



Public Service Commission
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COMMISSION
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DATE: 10/25/01

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF APPEALS (MOORE) *CTM*
 DIVISION OF COMPETITIVE SERVICES (MOSES) *[Signature]*
 DIVISION OF CONSUMER AFFAIRS (JOHNSON) *[Signature]*

RE: DOCKET NO. 010810-TP - PETITION BY MCI WORLDCOM COMMUNICATIONS, INC. AND MCIMETRO ACCESS TRANSMISSION SERVICES, LLC TO INITIATE RULE MAKING PURSUANT TO SECTION 364.01 AND 364.03, F.S., TO MANDATE USE OF ELECTRONIC AUTHORIZATION AS A PERMISSIBLE METHOD FOR CONSUMERS TO LIFT PREFERRED CARRIER FREEZES.

AGENDA: 11/6/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\APP\WP\010810#2.RCM

CASE BACKGROUND

On June 5, 2001, MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC ("WorldCom") petitioned the Commission to initiate rulemaking to amend Rule 25-4.110, Florida Administrative Code, pursuant to section 120.54(7), Florida Statutes, and Rule 28-103.006, Florida Administrative Code. Notice of the petition was published in the June 22, 2001, Florida Administrative Weekly. Petitioner waived the 30-day deadline that is provided in section 120.54(7), Florida Statutes, for acting on petitions to initiate rulemaking. The Commission voted on July 10, 2001, to grant the petition and begin rulemaking, but not to decide the particular changes that should be made to the rule until after a rule development workshop and a staff recommendation. Order No.

DOCUMENT NUMBER-DATE

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PSC-01-1575-PCO-TP issued on July 30, 2001, initiating the rulemaking.

Staff conducted a rule development workshop on August 27, 2001. On September 19, 2001, prior to the time post-workshop comments were due, WorldCom filed a letter withdrawing its petition to initiate rulemaking.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge WorldCom's withdrawal of its Petition to Initiate Rulemaking and close the docket?

RECOMMENDATION: Yes.

STAFF ANALYSIS: In its petition to initiate rulemaking, WorldCom asked the Commission to amend Rule 25-4.110(16) to mandate use of electronic authorization as a permissible method for consumers to lift a preferred carrier freeze. WorldCom has withdrawn that request, and there does not appear to be support by other interested parties to change the rule. Although Staff believes some changes to the process of imposing preferred carrier freezes should be considered, those changes would be to a different rule and will be addressed in a different docket. There is no reason proceed with this rulemaking docket. If the Commission accepts staff's recommendation, the docket should be closed.