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October 29, 2001

## BY HAND DELIVERY

Blanca Bayó  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

011400-TI

Re: MCI WorldCom Communications, Inc.  
Petition for Waiver of Rule 25-4.118

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI WorldCom Communications, Inc. ("MCI WorldCom") are the original and fifteen copies of its Petition for Waiver of Rule 25-4.118 in connection with the transfer of customers from Intermedia Communications Inc. to MCI WorldCom.

If you have any questions regarding this filing, please give me a call at 425-2313.

Very truly yours,



Richard D. Melson

RDM/mee  
Enclosures

DOCUMENT NUMBER-DATE

13683 OCT 29 01

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of MCI WorldCom	)	
Communications, Inc. for waiver of	)	
Rule 25-4.118, F.A.C., Local, Local Toll,	)	Docket No. _____
or Toll Provider Selection in connection	)	
with transfer of customers from Intermedia	)	Filed: October 29, 2001
Communications, Inc. to MCI WorldCom	)	
Communications, Inc.	)	
_____	)	

**PETITION FOR WAIVER**

MCI WorldCom Communications, Inc. ("MCI WorldCom"), pursuant to Rules 24-24.455(4), Florida Administrative Code, and Section 120.542, Florida Statutes, hereby petitions the Commission for waiver of Rule 25-4.118, Florida Administrative Code, to allow it to transfer the subscribers of Intermedia Communications Inc. ("Intermedia") to MCI WorldCom without first obtaining each subscriber's authorization and verification. In support of this Petition, MCI WorldCom states:

**THE PETITIONER**

- 1. The name and address of the Petitioner are:

MCI WorldCom Communications, Inc.  
Concourse Corporate Center Six  
Six Concourse Parkway, Suite 3200  
Atlanta, GA 30328

- 2. MCI WorldCom is certificated in Florida as an interexchange carrier ("IXC").

MCI WorldCom is a wholly-owned subsidiary of WorldCom, Inc., a publicly traded company.

- 3. Notices and other pleadings in this docket should be furnished to:

Richard D. Melson  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

Donna Canzano McNulty  
WorldCom, Inc.  
325 John Knox Road  
The Atrium, Suite 105  
Tallahassee, FL 32303

## **RULE TO BE WAIVED**

4. Pursuant to Rule 25-4.118, Florida Administrative Code, a customer's presubscribed interexchange telecommunications services provider shall not be changed without the customer's authorization. The carrier must either: (1) obtain a letter of agency from the customer requesting the change; (2) obtain confirmation from the subscriber via a customer-initiated call; or (3) utilize an independent third party to verify the subscriber's order. The requirements of Rule 25-4.118 are made applicable to interexchange carriers through incorporation by reference in Rule 25-24.490(1), Florida Administrative Code. MCI WorldCom respectfully requests a waiver of Rule 25-4.118 so that it may consolidate the customer base of Intermedia with its own customer base, for the reasons more fully described below.

## **HISTORY AND CURRENT TRANSACTION**

5. On October 23, 2000, Intermedia and WorldCom, Inc. (the parent company of MCI WorldCom) filed with the Commission an application for transfer of control from Intermedia to WorldCom, Inc. That transfer was approved by the Commission in Order No. PSC-00-2435-PAA-TP issued December 19, 2000 and the approval became final with the issuance of Consummating Order No. PSC-01-0105-CO-TP on January 17, 2001.

6. The transfer of control was subsequently consummated on July 1, 2001, when Intermedia became a wholly-owned subsidiary of WorldCom, Inc. Since that date, Intermedia has continued to operate in Florida under its pre-existing certificates and pursuant to its tariffs.

7. In order to enhance the efficiency of its overall operations, WorldCom, Inc. is in the process of consolidating some of Intermedia's operations with those of its other subsidiaries. As part of this consolidation, long distance customers currently served by Intermedia will be

transferred to MCI WorldCom. This transfer will take place in two stages. Business customers will be transferred first, followed later by residential customers.

8. The notification to business customers will be accomplished by mailing the letter attached hereto as Exhibit A. (A similar letter will be prepared for the subsequent transfer of residential customers.) This letter will inform the affected Intermedia customers of the transfer. The letter will assure them that WorldCom's goal is to provide the highest level of service at the greatest value. The customers will be informed that they are under no obligation to use WorldCom. Customers wishing to choose an alternate carrier will be requested to do so within 30 days of the letter. Customers who do not make an alternate selection will be transferred to WorldCom and will receive a credit for any preferred carrier (PC) change charges in connection with the transfer. The intent is to make the transfer of customers from Intermedia to WorldCom as seamless as possible, while preserving the customer's right to choose a different carrier.

#### **BASIS FOR WAIVER**

9. The basis for granting a waiver is set forth in Rule 25-24.455(4), Florida Administrative Code. Under that rule, the Commission may consider whether the petition is in the public interest, whether market forces obviate the need for the provision in a particular instance, and whether reasonable alternative regulatory methods may service the same purpose.

10. In the circumstances described in this Petition, it is in the public interest to waive the carrier selection requirements of Rule 25.4.118, Florida Administrative Code. MCI WorldCom and Intermedia have provided for a seamless transition while ensuring that customers understand available choices with the least amount of disruption to customers. The customers will receive ample notice of the transfer and have the opportunity not to participate. MCI WorldCom and Intermedia believe that if prior authorization is required in this case, customers

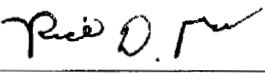
may fail to respond to a request for authorization, neglect to select another carrier, and thus lose their long distance service.

11. The Commission has granted petitions for waiver in similar circumstances in several prior cases, including Order No. PSC-00-1520-PAA-TI (PNG Telecommunications/Broadwing) in Docket No. 000764-TI, Order No. PSC-00-2198-PAA-TI (TTI National/Minimum Rate Pricing) in Docket No. 000825-TI, and Order No. PSC-00-2491-PAA-TI (Verizon) in Docket No. 001669-TI.

WHEREFORE, MCI WorldCom requests that the Commission grant its requested waiver of Rule 25-4.118, Florida Administrative Code, to permit it to consolidate the long distance customer base of Intermedia with its own customer base as more fully set forth above.

RESPECTFULLY SUBMITTED this 29th day of October, 2001.

HOPPING GREEN & SAMS, P.A.

By:   
Richard D. Melson  
P.O. Box 6526  
Tallahassee, FL 32314

and

DONNA CANZANO MCNULTY  
WorldCom, Inc.  
325 John Knox Road  
The Atrium, Suite 105  
Tallahassee, FL 32303

Attorneys for MCI WorldCom  
Communications, Inc.



October 30, 2001

Name  
Address 1  
Address 2  
City, State ZIP

Dear Valued Customer,

Welcome to WorldCom! Now that merger activities between your current long distance provider, Intermedia Communications, and WorldCom are complete, we look forward to meeting your business communication needs and welcoming you to the WorldCom<sup>SM</sup> family. As a WorldCom customer, your business will be among hundreds of thousands around the globe who rely on WorldCom to provide world-class communication services to help them succeed and thrive in today's business environment.

Our goal is to ensure that you receive the highest level of service at the greatest value. We will initiate the process of migrating your long distance service to the WorldCom network no sooner than December 1, 2001. If you remain with WorldCom for one full year, you will receive one free month of long distance usage. No immediate action is required on your part.

You are under no obligation to use WorldCom services. Should you prefer an alternate carrier, we request that you contact that carrier before December 1, 2001. For your convenience, we've enclosed WorldCom's rate information and service options. If you have any questions regarding this transition or WorldCom services, please don't hesitate to contact our Customer Service team at 1-800-792-7260.

Again, it is our pleasure to welcome you to WorldCom. With network facilities in more than 65 countries and local service available in more than 100 cities, WorldCom has the scale and resources to deliver all the services your business needs – from long distance and local to conferencing, data, Internet services and more. We look forward to serving you!

Sincerely,

Kenneth Tebbetts  
Director of Customer Service

Additional Transition Enclosure Information:

The transition to WorldCom will occur no sooner than December 1, 2001. This transition will occur regardless of any freeze you may have placed on your account. Account freezes will be lifted to permit the WorldCom transition. Please contact your local phone company if you wish to establish new freezes.

Your WorldCom state-to-state long distance rate will begin at \$0.059 (less than six cents) per minute. Should rates or terms and conditions change at any time, we will inform you by bill notification or other means, including updates to WorldCom's Service Publication and Price Guide published on our website at [www.worldcom.com](http://www.worldcom.com). Local phone companies may apply a small charge to administer the transition of your long distance service. We will credit such charges for customers transitioning to WorldCom, although credits may not appear on your initial local phone bill.

Exhibit A

Enclosure