



4839 Business Center Way
Cincinnati, OH 45246

Phone: 513-942-7900
Fax: 513-942-5506

E-Mail: solutions@pngcom.com
www.powernetglobal.com

February 7, 2002

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

**Re: PNG Telecommunications, Inc.
Petition for Waiver**

Dear Ms. Bayo:

020106-T1

Please find enclosed for filing on behalf of PNG Telecommunications, Inc. ("PNG") d/b/a PowerNet Global Communications an original and eight copies of PNG's Petition for a Limited Waiver of 25-4.118 F.A.C. Please return one file-stamped copy of the filing in the self-addressed, postage-prepaid envelope enclosed. Your attention to this matter is appreciated.

POWERNET GLOBAL COMMUNICATIONS

Dennis M. Packer, General Counsel

DMP/db

DOCUMENT NUMBER DATE
01524 FEB-8 2002
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of)
PNG Telecommunications, Inc.) Docket No. 020106-
d/b/a PowerNet Global Communications)
for limited waiver of 25-4.118 F.A.C.)
)
)
)
)
)

PETITION FOR LIMITED WAIVER OF 25-4.118 F.A.C.

Pursuant to Fla. Stat. §364.337(4) and F.A.C. §25-24.455, PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), a certificated interexchange carrier, respectfully petitions the Commission for a waiver of the requirements set forth in 25-4.118 F.A.C. regarding interexchange carrier selection. Granting PNG's petition is in the public interest.

I. Factual Background

PNG provides resold intraLATA toll and interexchange telecommunications services in the State of Florida pursuant to the Commission's grant of a Certificate of Public Convenience and Necessity by Order No. PSC-95-0587-FOF-TI in Docket No. 941328-TI (Company Code TI346, Certificate No. 3981)¹.

PNG agreed to purchase the customer base of Sonix4U, Inc. ("Sonix4U"). Sonix4U is certified as a Reseller by the FPSC (Company Code TJ549). PNG will purchase the customers

¹ The Commission has also granted PNG authority to provide service as an ALEC (Company Code TX409, Certificate No. 7369) although no customer's local exchange service will be switched as a result of the transaction between PNG and Sonix4U.

on a cash basis; no assets or securities will be exchanged. PNG and SONIX4U hope to complete transfer of the customers to PNG's network on or before March 31, 2002.

During the week of January 10, 2002, PNG mailed a letter to the affected SONIX4U customers explaining the transfer and assuring them that the quality of service and low rates they have enjoyed with SONIX4U will continue with PNG. The affected SONIX4U customers were informed that they would continue to receive quality long distance services at comparable or lower rates from PNG without interruption and without needed action. The affected SONIX4U customers were also reminded that they are under no obligation to take service from PNG, and that they are free to select another company to transmit their long distance calls. A copy of the letter is attached as Exhibit A.²

PNG filed the required notice to the Common Carrier Bureau of the Federal Communications Commission on January 17, 2002 in accordance with revised Section 64.1120 of the Commission's Rules. A copy of the filed notice is attached as Exhibit B.

The special circumstances warranting a deviation or waiver from the Commission's rules and order include the need to provide seamless transitions of long distance service for the affected SONIX4U customers.

II. Argument

Pursuant to the Commission's rules, before submitting a preferred carrier change, carriers must verify the subscriber's authorization of the change by one of the methods set forth in 25-

² This notice was sent pursuant to the amended rules promulgated by the Federal Communications Commission in First Report and Order, *In the Matter of 2000 Biennial Review-Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 00-257 (May 15, 2001) and Fourth Report and Order, *In the Matter of Implementation of the Subscriber Carrier Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 94-129 (May 15, 2001)

4.118 F.A.C. Section 25-24.455(4) F.A.C. provides that:

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

In disposing of a petition, 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 serve the same purpose.

25-24.455(4)(a)-(c) F.A.C.

PNG believes that its petition is in the public interest and that alternative regulatory methods will serve the same purpose in this instance as the Commission's primary interexchange carrier change verification rules. PNG requests that the Commission accept the notice letter attached as Exhibit A in lieu of verification procedures of 25-4.118 F.A.C. The affected customers were notified that their interexchange service will be continued with PNG at the same or lower rates without action required of them; that they may receive a credit for any charge imposed by their local exchange carrier for changing their primary interexchange carrier; and that they are under no obligation to take service from PNG and may select another primary interexchange carrier. Customers were also given PNG's toll-free customer service numbers to call with any questions they may have about the transaction. PNG believes that the notice letter adequately serves the purpose of assuring that customers who remain with PNG genuinely want PNG as their interexchange and intraLATA toll carrier.

On the other hand, the Commission's verification rules would not be served by obtaining prior authorization and verification in order to switch the affected customers of SONIX4U to

PNG. Customers who may not understand the need to authorize the change in their intraLATA toll and interexchange service provider and who, therefore, fail to respond to a request for authorization, could lose their service or pay potentially higher rates.

Expedited action on this waiver is requested. The purchase agreement provides that time is of the essence in the transfer of the customer base to accommodate SONIX4U's business plans.

Granting PNG's application would allow PNG to provide a seamless transition to former SONIX4U customers, while ensuring that the affected customers clearly understand available choices. Therefore, the Commission should grant PNG's request for expedited waiver of the Commission's verification rules set forth in 25-4.118 F.A.C.

Respectfully submitted,

POWERNET GLOBAL COMMUNICATIONS

A handwritten signature in black ink, appearing to read "Dennis Packer", written over a horizontal line.

Dennis M. Packer
General Counsel
4839 Business Center Way
Cincinnati, Ohio 45246
Tel: (513)645-1400, ext. 290
Fax: (877)893-8388
E-mail: dpacker@pngcom.com

Exhibit A
Notice Letter



4839 Business Center Way
Cincinnati, OH 45246

Phone: 513-942-7900
Fax: 513-942-5579

e-mail: solutions@pngcom
www.powernetglobal.com

«FirstName» «LastName»
«Business_Name»
«Addy1»
«City», «State» «Zip»

Dear Sonix4U Customer,

PowerNet Global Communications (PNG), a national provider of long-distance, data and Internet services has entered into an agreement with Sonix4U whereby PNG will purchase the assets of Sonix4U. As part of this transaction, Sonix4U and PNG have agreed to transfer Sonix4U customer accounts from Sonix4U to PNG. PNG will continue to offer you the same excellent service offered by Sonix4U coupled with the low rates offered by PNG.

PNG offers customers simple, flat-rate pricing any time of the day or night. So PNG will be offering you the same low rates you are currently getting with Sonix4U.

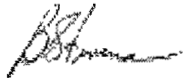
Sonix4U and PNG will work together to ensure that your transition to PNG will be seamless with no interruption of service. Nor will you be required to pay any switchover fees associated with the transfer. If you have any questions or concerns about your service with Sonix4U, the change to PNG or about the rates, terms and conditions of services offered by PNG, we encourage you to call customer service at 1-888-798-6768. Our customer service representatives will be happy to discuss the transition with you and answer any questions you may have.

Beginning now, you will receive your monthly bill from PowerNet Global Communications (PNG), billing on behalf of Sonix4U. If you have an outstanding balance with Sonix4U from prior invoices you will receive a separate statement for this amount.

If you do not have a Calling Card or a Toll-Free number but are interested in these convenient, money-saving services please give us a call and we'll be glad to tell you about these services and have them added to your account.

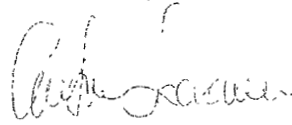
We are confident you will be pleased with the superior service you receive from PowerNet Global. We also recognize, however, that you are free to select another carrier at any time. If you do not choose another carrier before February 23, 2002 PowerNet Global will become your carrier, even if you have arranged for preferred carrier freeze with your local service provider. We want you to know that we value our relationship with you and pledge to provide you with value-added communications solutions and unrivaled customer support.

Exhibit A
Notice Letter
Sincerely,



Bernie Stevens
CEO
PowerNet Global Communications

Sincerely,



Christian Socianu
President / Chairman
Sonix4U

Exhibit A
Notice Letter



4839 Business Center Way
Cincinnati, OH 45246

Phone: 513-942-7900

Fax: 513-942-5579

E-Mail: solutions@pngcom
www.powernetglobal.com

February 7, 2002

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 00-257

Dear Ms. Salas:

PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), pursuant to amended Section 64.1120 of the Commission's Rules³, respectfully notifies the Commission of its intent to transfer all presubscribed customers of Sonix4U, Inc. ("Sonix4U") nationwide to PNG without first obtaining each subscriber's individual authorization and verification.⁴ Pursuant to amended Section 64.1120 of the Commission's Rules, PNG provides the following information:

Names of Parties to the Transaction: The acquiring carrier is PNG Telecommunications, Inc. d/b/a PowerNet Global Communications. The selling carrier is Sonix4U, Inc.

Types of Telecommunications Services Provided to the Affected Customers: PNG provides intrastate, interstate and international long distance services, local services and data services to residential and business customers through a combination of its own facilities and resale of the services of other carriers.

³ 47 C.F.R. §64.1120

⁴ Pursuant to 47 C.F.R. §64.1150, prior to submitting a preferred carrier change, carriers must either (1) obtain the subscriber's written and signed authorization; (2) obtain confirmation from the subscriber via a toll-free number provided for the exclusive purpose of confirming orders electronically; or (3) utilize an independent third party to verify the subscriber's order.

Exhibit A
Notice Letter

PNG is authorized to provide service in 48 states and the FCC has authorized PNG to provide both interstate and international services.

Sonix4U provides resold intrastate, interstate and international long distance services to business and residential customers. Sonix4U has been authorized by the FCC to provide both interstate and international long distance services and 48 states have authorized Sonix4U to provide resold intrastate long distance service.

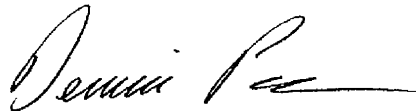
Date of the Transfer: PNG mailed written notice letters to Sonix4U customers on January 10, 2002 and expect that the notice will be received no later than January 17. The parties plan to transfer the customers to PNG on February 23, 2001.

Certification of Compliance: PNG's certification that it will comply with the required procedures for the customer base transfer, including the provision of advance written notice to all affected ATEL customers, is appended hereto as Attachment A.

Notice Sent to Affected Customers: A copy of the notice sent to affected ATEL customers is appended hereto as Attachment B.

Respectfully Submitted

POWERNET GLOBAL COMMUNICATIONS



By:

Dennis M. Packer
General Counsel
4839 Business Center Way
Cincinnati, Ohio 45246
Tel: (513)645-1400, ext. 290
Fax: (877)893-8388
dpacker@pngcom.com

Exhibit A
Notice Letter

CERTIFICATION OF
PNG TELECOMMUNICATIONS, INC.
d/b/a
POWERNET GLOBAL COMMUNICATIONS

On behalf of PNG Telecommunications, Inc. d/b/a PowerNet Global Communications ("PNG"), and in accordance with Section 64.1120 of the Commissions rules, I hereby certify that:

1. Under penalty of perjury, that I have read the foregoing document and that the statements therein are true, complete and correct to the best of my knowledge, except as to statements therein stated upon information and belief. As to those statements, I believe them to be true.
2. PNG will comply with the required FCC procedures for the transfer of Sonix4U, Inc.'s ("Sonix4U") customer base to PNG, including the provision of advanced written notice to all affected Sonix4U customers.

POWERNET GLOBAL COMMUNICATIONS

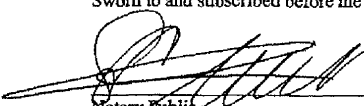
By: 

Name: Dennis Packer

Title: General Counsel

Date: January 16, 2002

Sworn to and subscribed before me this 16th day of January, 2002.


Notary Public

STACY A. LEWIS, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 ORC

My Commission expires: _____

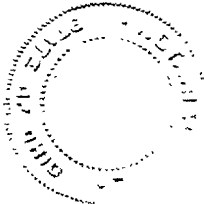


Exhibit A
Notice Letter



«FirstName» «LastName»
«Business_Name»
«Addyl»
«City», «State» «Zip»

Dear Sonix4U Customer,

PowerNet Global Communications (PNG), a national provider of long-distance, data and Internet services has entered into an agreement with Sonix4U whereby PNG will purchase the assets of Sonix4U. As part of this transaction, Sonix4U and PNG have agreed to transfer Sonix4U customer accounts from Sonix4U to PNG. PNG will continue to offer you the same excellent service offered by Sonix4U coupled with the low rates offered by PNG.

PNG offers customers simple, flat-rate pricing any time of the day or night. So PNG will be offering you the same low rates you are currently getting with Sonix4U.

Sonix4U and PNG will work together to ensure that your transition to PNG will be seamless with no interruption of service. Nor will you be required to pay any switchover fees associated with the transfer.

If you have any questions or concerns about your service with Sonix4U, the change to PNG or about the rates, terms and conditions of services offered by PNG, we encourage you to call customer service

at 1-888-798-6768. Our customer service representatives will be happy to discuss the transition with you and answer any questions you may have.

Beginning now, you will receive your monthly bill from PowerNet Global Communications (PNG), billing on behalf of Sonix4U. If you have an outstanding balance with Sonix4U from prior invoices you will receive a separate statement for this amount.

If you do not have a Calling Card or a Toll-Free number but are interested in these convenient, money-saving services please give us a call and we'll be glad to tell you about these services and have them added to your account.

We are confident you will be pleased with the superior service you receive from PowerNet Global. We also recognize, however, that you are free to select another carrier at any time. If you do not choose another carrier before February 23, 2002 PowerNet Global will become your carrier, even if you have arranged for preferred carrier freeze with your local service provider. We want you to know that we value our relationship with you and pledge to provide you with value-added communications solutions and unrivaled customer support.

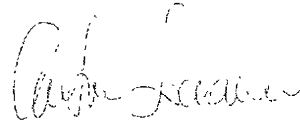
Sincerely,

Sincerely,

Exhibit A
Notice Letter



Bernie Stevens
CEO
PowerNet Global Communications



Christian Socianu
President / Chairman
Sonix4U