

**MILLER  
ISAR** INC.  
REGULATORY CONSULTANTS

ANDREW O. ISAR

7901 SKANSIE AVENUE,  
SUITE 240  
GIG HARBOR, WA 98335  
TELEPHONE: 253.851.6700  
FACSIMILE: 253.851.6474  
HTTP://WWW.MILLERISAR.COM

Via Overnight Delivery

June 11, 2002

Ms. Blanca Bayō  
Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

020504-TI

RE: Petition of Legent Communications Corporation d/b/a Long Distance America for Waiver of Interexchange Carrier Selection Rules, 25-4.118 F.A.C. and CEO Telecommunications, Inc. Notification of Cancellation of a Certificate Pursuant to 25-24.474(2) F.A.C.

Dear Ms. Bayō:

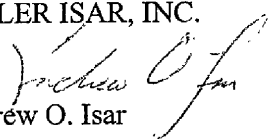
Enclosed are an original and six (6) copies of the *Petition of Legent Communications Corporation d/b/a Long Distance America for Waiver of Interexchange Carrier Selection Rules, 25-4.118 F.A.C.* and a Notification of Cancellation of a Certificate Pursuant to 25-24.474(2) F.A.C. being submitted on behalf of CEO Telecommunications, Inc. As these documents are interrelated and pertain to the acquisition and transfer of subscriber accounts and related subscriber account data from CEO to Legent Communications Corporation d/b/a Long Distance America, they are being filed contemporaneously.

Please acknowledge receipt of these filings by date stamping and returning the extra copy of this letter in the self-addressed, postage prepaid envelope provided for this purpose.

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

  
Andrew O. Isar

Enclosures

cc: Scott A. White

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

Petition of Legent Communications Corporation    )  
d/b/a Long Distance America                    )  
for Waiver of Interexchange Carrier Selection Rule, )  
25-4.118 F.A.C. Exclusively In Conjunction with )  
the Acquisition of the Customer Base and Related )  
Assets of CEO Telecommunications, Inc.        )

Docket No. \_\_\_\_\_  
Filed: June \_\_, 2002

**PETITION OF LEGENT COMMUNICATIONS CORPORATION  
D/B/A LONG DISTANCE AMERICA  
FOR WAIVER OF INTEREXCHANGE CARRIER  
SELECTION RULES, 25-4.118 F.A.C.**

Petitioner, Legent Communications Corporation d/b/a Long Distance America (“Legent” or “Petitioner”) hereby petitions the Florida Public Service Commission (“Commission”), pursuant to its authority under Chapter 364, Florida Statutes, for waiver of 25-4.118 Florida Administrative Code (“F.A.C.”), Interexchange Carrier Selection. Petitioner requests waiver of 25-4.118 F.A.C. for the sole and exclusive purpose of concluding the acquisition of the customer base and related assets of CEO Telecommunications, Inc. (“CEO” f/k/a L.D. Services, Inc.) and facilitating the seamless transition of CEO’s Florida subscribers to Legent’s service. In support of its Petition, Petitioner states as follows.

**I. IDENTIFICATION OF LEGENT AND CEO**

Petitioner’s name, address, and telephone numbers are:

Legent Communications Corporation  
d/b/a Long Distance America  
8001 Irvine Center Drive, Suite 1140  
Irvine, California 92618

Telephone: 949.753.7000  
Facsimile: 949.753.7267

Correspondence or communications concerning this Petition may be addressed to  
Petitioner's regulatory consultant:

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, Washington 98335

Telephone: 253.851.6700  
Facsimile: 253.851.6474

Petitioner is a non-dominant interexchange telecommunications service provider granted certificate of public convenience and necessity on May 10, 2002 by Order No. PSC-02-0644-CO-TI in Docket No. 020107-TI.

CEO is a non-dominant interexchange telecommunications service provider whose business address and telephone are 223 East De La Guerra Street, Santa Barbara, CA 93101, 805.963.1619. CEO was originally granted certificate of public convenience and necessity in Docket No. 4018 under the name L D Services, Inc. CEO currently provides competitive resold telecommunications services pursuant to its tariff, FL P.S.C. No. 1, to less than 500 Florida subscribers.

## **II. DESCRIPTION OF ACQUISITION TRANSACTION NECESSITATING REQUEST OF RULE WAIVER.**

Legent has entered into an Asset Purchase Agreement with CEO to purchase certain assets of CEO. Such assets primarily include CEO's base of customers and related data, databases, and customer records. This asset acquisition is intended to enable Legent to continue providing resold intrastate, interstate, and international interexchange

telecommunications services to current CEO subscribers as new Legent subscribers. Legent does not seek a transfer of CEO's operating authority.

CEO has determined that it no longer desires to continue serving telecommunications subscribers in the State of Florida and wishes to exit the interexchange market. Contemporaneously with the filing of this application and under separate transmittal, CEO notifies the Commission of its intent to withdraw from the Florida market.

It is the strategic interest of Legent to expand its operations through the acquisition of CEO assets. Through the stated acquisition, current CEO subscribers will continue to receive uninterrupted interexchange telecommunications services and will benefit from a variety of added features and support provided by Legent. The transaction for which authority is sought is exclusively an acquisition and does not involve a merger or consolidation. No amendment of Legent's certification or tariff is necessitated by this transaction.

### **III. REQUESTED RELIEF.**

For the exclusive purpose of consummating this asset transfer, Legent requests waiver of the Commission's rule governing interexchange carrier selection, 25-4.118, F.A.C., in so far as this rule could apply to current CEO subscribers when transferring to Legent. Rule 25-4.118, F.A.C., requires *inter alia* that "(1) [t]he primary interexchange company (PIC) of a customer shall not be changed without the customer's authorization." Rule 25-4.118(2) F.A.C. further sets forth the basis under which interexchange carrier selection must be confirmed. Because the acquisition of CEO's subscribers does not constitute a change in the CEO's primary carrier, but rather a transfer of service from CEO to Legent as the primary carrier, a primary interexchange carrier change will not occur, and a

second verification of the customer's primary carrier subscription is not required. A customer's carrier selection and requisite verifications associated with a PIC change under 25-4.118, F.A.C. are thus rendered inapplicable under this transaction.

CEO customer PIC selections were verified at the time CEO customers elected CEO as their primary carrier, in accordance with Federal Communications Commission primary carrier verification rules,<sup>1</sup> and 25-4.118, F.A.C. No additional verification associated with Legent's acquisition of CEO assets is necessary as Legent in effect takes the place of CEO as the customers' primary interexchange carrier.

Further, CEO customers have been informed of the acquisition transaction in anticipation of the consummation of the transaction in accordance with the requirements set forth under federal regulation pursuant to 47 C.F.R. §64.1120(e), by direct first class U.S. mail. Such notification ensures that customers are aware that they are to be served by Legent unless electing an alternative carrier. A copy of the customer notice is attached hereto at Exhibit A. Such notification mitigates the risk of slamming complaints. Current CEO customers will not be assessed any charge for the transfer of their service to Legent.

Petitioner's request for waiver is non-controversial and consistent with past Commission practice.

WHEREFORE, Legent Communications Corporation respectfully requests waiver of 25-4.118 F.A.C., Interexchange Carrier Selection, for the exclusive purpose of consummating the acquisition and transfer of CEO customers to Legent.

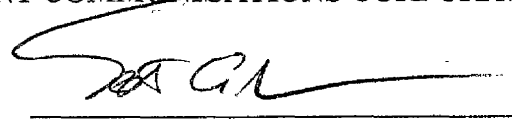
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<sup>1</sup> 47 C.F.R. §64.1100 *et seq.*, Changes in Subscriber Carrier Selections.

Respectfully submitted this 5<sup>th</sup> day of June, 2002.

LEGENT COMMUNICATIONS CORPORATION

By:

A handwritten signature in black ink, appearing to read 'SA White', is written over a horizontal line.

Scott A. White  
President  
Legent Communications Corporation  
d/b/a Long Distance America  
8001 Irvine Center Drive, Suite 1140  
Irvine, California 92618  
Telephone: 949.753.7000

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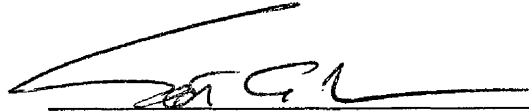
**VERIFICATION**

I am an officer of Legent Communications Corporation d/b/a Long Distance America, a Petitioner for Waiver of Interexchange Carrier Selection Rule, 25-4.118 F.A.C. I am authorized to make this Verification on its behalf.

The statements in the foregoing Petition are accurate and true of my own knowledge, except as to any matters therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5<sup>TH</sup> day of June, 2002 at Irvine, California.



\_\_\_\_\_  
(Signature of Officer)

Scott White  
Printed Name of Officer

President

**EXHIBIT A**

**Customer Notification**





### IMPORTANT CUSTOMER NOTICE

LEGENT COMMUNICATIONS CORPORATION [D/B/A LONG DISTANCE AMERICA] WILL BEGIN PROVIDING YOUR LONG DISTANCE SERVICE FOLLOWING REGULATORY APPROVALS. SERVICE AND RATES WILL NOT BE AFFECTED

Dear Customer:

Legent Communications Corporation [d/b/a Long Distance America] (Legent) is pleased to announce its acquisition of the assets of CEO Telecommunications, Inc. d/b/a Long Distance Services\*, your present provider of long distance services. Your current service features and rates WILL NOT CHANGE. This acquisition will enable you to begin receiving the highest quality telecommunications services available and responsive customer service from Legent, a company with more than a decade of telecommunications experience.

This change is expected to occur within 30 to 60 days, pending approval by the state public utility/public service commission. There is no cost associated with the transfer of your service to Legent. You will continue to receive your current long distance services and features with no change in rates. A summary of Legent's full service offerings with terms and conditions can be found at [www.lidservices.info](http://www.lidservices.info), or by calling 888-478-8724. We have taken all necessary steps to ensure a seamless transition of your long distance services to Legent. If you have any questions, please contact us at: **Legent Communications Corporation, P.O. Box 50008, Irvine, CA 92619-0008 or 1.888.478.8724.**

We soon expect to introduce new and innovative products and services designed to bring you added value and savings. You should be aware that you have an option to change long distance provider. If you would like to change service providers, you should do so on or before July 15, 2002, otherwise your service will automatically convert to Legent following regulatory approval. Any future changes in rates, terms, and conditions of service will be made in accordance with applicable Federal Communications Commission and state regulatory commission regulations. Legent will not be responsible for any pending regulatory complaints filed before Legent begins providing your service. The disposition of those complaints remains the responsibility of CEO Telecommunications, Inc. If you have any questions regarding outstanding complaints, you may contact your state's regulatory commission consumer affairs division.

On behalf of Legent and its dedicated employee team, welcome as a new Legent customer. We realize you have a choice of providers and appreciate your business.

Sincerely,

Legent Communications Corporation [d/b/a Long Distance America]

Scott A. White  
President

\* where available

P.O. Box 50008, Irvine, CA 92619-0008  
Phone 949-753-7000 - Fax 949-753-7267