

ORIGINAL



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December 27, 2001

Ms. Blanca Bayó, Director
Division of Commission of Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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COMMISSION
CLERK

Dear Ms. Bayó:

Enclosed for filing are an original and seven (7) copies of the Joint Petition of Essex Communications, Inc. d/b/a eLEC Communications ("eLEC") and Adelpia Business Solutions of Jacksonville, Inc and Adelpia Business Solutions Investment, LLC (collectively referred to as "Adelpia") for Waiver of Slamming Rule, Chapter 25-4.118 with respect to the transfer of Adelpia's resold local services customer basis.

Please note that the anticipated transfer date is February 21, 2001. This date has been chosen so that eLEC and Adelpia may align their billing cycles to minimize consumer confusion and inconvenience (i.e., paying two carriers for partial services in one month). Therefore, eLEC and Adelpia respectfully request the commission to expedite the review and approval process and issue an order by January 21, 2002 with respect to this transaction so as to facilitate the ease of the transition for Adelpia's customers.

Please acknowledge receipt of this filing by date-stamping the duplicate cover letter enclosed and returning in the self-addressed, stamped envelope enclosed for your convenience.

Kindly direct any inquiries regarding this filing to my attention at (203) 229-2402.

Sincerely,

Maria A. Abbagnaro

Enc.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of : **Docket No.:**
Essex Communications, Inc. : **Filed:**
d/b/a eLEC Communications and :
Adelphia Business Solutions of :
Jacksonville, Inc. and Adelphia :
Business Solutions Investment, LLC :
For Waiver of Slamming Rule, :
Chapter 25-4.118 :

JOINT PETITION FOR WAIVER

Adelphia Business Solutions of Jacksonville, Inc. and Adelphia Business Solutions Investment, LLC (“Adelphia”) and Essex Communications, Inc. d/b/a eLEC Communications (“eLEC”) respectfully request, pursuant to Rule 25-24.455(4), the Florida Public Services Commission (“Commission”) to waive Florida Administrative Code rule 25-4.118, in order to facilitate the transfer of customers among the petitioners. Upon approval of this waiver, the petitioners propose to transfer the resale customer base of Adelphia to eLEC.

Adelphia provides local exchange services, intraLATA toll service, high-speed Internet access, and long distance telephone service. eLEC is a full service telecommunications company that provides local exchange and long distance service. Adelphia initially entered most of its Florida markets on a resale basis with the intent to migrate these customers to its facilities-based services as its network was constructed in Florida. For a variety of reasons, in some areas where it provides resale services, Adelphia will not be able to complete its network in the near future. Accordingly, it proposes to assign those resale customers to eLEC to enable Adelphia to focus on its facilities-based end

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FPSC-COMMISSION CLERK

users and conversion of its other resale customers to facilities-based subscribers where it currently has facilities.

After all the necessary regulatory approvals, the aforementioned customers will be served by eLEC. Upon completion of the customer transfer, Petitioners will resolve any customer questions that may result from the transfer.

Prior to implementing these changes, the transferring company will send a notification to all affected customers. The initial notification will advise the customers of the following: the pending change of their carrier selection to eLEC; the rates, terms, and conditions of the service(s) to be provided by the acquiring carrier; that there will be no charges associated with the change; that services will be provided; the subscriber's right to select a different preferred carrier, if an alternative carrier is available; a toll-free customer service telephone number for inquiries about the transfer; the fact that all subscribers receiving the notice, including those who have arranged preferred carrier freezes through their local service providers, will be transferred to the new carrier if they do not select a different preferred carrier before the transfer date; and 6) whether the acquiring carrier will be responsible for resolving outstanding complaints against the selling or transferring carrier (See Attachment 1).

Petitioners respectfully request that the Commission issue an order granting a waiver of Rule 25-4.118 in order to consummate the transfer of customers. In support of this request, Petitioners provide the following information:

I. THE PETITIONERS and PARTIES

Adelphia Business Solutions of Jacksonville, Inc., is a Delaware corporation and is authorized to provide private line, alternative access vendor, alternative local exchange and interexchange service in Florida¹ (AAV/ALEC Certificate No. 2973 and interexchange carrier ("IXC") certificate number 7375). Adelphia Business Solutions Investment, LLC, a Delaware corporation is authorized to provide private line, alternative access vendor, alternative local exchange and interexchange service in Florida²(AAV/ALEC

¹ *Applications for interexchange telecommunications services*, Docket No. 991983-TI, Order No. PSC-00-0473-PAA-TI (Mar. 6, 2000) (Certificate No. 7375) (Consummating Order, Order No. PSC-00-0626-CO-TI (Apr. 3, 2000); *Request for name change on AAV/ALEC Certificate No. 2973 from Hyperion Communications of Jacksonville, Inc. to Adelphia Business Solutions of Jacksonville, Inc.*, Docket No. 991490-TP, Order No. PSC-99-2173-FOF-TP (Nov. 8, 1999); *Request for name change on Alternative Access Vendor and Alternative Local Exchange Telecommunications Certificate No. 2973 from MediaOne Fiber Technologies, Inc. to Hyperion Communications, of Jacksonville, Inc.*, Docket No. 990673-TA, Order No. PSC-99-1143-FOF-TA (June 7, 1999); *Request for approval of pro forma reorganization whereby Hyperion Telecommunications of Florida, Inc., which currently holds 20% interest in MediaOne Fiber Technologies, Inc., has agreed to purchase remaining 80% interest in MediaOne and assign its purchase right to its affiliate, Hyperion Communications of Florida, LLC*, Docket No. 981894-TP, Order NO. PSC-99-0398-FOF-TP (Feb. 24, 1999); *Request for name change on Alternative Access Vendor Certificate No. 2973 from Continental Fiber Technologies, Inc. d/b/a AlterNet to MediaOne Fiber Technologies, Inc.*, Docket No. 970664-TA, Order No. PSC-97-0904-FOF-TA (Jul. 31, 1997); *Request for approval of transfer of control of Continental Fiber Technologies d/b/a AlterNet, holder of Alternative Access Vendor Certificate No. 2973, from Continental Cablevision, Inc. to U S West, Inc.*, Docket No. 960843-TA, Order No. PSC-96-1279-FOF-TA (Oct. 14, 1996); *Request to change name on Alternative Access Vendor Certificate No. 2973 from Continental Fiber Technologies, Inc. to Continental Fiber Technologies, Inc. d/b/a AlterNet*, Docket No. 941012-TA, Order No. PSC-94-1271-FOF-TA (Oct. 13, 1994); Docket No. 920218.

² *Request for name change on LXC Certificate No. 6055 and ALEC Certificate No. 6056 from Hyperion Communications of Florida, LLC to Adelphia Business Solutions of Florida, LLC*, Docket No. 991489-TP, Order No. 99-2172-FOF-TP (Nov. 8, 1999); *Application for Certificate to Provide Alternative Local Exchange Telecommunications Service by Hyperion Communications of Florida, LLC*, Docket No. 981977-TX, Order No. PSC-99-0556-FOF-TX (Mar. 26, 1999) (Certificate No. 6056); *Application for Certificate to Provide Interexchange Telecommunications Service by Hyperion Communications of Florida, LLC*, Docket No. 981974-TI, Order No. PSC-99-0554-FOF-TI (Mar. 26, 1999) (Certificate No. 6055). By Order dated July 31, 2000, as amended September 12, 2000, the Commission approved the merger of Adelphia Business Solutions of Florida, LLC ("ABS Florida LLC") into ABS Investment and the transfer of ABS Florida LLC's certificates to ABS Investment. *Request for approval of merger of Adelphia Business Solutions of Florida, LLC (holder of LXC Certificate No. 6055 and ALEC Certificate No. 6056) into Adelphia Business Solutions Investment, LLC and name change on Certificates 6055 and 6056 to Adelphia Business Solutions Investment, LLC*, Docket No. 000453-TP, Order No. PSC-00-1395-PAA-TP

Certificate No. 6056 and IXC certificate number 6055). Essex Communications, Inc. d/b/a eLEC Communications, a New York corporation, is authorized to provide local, intraLATA toll, interLATA toll, and state-to-state long distances services in Florida (ALEC Certificate No. 7103 and IXC certificate number 7556).

All three companies offer a variety of resale interexchange telecommunications services, including direct dial outbound service, inbound toll-free service, travel card and operator assisted services. In addition to the services provided in Florida, these three companies are authorized to provide resold interexchange telecommunications services in other states either pursuant to certification or registration, or on an unregulated basis. These companies are also authorized by the FCC to provide interstate and international telecommunications services.

II. CONTACT INFORMATION

Correspondence of communications pertaining to this application should be directed to:

Maria A. Abbagnaro, Esq.
Director of Regulatory Affairs
eLEC Communications
509 Westport Avenue
Norwalk, Connecticut 06851

with a copy to:

Terry Romine
Director Legal & Regulatory Affairs
Adelphia Business Solutions
One North Main Street
Coudersport, PA 16915-1630

III. REQUEST FOR RULE WAIVER

Pursuant to Rule 25-4.118(1), Florida Administrative Code, the long distance provider of a customer shall not be changed without the customer's authorization. Rule 25-4.118(2) provides that an IXC shall submit a change request to the local exchange carrier 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; or (c) a third party firm has verified the customer's requested change. As a result of the proposed transfer of customer subscriber base described above, the Petitioners ask the Commission to waive the conditions in 25-4.118(2) in order to allow the transfer of customers of record to eLEC. The Petitioners have complied with Federal Communications Commission notice requirements for a waiver of the authorization and verification rules for implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996 (See Attachment 2).

IV. CUSTOMER IMPACT

This transaction will be made in a seamless fashion that will avoid

disruption to consumers. Existing consumers of the Petitioners will not be inconvenienced in any way. There will be no interruption of service and customers will be well informed of their choices.

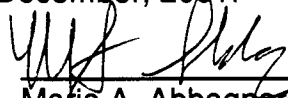
V. PUBLIC INTEREST CONSIDERATIONS

The Petitioners have determined that the proposed transaction will improve operational efficiency, thus provided greater opportunities to improve the price and performance of services available to its customers. If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another long distance carrier or lose their long distance service during the transition. Consequently, granting this Petition is consistent with the public interest in promoting competition among telecommunications carriers in Florida. Further, by granting this Petition, unnecessary slamming complaints will be prevented during the transition, saving Petitioners and the Commission administrative burdens.

WHEREFORE, for reason stated above, the Petitioners submit that the public interest, convenience and necessity would be furthered by a grant of this Joint Petition for Waiver of Rule 25-4.118.

Respectfully submitted this 27th day of December, 2001.

By:



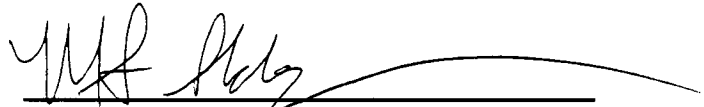
Maria A. Abbagnaro
Director of Regulatory Affairs
eLEC Communications
509 Westport Avenue
Norwalk, CT 06851
Tel: (203) 229-2402

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Joint Petition of Essex Communications, Inc. d/b/a eLEC Communications and Adelpia Business Solutions of Jacksonville, Inc. and Adelpia Business Solutions Investment, LLC for Waiver of Slamming Rule, Chapter 25-4.118 was sent via overnight delivery on December 27, 2001, to:

Ms. Blanca Bayó, Director
Division of Commission of Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Terry Romine
Director Legal & Regulatory Affairs
Adelpia Business Solutions
One North Main Street
Coudersport, PA 16915-1630



Maria A. Abbagnaro

ATTACHMENT 1
PROPOSED SUBSCRIBER NOTIFICATION LETTER



DRAFT

Dear Customer,

Adelphia Business Solutions is pleased to announce a wide-ranging Agreement it has reached with eLEC Communications. As a part of the Agreement, effective February 22nd, 2002, all services which have been provided by Adelphia will be billed and serviced by eLEC.

The reason for this transfer relates to Adelphia's decision to focus on other portions of its operations. This Agreement will ensure that Adelphia's customers continue to receive all features and services, at the same terms, conditions and rates. Adelphia will continue to be responsible for resolving any complaints received prior to the transfer and can be contacted at 877-279-3900.

eLEC Communications is a total telecommunications service provider licensed to provide telephone service in over forty states. eLEC offers a full line of telecommunications products, including local, long distance, calling card, voice mail, and Internet services. With over 51,000 customer lines in service, eLEC is well suited to meet your telecommunications needs.

Please be assured that your service will not be interrupted and that eLEC will be responsible for any charges associated with this transfer. As always, you have the right to select another local exchange carrier and may do so prior to the transfer date. If you have a preferred carrier freeze on your account and have not made an alternate carrier selection prior to the transfer date, you will be migrated to eLEC and will continue to enjoy the same services previously received from Adelphia.

eLEC looks forward to servicing your telecommunications needs of the future. Of course, if you have any questions regarding this information or eLEC services, please contact eLEC at 1- 888-389-1400.

Paul Riss
CEO
eLEC Communications

Brennan Asplen, Jr.
Director of Business Operations
Adelphia Business Solutions

ATTACHMENT 2

**COMPLIANCE WITH FEDERAL COMMUNICATIONS COMMISSION
NOTIFICATION REQUIREMENTS**

Maria A. Abbagnaro, Esq.
Director of Regulatory Affairs
Tel.: (203) 229-2402
Fax: (413) 521-4592
mabbagnaro@elec-corp.com

December 27, 2001

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20024

Re: Essex Communications, Inc. d/b/a eLEC Communications, and
Adelphia Business Solutions, Inc. and its Operating Subsidiaries
CC Docket 00-257 - Transfer of Customer Subscriber Base

Dear Ms. Salas:

In accordance with the requirements of 47 CFR 64.1120 as promulgated in CC Dockets 00-257 and 94-129 (FCC 01-156), Essex Communications, Inc. d/b/a eLEC Communications ("eLEC") the acquiring telecommunications carrier, is submitting this correspondence as notification to the Commission of an impending partial transfer of a customer subscriber base.


The parties to this transaction include Adelphia Business Solutions Operations, Inc.; Adelphia Business Solutions of Louisiana, LLC; Adelphia Business Solutions Operations of Kentucky Inc.; Adelphia Business Solutions of South Carolina, Inc.; Adelphia Business Solutions of Jacksonville, Inc; and Adelphia Business Solutions Investment, LLC, (referred to collectively as "Adelphia") and eLEC. Both eLEC and Adelphia offer resale local exchange service and interexchange telecommunications services, including direct dial outbound service, inbound toll-free service, travel card service and operator assisted services. Adelphia also operates as a facilities-based carrier. Adelphia enters many of its market initially on a resale basis, and then transitions the resale customers to its own facilities as its network is built into these markets. Due to a variety of factors, Adelphia will not be constructing facilities into some areas where it currently has resale customers. As Adelphia's focus is on facilities-based services, Adelphia proposes the relinquishment and transfer of a number of its resale customers, while maintaining its facilities-based end users and those resale customers which it has the ability to convert to facilities-based end users. To the extent applicable, the types of telecommunication services to be provided by eLEC following the transfer are local, intraLATA Toll, interLATA Toll, and/or state-to-state long distance services.

The anticipated transfer date is February 21, 2001; however, this date is subject to the necessary regulatory approvals of state public utility commissions in the nine states in which affected consumers reside. Therefore, the final transfer date will be February 21, 2001 or later. All notice obligations required by the Federal Communications Commission ("FCC") and state public utility commissions, to the affected subscribers will satisfy the thirty (30) days notice prior to transfer requirement. [64.1120(e)(1) and (e)(3)].

Prior to implementing these changes, the transferring companies will send the required notification to all affected customers not less than thirty (30) days prior to the transfer date. This notification will advise customers of the rates, terms, and conditions of the service(s) to be provided by the acquiring carrier, the fact that the customer will not be responsible for any carrier charges associated with the transaction, the customer's right to choose another carrier, a toll-free telephone number for inquiries about the transfer, the fact that a preferred carrier freeze will not prevent this transfer, that customers that desire a different carrier must choose a new carrier before the transfer date, and if the acquiring carrier will be responsible for the resolution of outstanding complaints levied against the selling/transferring carrier. As required by FCC rules, attached is a copy of the subscriber notification letter to be provided to Adelphia customers in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (Exhibit A).

Please feel free to me at (203) 229-2402 if you have any questions regarding this notification.

Sincerely,


Maria A. Abbagnaro

Encl.: Exhibit A

EXHIBIT A



DRAFT

Dear Customer,

Adelphia Business Solutions is pleased to announce a wide-ranging Agreement it has reached with eLEC Communications. As a part of the Agreement, effective February 22nd 2002, all services which have been provided by Adelphia will be billed and serviced by eLEC.

The reason for this transfer relates to Adelphia's decision to focus on other portions of its operations. This Agreement will ensure that Adelphia's customers continue to receive all features and services, at the same terms, conditions and rates. Adelphia will continue to be responsible for resolving any complaints received prior to the transfer and can be contacted at 877-279-3900.

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Please be assured that your service will not be interrupted and that eLEC will be responsible for any charges associated with this transfer. As always, you have the right to select another local exchange carrier and may do so prior to the transfer date. If you have a preferred carrier freeze on your account and have not made an alternate carrier selection prior to the transfer date, you will be migrated to eLEC and will continue to enjoy the same services previously received from Adelphia.

eLEC looks forward to servicing your telecommunications needs of the future. Of course, if you have any questions regarding this information or eLEC services, please contact eLEC at 1- 888-389-1400.

Paul Riss
CEO
eLEC Communications

Brennan Asplen, Jr.
Director of Business Operations
Adelphia Business Solutions

CERTIFICATION

This is to certify that a copy of the foregoing Notification of Transfer of Customer Subscriber Base involving Essex Communications, Inc. d/b/a eLEC Communications and Adelphia Business Solutions, Inc. was sent via overnight delivery on December 27, 2001, to:

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

Terry Romine
Adelphia Business Solutions
Director Legal & Regulatory Affairs
One North Main Street
Coudersport, PA 16915-1630



Maria A. Abbagnaro