

<Date>

<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 local service. As you have learned from information you have recently received, our local telecommunications division is being separated from Sprint Nextel to become an independent company - <NLC Company Name>.

As a part of this process, and as allowed under your terms of service, Sprint Communications Company L.P., your current local provider, will assign your business local 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 local 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 local service provider listed on your invoice.

This transition will have no other impacts on your business local 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 local carrier. Should you change your local carrier from <NLC Long Distance, Inc.>, please be aware that discounts and special offers you currently enjoy as a result of receiving both local and long distance services from Sprint will no longer apply. Additionally, any early termination liabilities associated with your service may apply.

Under Federal Communications Commission rules, any restrictions or "freezes" you may have placed on your account to block changes to your preferred business local carrier will be lifted as a part of the transfer process. If you wish to reinstate such restrictions, you should contact us at <1-800-xxx-xxxx> anytime after May 15, 2006.

If you have any questions about the transfer of your business local service, please call us at <1-800-xxx-xxxx>. We look forward to providing you with outstanding products and services.

Sincerely,

<NLC Business Signature>

SMNI Data Migration Letter
Draft -- 2/07/06

IMPORTANT NOTICE REGARDING YOUR SPRINT BUSINESS DATA SERVICE

<Date>

<Account Number>

<Company Name>

<Address>

<City>, <State>, <ZIP>

Dear Valued Business Customer:

We're contacting you about an upcoming change to your business data service. As you learned from information you recently received, our local telecommunications division is being separated from Sprint Nextel to become an independent company - <NLC company name>.

As part of this process, and as allowed under your terms of service, Sprint Communications Company L.P., your current provider, will assign your business data 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 data 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 data service provider listed on your invoice.

This transition will have no other impacts on your business data service. Your rates and terms of service will not change. 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.

If you have any questions about the transfer of your business long distance service, please call us at <1-800-xxx-xxxx>. We look forward to providing you with outstanding products and services in the future.

Sincerely,
