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June 12, 2002

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020512-TP

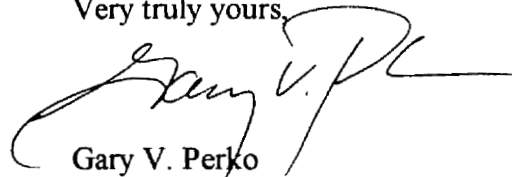
Dear Ms. Bayó:

Enclosed for filing on behalf of TTI National, Inc. are the original and fifteen copies of its Petition for Waiver.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Very truly yours,

  
Gary V. Perko

GVP/jlm  
Enclosures

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DOCUMENT

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of TTI National, Inc., for )  
Waiver of Rule 25-4.118, F.A.C., Local, )  
Local Toll, or Toll Provider Selection in )  
connection with transfer of customers )  
from PT-1 Communications, Inc., and PT-1 )  
Long Distance, Inc., to TTI National, Inc. )  
\_\_\_\_\_ )

Docket No. 020512-TP

Filed: June 12, 2002

**PETITION FOR WAIVER**

TTI National, Inc. ("TTI"), 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 PT-1 Communications, Inc., and PT-1 Long Distance, Inc. (collectively, "PT-1") to TTI without first obtaining each subscriber's authorization and verification. In support of this Petition, TTI states:

**THE PETITIONER**

1. The name and address of the Petitioner are:

TTI National, Inc.  
Concourse Corporate Center Six  
Six Concourse Parkway, Suite 3200  
Atlanta, GA 30328

2. TTI is certificated in Florida as an interexchange carrier ("IXC"). TTI offers switched outbound ("1+"), toll free and calling card services and currently services more than 250,000 customers nationwide. TTI is a wholly-owned subsidiary of WorldCom, Inc., a publicly traded company.

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

Gary V. Perko  
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

Leigh Ann Cox  
WorldCom, Inc.  
500 Clinton Ctr Dr.  
Clinton, MS 39056

**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. TTI respectfully requests a waiver of Rule 25-4.118 so that it may transfer the subscribers of PT-1 Communications, Inc., and PT-1 Long Distance, Inc., to TTI for the reasons more fully described below.

**BACKGROUND**

5. On March 9, 2001, PT-1 Communications, Inc. and PT-1 Long Distance, Inc. filed voluntary Chapter 11 Bankruptcy petitions in the United States Bankruptcy Court for the District of New York.

6. On March 7, 2002, an auction was held at which MCI WorldCom Network Services, Inc. ("MWNSI"), a subsidiary of WorldCom, Inc., made a bid for PT-1's assets, including but not limited to all U.S. based long distance customer accounts which have selected PT-1 as their provider for outbound and inbound switched services. Because MWNSI's bid was found to be the best offer for PT-1's<sup>1</sup> assets, the Bankruptcy Court entered an Order<sup>2</sup> authorizing the sale of

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<sup>1</sup> PT-1's assets included but are not limited to, the long distance customer base, long distance revenue streams and accounts receivables, intellectual property, CIC codes, Access Carrier Name Abbreviation (ACNA) permits, records and certain prepaid expenses.

substantially all of PT-1's assets, including without limitation, PT-1's customer base<sup>3</sup> and Carrier Identification Codes ("CIC"), 101-6868 and 10-10-972, to MWNSI, free and clear of all liens, claims and encumbrances transferable to TTI at closing.

7. This transition in service will include appropriate, actual notice<sup>4</sup> to each of PT-1's presubscribed customers, notifying them of the purchase, advising them of TTI's service and rates and providing information enabling such customers to choose another carrier rather than TTI, if they so choose. This notice is being provided in compliance with Rules of the Federal Communications Commission ("FCC") governing the sale and transfers of carriers' customer bases. *See*, 47 C.F.R. § 64.1120(e)(1). PT-1, in cooperation with TTI, will send letters to all PT-1 customers notifying them that PT-1 will no longer be serving as a domestic presubscribed long distance carrier, and that beginning on or after September 1, 2002, service will be provided by TTI unless the customer chooses another carrier.

8. Additionally, TTI will also send a written notice to the affected customers with information concerning TTI's services and rates. The notice will inform the customer on or after September 1, 2002, all "1+" calls from telephone lines previously served by PT-1 will be completed by TTI, unless the customer chooses another carrier. The customers will be informed

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<sup>2</sup> Order pursuant to Sections 105, 363,365, and 1146 of the Bankruptcy Code (I) Authorizing and Approving the Emergency Sale of Substantially All of Debtors Assets Free and Clear of Liens, Claims, and Encumbrances; (ii) Authorizing the Debtors to Sell such assets to MWNSI or its Designee; (iii) Authorizing and Approving the Terms of the Asset Purchase Agreement; (iv) Authorizing and Approving the Terms of the Management Agreement; (v) Authorizing and Approving Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in connection therewith; (vi) Approving Exchange of Release and/or waivers pursuant to Bankruptcy Rule 9019, (vii) Authorizing and Approving the RFC Agreement; and (viii) Authorizing the Exemption of the Sale from Stamp and similar taxes.

<sup>3</sup> As of January 2002, PT-1's presubscribed customer base consisted of fewer than 16,500 active customers, with only 2,594 customers located in Florida.

<sup>4</sup> The customer notice letters are included in Exhibit 1.

that they will receive the same rates and services as those, which they were receiving from P. without interruption and without need for action. The affected PT-1 customers will also be reminded that they are under no obligation to take service from TTI, and that each customer is free to select another company to carry their long distance calls. The customer will also be advised that they should not be charged any fee by the local phone company as a result of the change to TTI, and if any such fee is imposed, TTI will issue a credit for such charge to the customer. They will also provide the former PT-1 customers with a toll-free number to assist them if they have any questions regarding the transfer of their service.

9. TTI shall initially offer services that are of comparable quality and at the same rates that PT-1 currently offers its long distance customers for a period of at least 60 days. After that period of time, TTI reserves the right to change the rates it charges PT-1's former long distance customers in the future.

#### **BASIS FOR WAIVER**

10. 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.

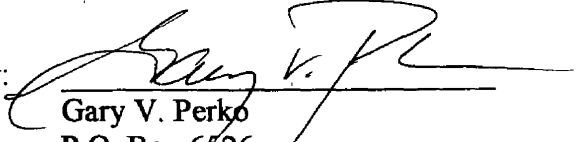
11. In the circumstances described in this Petition, it is in the public interest to waive the carrier selection requirements of Rule 25.4.118, Florida Administrative Code. TTI and PT-1 have provided for a seamless transition while ensuring that customers understand available choices with the least amount of disruption to customers. The customers will receive ample notice of the transfer and have the opportunity to select another carrier. TTI believes 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.

12. 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, TTI requests that the Commission grant its requested waiver of Rule 25-4.118, Florida Administrative Code, to permit it to transfer the subscribers of PT-1 Communications, Inc., and PT-1 Long Distance, Inc., to TTI as more fully set forth above.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of June, 2002.

HOPPING GREEN & SAMS, P.A.

By:   
Gary V. Perko  
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 TTI National, Inc.

Dear Customer:

Great news regarding your long distance service! TTI National, Inc. ("TTI National") has acquired the customers of PT-1 (101-6868) and therefore, PT-1 will no longer be serving as your domestic presubscribed long distance carrier. TTI National is owned by WorldCom, Inc., one of the leading telecommunication companies in the world, providing superior service for many years. PT-1 has taken the necessary steps to ensure that you continue to receive quality long distance service at the same prices, without interruption and without any need on your part to take action. In addition, you will continue to be billed by your local phone company. On (date) or soon thereafter, when you dial "1+" from the telephone line now served by PT-1, your long distance calls will be completed by TTI National.

We are confident that TTI National is fully capable of providing reliable and economical telecommunications products. Of course, you are under no obligation to take service from TTI National. You may choose to select another company to handle your calls. If for any reason you decide not to stay with TTI National then we recommend that you choose a replacement carrier before (date), the planned date for the beginning of service conversion to TTI National.

We have made arrangements with TTI National to serve in our place by providing intrastate, interstate and international services to satisfy your telecommunications requirements. TTI National will soon send you a letter to provide you with information concerning your service.

If you have any questions, please call us at 888-660-5377. We thank you for your continued support and your business. We have enjoyed being your service provider.

Sincerely,

PT-1 Communications, Inc.  
PT-1 Long Distance, Inc.

BY: \_\_\_\_\_

Date

Great News!

We are very pleased to advise you that, TTI National, Inc., has acquired PT-1 (1016868). On (Date), or shortly thereafter, TTI National, Inc., will provide your long distance service. TTI National, Inc., which is owned by WorldCom, Inc., is one of the leading telecommunications companies in the world. We have been providing superior service at competitive rates for many years and offer a convenient package of quality services at the same rates for dial 1+ service that you were receiving from PT-1.

Enclosed is the General Service Agreement that details general rates and charges (including the rate change notification process) and terms and conditions. You will not be responsible for any carrier change charges associated with this transfer. However, if a fee is imposed by your local phone company, TTI National, Inc., will issue a credit for the charge. To request credit, please have your local phone bill handy (showing the PIC Change Charge) and call TTI National, Inc., Customer Service at 1- 800-893-5094.

Of course, you are under no obligation to take service from TTI National, Inc.; you may select another company to handle your calls. Please note that unless you choose another provider before (Date), the transfer to TTI National, Inc., will occur regardless of any freeze you may have on your account. The freeze will be lifted in order to effectuate the transfer and you will need to contact your local phone company in order to establish a new freeze. You will receive a letter confirming transfer of services to TTI National, Inc.

Making a long distance phone call with TTI National, Inc., is easy. Call anywhere in the United States by dialing 1+ area code + number. No special access numbers are needed. And, if you call internationally, you'll benefit from our high-quality international outbound service, which is available automatically with your TTI National, Inc., long distance service.

The professional customer service team at TTI National, Inc., is equipped to assist you with questions about your new long distance service or monthly billing after (Date). Should you require assistance, please contact TTI National, Inc. Customer Service at 1-800-893-5094. Questions on services prior to (Date) should be directed to PT-1 at 1-888-660-5377.

We look forward to serving you at TTI National, Inc., your single source for reliable communications services. We appreciate your business.

Sincerely,

**TTI National, Inc.**