

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., to allow transfer of customers from Least Cost Routing, Inc. to Primus Telecommunications, Inc. due to internal reorganization whereby Least Cost Routing, Inc. will merge into Primus Telecommunications, Inc., and acknowledgement of cancellation of IXC Registration No. TI387 by Least Cost Routing, Inc., effective December 31, 2007.

DOCKET NO. 070700-TI
ORDER NO. PSC-08-0026-PAA-TI
ISSUED: January 7, 2008

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING
PRIMUS TELECOMMUNICATIONS, INC. AND LEAST COST ROUTING, INC.'S
JOINT PETITION FOR WAIVER OF CARRIER SELECTION
REQUIREMENTS AND TRANSFER OF CUSTOMERS

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.

I. Case Background

On November 27, 2007, Primus Telecommunications, Inc. (PTI) and its affiliate Least Cost Routing, Inc. (LCR) submitted a joint petition for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, (F.A.C.) due to internal reorganization whereby LCR will merge into PTI, leaving PTI as the surviving company. LCR will transfer 31 customers to PTI.

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FPSC-COMMISSION CLERK

Both PTI and LCR are registered intrastate interexchange telecommunications companies (IXC) that provide interexchange telecommunications services in Florida. This waiver is being sought to prevent PTI from having to obtain authorization from each customer being transferred to the company. With the waiver, PTI can protect itself from possible complaints of unauthorized carrier changes (slamming). This waiver is also beneficial to the customers as they will not be subject to a loss of service on the date of transfer.

Following the merger, LCR will cease to exist. Therefore, LCR is also seeking cancellation of its IXC Registration. The cancellation of LCR's IXC registration will be handled separately, in accordance with Section 2.07.C.5.i., Administrative Procedures Manual.

We are vested with jurisdiction in this matter pursuant to Sections 364.02, 364.336, and 364.603, Florida Statutes.

II. Analysis

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 25-24.475(3), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, is incorporated into Chapter 25-24, and applies to IXCs.

Rule 25-24.455(2), Florida Administrative Code, states:

An IXC may petition for a waiver of any provision of this Part. The waiver shall be granted in whole, granted in Part or denied based on 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 necessity 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.

The authority for Rule 25-4.118, Florida Administrative Code, is found in Section 364.603, Florida Statutes, which is a section this Commission is authorized to waive.

PTI has attested that it will provide a seamless transition while ensuring that the affected customers will continue to receive the same services and rates that the customers currently receive from LCR. PTI will maintain a tariff that duplicates the service offering, rates, terms and conditions as filed in the current LCR tariff. Our staff reviewed the notice and found it to be adequate. Currently, LCR does not have any outstanding complaints. If customer complaints are filed against LCR prior to the merger, PTI will resolve all of the outstanding complaints.

Neither PTI nor LCR have any outstanding regulatory assessment fees, penalties or interest associated with their respective IXC registrations. 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. 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 long distance service. Furthermore, granting this waiver will avoid unnecessary slamming complaints during this transition.

III. Decision

Therefore, we find it appropriate to approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, to allow the transfer of customers from Least Cost Routing, Inc. to Primus Telecommunications, Inc. due to internal reorganization whereby Least Cost Routing, Inc. will merge into Primus Telecommunications, Inc.

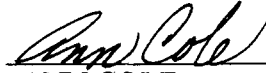
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, to allow the transfer of customers from Least Cost Routing, Inc. to Primus Telecommunications, Inc. due to internal reorganization whereby Least Cost Routing, Inc. will merge into Primus Telecommunications, Inc be granted. 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 Office of Commission Clerk, 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 7th day of January, 2008.



ANN COLE
Commission Clerk

(S E A L)

CCP

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 28, 2008.

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.