

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to transfer of certain assets of Global Crossing Telecommunications, Inc. (holder of IXC Registration No. TI720), Global Crossing Local Services, Inc. (Holder of CLEC Certificate No. 5574), and Global Crossing Telemanagement, Inc. (holder of CLEC Certificate No. 5308) to Matrix Telecom, Inc. d/b/a IECOM (holder of IXC Registration No. TI299) and Matrix Telecom, Inc. (CLEC application pending).

DOCKET NO. 050207-TP
ORDER NO. PSC-05-0620-PAA-TP
ISSUED: June 6, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING WAIVER OF RULE 25-4.118, F.A.C.

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 28, 2005, Global Crossing Telecommunications, Inc. (holder of IXC Registration No. TI720), Global Crossing Local Services, Inc. (Holder of CLEC Certificate No. 5574), Global Crossing Telemanagement, Inc. (holder of CLEC Certificate No. 5308) Matrix Telecom, Inc. d/b/a IECOM (holder of IXC Registration No. TI299) and Matrix Telecom, Inc. filed a notification of transfer of assets with this Commission requesting a waiver of all slamming regulations. We are vested with jurisdiction in this matter pursuant to Sections 364.02, 364.336, 364.337, 364.345 and 364.603, Florida Statutes.

DOCUMENT NUMBER-DATE

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PSC-COMMISSION CLERK

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 25-24.490, Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, is incorporated into Chapter 25-24, and applies to intrastate interexchange telecommunications companies (IXCs).

Rule 25-24.455(4), Florida Administrative Code, states in part:

An interexchange company may petition for a 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 part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company.

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 competitive local exchange telecommunications companies (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 we are authorized to waive.

Matrix Telecom, Inc. (Matrix) has attested that it will provide for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. Our staff has reviewed the notice that will be sent to Global Crossing Telecommunications, Inc.'s, Global Crossing Local Services, Inc.'s, and Global Crossing Telemangement, Inc.'s (collectively "Global Crossing's") customers and found it to

be adequate. The customers should not experience any interruption of service, rate increase, or switching fees.

In addition, Global Crossing has attested that it intends to continue to provide telecommunications services in the State of Florida after consummation of the transfer of assets to Matrix, and will retain responsibility to resolve any and all complaints brought against it, in compliance with all applicable Florida statutes and regulations. Neither Matrix nor Global Crossing has any outstanding regulatory assessment fees, penalty, or interest.

Based on the above analysis, 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. We therefore approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of customers from Global Crossing Telecommunications, Inc. (holder of IXC Registration No. TI720), Global Crossing Local Services, Inc. (Holder of CLEC Certificate No. 5574), and Global Crossing Telemanagement, Inc. (holder of CLEC Certificate No. 5308) to Matrix Telecom, Inc. d/b/a IECOM (holder of IXC Registration No. TI299) and Matrix Telecom, Inc. (CLEC application approved at the May 3, 2005, Agenda Conference). 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 and long distance service. Furthermore, we find that granting this waiver will avoid unnecessary slamming complaints during this transition.

The docket shall be closed upon issuance of a consummating order, if no protest is filed within 21 days of the issuance of this order.

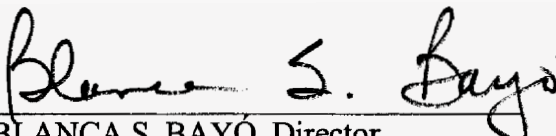
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Global Crossing Telecommunications, Inc. (holder of IXC Registration No. TI720), Global Crossing Local Services, Inc. (Holder of CLEC Certificate No. 5574), Global Crossing Telemanagement, Inc. (holder of CLEC Certificate No. 5308), Matrix Telecom, Inc. d/b/a IECOM (holder of IXC Registration No. TI299) and Matrix Telecom, Inc.'s Notification of Transfer of Assets requesting a waiver of all slamming regulations is hereby granted as stated in the body of this Order. 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 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 upon issuance of the Consummating Order.

By ORDER of the Florida Public Service Commission this 6th day of June, 2005.



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

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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 27, 2005.

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.