

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of IXC Certificate No. 4031 from Broadwing Communications Services Inc. to C III Communications Operations, LLC; and petition for waiver of carrier selection requirement of Rule 25-4.118, F.A.C., for transfer of customers.

DOCKET NO. 030288-TI
ORDER NO. PSC-03-0697-PAA-TI
ISSUED: June 9, 2003

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF AND NAME CHANGE ON
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE; AND GRANTING WAIVER
OF CARRIER SELECTION REQUIREMENTS OF RULE 25-4.118, FLORIDA
ADMINISTRATIVE CODE

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.

On March 20, 2003, Broadwing Communications Services, Inc. (Broadwing) and C III Communications Operations, LLC (C III) filed with this Commission a joint request for transfer of and name change on Interexchange Telecommunications (IXC) Certificate No. 4031 from Broadwing to C III.

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FPSC-COMMISSION CLERK

Broadwing and C III have complied with Rule 25-24.473, Florida Administrative Code, regarding the transfer of IXC certificates. We find the transfer to be in the public interest and, therefore, approve the transfer. IXC Certificate No. 4031 shall be amended to reflect that C III is the holder of this certificate.

If this Order becomes final and effective, it shall serve as C III's certificate. C III should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Broadwing and C III for payment by January 30th. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve Broadwing and C III from their obligation to pay RAFs the year 2003.

Furthermore, C III has requested a waiver of the carrier selection requirements in Rule 25-4.118, Florida Administrative Code on March 20, 2003. 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 from the customer requesting the change;
- (b) The provider has received a customer-initiated call for service;
- (c) A third party firm has verified the customer's requested change.

C III has attested that it has provided for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. We have reviewed the notice that will be sent to Broadwing's customers and found it to be adequate. We find that in this instance it is in the public interest to waive the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that

ORDERED by the Florida Public Service Commission that the request for transfer of and name change on Interexchange Telecommunications Certificate No. 4031 from Broadwing Communications Services, Inc. to C III Communications Operations, LLC, is hereby approved. It is further

ORDERED that Interexchange Telecommunications Certificate No. 4031 shall be amended to reflect that C III Communications Operations, LLC, is the holder of this certificate. It is further

ORDERED that C III Communications Operations, LLC's Interexchange Telecommunications Certificate No. 4031 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as C III Communications Operations, LLC's certificate and should be retained by C III Communications Operations, LLC as proof of certification and as evidence of the name change. It is further

ORDERED that Broadwing Communications Services, Inc. and C III Communications Operations, LLC shall remit Regulatory Assessment Fees for the 2003. It is further

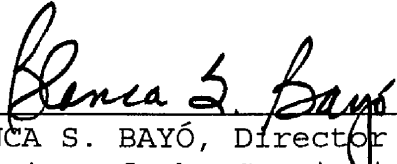
ORDERED that the carrier selection requirements in Rule 25-4.118, Florida Administrative Code, are waived in this instance. It is further

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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 Director, Division of the Commission Clerk and Administrative Services, 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 9th Day of June, 2003.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

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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 Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 30, 2003.

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.