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June 18, 2002  
Overnight

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SERVICES

020540-TP

Mr. Dan Hoppe, Director  
Division of Regulatory Oversight  
Florida Public Service Commission  
Attention: Tariffing Section  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Tallahassee, FL 32399-0850

RE: Joint Petition of BellSouth Long Distance, Inc. and Broadwing  
Telecommunications Inc. for Waiver of Slamming Rule, Chapter 25-4.118

Dear Mr. Hoppe:

Enclosed please find the original and three copies of a petition filed on behalf of Broadwing Telecommunications Inc. for approval to transfer certain customers from BellSouth Long Distance, Inc. ("BSLD") to Broadwing Telecommunications Inc. ("BWTI") Also enclosed with the petition are copies of the Notification filed with the FCC, including customer notice.

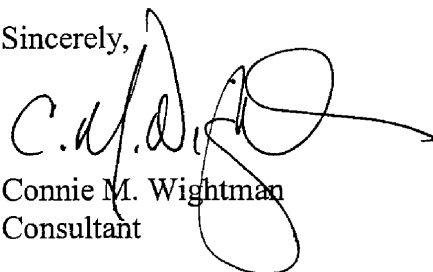
The customers to be transferred are those 800 service subscribers who are currently served jointed by BellSouth Long Distance, Inc. (for intraLATA) and Broadwing Telecommunication Inc. (for interLATA). This request is to transfer only the intraLATA portion of service from BSLD to BWTI. The are approximately 1000 customers in Florida affected by this transfer.

Questions regarding this filing may be directed to my attention at (407) 740-8575 or via e-mail at cwightman@tminc.com.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose.

Thank you for your assistance.

Sincerely,



Connie M. Wightman  
Consultant

cc: Larry Barnes, BWTI  
Mario Soto, BSLD  
File: BroadWing/TI - FL  
TMS: FLx0203

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition of ) Docket No.  
BellSouth Long Distance, Inc. and )  
Broadwing Telecommunications Inc. )  
for Waiver of Slamming Rule, )  
Chapter 25-4.118 )  
\_\_\_\_\_ )

**JOINT PETITION FOR WAIVER**

BellSouth Long Distance, Inc. and Broadwing Telecommunications Inc. ("Petitioners") respectfully request, pursuant to Rule 25-24.455(4), the Florida Public Service Commission ("Commission") to waive Florida Administrative Code rule 25-24.118, in order to facilitate the transfer of customers from BellSouth Long Distance, Inc. ("BSLD") to Broadwing Telecommunications Inc. ("BWTI"), both certificated entities. Upon approval of this waiver, the Petitioners propose to transfer customers of the intraLATA portion of 800 service jointly provided by both companies from BSLD to BWTI. BWTI is currently and will remain the interLATA carrier for the 800 services of these same customers. Petitioners will resolve any customer questions that may result from the transfer.

Prior to implementing these changes, the parties will send a notification to all affected customers. The notification will advise the customers of the following: the pending change of their intraLATA 800 service carrier selection to BWTI; that there will be no change in the way they dial or in the customer service available to them; that there will be no charges associated with the change; that services will be provided at the same rates as those charged by the current carrier; and that they have the option to select a different service provider if they prefer. The notification will also include a customer inquiry number

that customers may call for more information. A sample copy of the customer notification is attached to this Petition as Schedule 1.1(a) of the FCC waiver petition in Attachment A.

Petitioners respectfully request that the Commission issue an order granting a wavier of Rule 25-24.118 in order to consummate the transfer of customers. In support of this request, Petitioners provide the following information:

#### **I. THE PETITIONERS and PARTIES**

BellSouth Long Distance, Inc., a Delaware corporation, was certificated on June 23, 1998 in Docket No. 960902-TI (interexchange carrier (“IXC”) certificate number TI 554). Broadwing Telecommunications Inc., a Delaware corporation, was originally certificated as Network Long Distance, Inc. on June 30, 1994 in Docket No. 930249 (IXC certificate number TI 40). Through subsequent mergers and name changes, the company became known as Broadwing Telecommunications Inc. on December 29, 1999. Both companies offer a variety of resale interexchange telecommunications services, including direct dial outbound service, inbound toll-free service, travel card service and operator assisted services. In addition to the services provided in Florida, these companies are authorized to provide resold interexchange telecommunications services nationwide either pursuant to certification or registration, or on an unregulated basis, except in certain states in the BellSouth region and in Alaska. These companies are also authorized by the FCC to provide interstate and international telecommunications services.

## **II. CONTACT INFORMATION**

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

Connie Wightman, Consultant  
Technologies Management, Inc.  
P.O. Box 210  
Winter Park, Florida 32790-0200  
(407) 740-8575  
cwightman@tminc.com

with a copy to:

Larry Barnes  
National Director - Regulatory  
Broadwing Telecommunications Inc.  
1122 Capital of Texas Highway, South  
Austin, Texas 78746  
(512) 742-2665  
larry.barnes@broadwing.com

## **III. REQUEST FOR RULE WAIVER**

Pursuant to Rule 25-24.118(1), Florida Administrative Code, the long distance provider of a customer shall not be changed without the customer's authorization. Rule 25-24.118-(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 merger and subsequent restructure described above, the Petitioners ask the Commission to waive the conditions in 25-24.118-(2) in order to allow the transfer of customers of record to BWTI. BWTI filed Notice with the Federal Communications Commission for a waiver of the authorization and verification rules for implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996.

#### **IV. CUSTOMER IMPACT**

This transaction will be made in a seamless fashion that will avoid disruption to consumers. Existing customers 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.

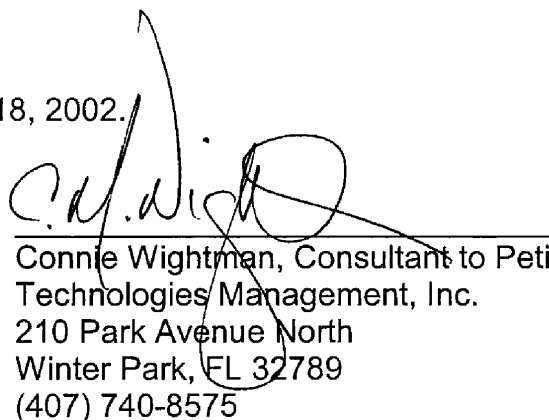
#### **V. PUBLIC INTEREST CONSIDERATIONS**

The Petitioners have determined that the proposed transaction will improve operational efficiency of both companies, thus providing greater opportunities to improve the price 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 and lose their intraLATA 800 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 the reasons 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 25-24.118.

Respectfully submitted on June 18, 2002.

By:

  
\_\_\_\_\_  
Connie Wightman, Consultant to Petitioners  
Technologies Management, Inc.  
210 Park Avenue North  
Winter Park, FL 32789  
(407) 740-8575

REBOUL, MACMURRAY, HEWITT & MAYNARD

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45 ROCKEFELLER PLAZA

NEW YORK, N.Y. 10111

TELEPHONE (212) 841-5700

TELECOPIER (212) 841-5725

June 18, 2002

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, D.C.

VIA COURIER

Re: CC Docket No. 00-257 --  
Transfer of IntraLATA 800 Service Subscribers from BellSouth  
Telecommunications, Inc. to Broadwing Telecommunications Inc.

Dear Ms. Dortch:

Pursuant to CC Docket No. 00-257 and in accordance with Section 64.1120(e)(1) of the Commission's rules, Broadwing Telecommunications Inc. ("Broadwing") hereby notifies the Commission of its plan to enter into an agreement with BellSouth Telecommunications, Inc. ("BellSouth") whereby Broadwing will acquire certain intraLATA 800 service subscribers from BellSouth. These customers currently receive intraLATA 800 services from BellSouth and interLATA 800 services from Broadwing, for which Broadwing issues a joint bill containing both companies' logos.

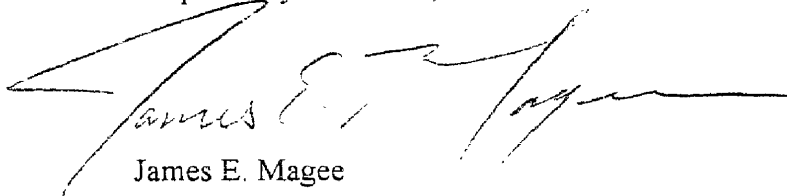
Once the proposed transaction is consummated, Broadwing will provide both intraLATA and interLATA 800 services to these customers and will issue customer bills containing only Broadwing's logo. As reflected in the customer notification, attached as Attachment "A", affected customers will not experience any other changes with respect to their current 800 services. The proposed transfer will affect approximately 3,110 customers located in seventeen (17) states. The proposed date for the customer transfer is August 1, 2002.

As set forth in Attachment "B" to this letter, Broadwing certifies that it has complied with the subscriber notification requirements set forth in Section 64.1120(e)(3) of the Commission's rules and with other statutory and Commission requirements that apply to this streamlined process.

Four copies of this letter are also enclosed. A receipt copy is enclosed as well. Please date stamp the receipt copy and return it with the courier.

If you have any questions with respect to this letter, please direct them to either Jennifer Newberry or myself at (202)-429-0004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Magee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James E. Magee

Counsel for Broadwing Telecommunications Inc.

Enclosures



ATTACHMENT A

June 18, 2002

Dear 800 Service Customer:

Dear Toll Free Service Customer:

As you know, BellSouth Long Distance, Inc. ("BellSouth") and Broadwing Telecommunications Inc. ("Broadwing", f/k/a Eclipse Telecommunications) currently provide your Toll Free Service. BellSouth provides the intraLATA portion of the service, branded BellSouth Long Distance Premier Toll Free<sup>SM</sup> Service, and Broadwing provides the interLATA portion of the service. BellSouth intends to discontinue offering the BellSouth Long Distance Premier Toll Free<sup>SM</sup> Service and has requested that Broadwing provide to you a replacement intraLATA Toll Free service for calls beginning August 1, 2002.

Thus, as of August 1, 2002, your Toll Free service will be exclusively provided and billed by Broadwing. There will be no charges to you associated with this transfer. If you do not wish to stay with Broadwing, you have the option to select a different Toll Free service provider, if one is available, and you can continue to use your existing Toll Free number.

Unless you select a new Toll Free service provider before August 1, 2002, all customers receiving this notice will have their BellSouth Long Distance Premier Toll Free<sup>SM</sup> Service transferred to Broadwing regardless of whether the account has a preferred carrier freeze. You must contact your local service provider if you want to arrange a new preferred carrier freeze.

If you stay with Broadwing, there will be no change to the rates, terms, and conditions of your service for a minimum of sixty (60) days, and currently no changes are being considered for after that date. Broadwing will send you written notice 30 days prior to any future changes in your terms and conditions of service.

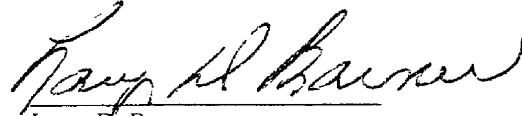
BellSouth and Broadwing will remain responsible for handling any complaints with respect to their respective service prior to or during the transfer. If you have any questions about the transfer or Broadwing's services, please call a Broadwing customer service representative at (877) 235-5254.

Broadwing Telecommunications Inc.



CERTIFICATION OF BROADWING TELECOMMUNICATIONS INC.

Larry D. Barnes, National Director – Regulatory Affairs of Broadwing Telecommunications Inc. (“Broadwing”), hereby certifies that Broadwing has complied with the subscriber notification requirements set forth in Section 64.1120(e)(3) of the Federal Communications Commission’s rules and with other statutory and Commission requirements that apply to the Commission’s streamlined procedure with respect to the proposed transfer of IntraLATA 800 service subscribers from BellSouth Telecommunications, Inc. to Broadwing.



Larry D. Barnes

National Director – Regulatory Affairs

DATE

*June 12, 2002*