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Writer's Direct Dial No.
(850) 425-2359

August 15, 2002

BY HAND DELIVERY

Blanca Bayó
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RECEIVED-FPSC
02 AUG 15 PM 3:31
COMMISSION
CLERK

02089141

Re: Petition of MCI WorldCom Communications, Inc. for waiver of Rule 25-4.118, F.A.C., Local, Local Toll or Toll Provider Selection in connection with transfer of multi-service customers from Intermedia Communications, Inc. to MCI WorldCom Communications, Inc.

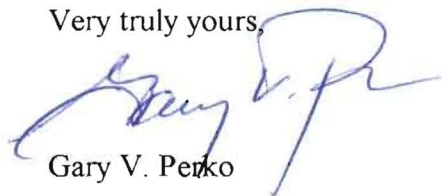
Dear Ms. Bayó:

Enclosed for filing is on behalf of MCI WorldCom, 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.

If you have any questions please feel free to call me at 425-2359.

Very truly yours,



Gary V. Perko

GVP/jlm
Enclosures
cc: Certificate of Service

RECEIVED & FILED
RJM
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08593 AUG 15 02

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of MCI WorldCom)
Communications, Inc. for waiver of)
Rule 25-4.118, F.A.C., Local, Local Toll)
or Toll Provider Selection in connection)
with transfer of multi-service customers)
from Intermedia Communications, Inc.)
to MCI WorldCom Communications, Inc.)
_____)

Docket No. 020891-T

Filed: August __, 2002

PETITION FOR WAIVER

MCI WorldCom Communications, Inc. ("MCI WorldCom"), pursuant to Rule 25-24.455(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 multi-service customers of Intermedia Communications, Inc. ("Intermedia") to its affiliate MCI WorldCom without first obtaining each subscriber's authorization and verification. These customers receive dedicated long distance, ISP-PRI, private line, Intermeid One, and certain ATM and frame relay services. In support of this Petition, MCI WorldCom states:

THE PETITIONER

- 1. The name and address of the Petitioner are:

MCI WorldCom Communications, Inc.
500 Clinton Center Drive
Clinton, Mississippi 39056

- 2. MCI WorldCom is certificated in Florida as an interexchange carrier ("IXC") (IXC Certificate No. 1528) and as an alternative local exchange company/alternative access vendor ("ALEC/AAV") (ALEC/AAV Certificate No. 4040). MCI WorldCom is a wholly-owned subsidiary of WorldCom, Inc., a Georgia company.

DOCUMENT NUMBER-DATE
08593 AUG 15 2002
FPSC-COMMISSION CLERK

3. The designated contacts for this application are:

Richard D. Melson
Gary V. Perko
Hopping Green & Sams, P.A.
123 South Calhoun Street
P.O. Box 6526
Tallahassee, Florida 32314
850-222-7500 (Tel)
850-224-8551 (Fax)

and:

Jean L. Kiddoo
Kathy L. Cooper
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

and:

Donna Canzano McNulty
WorldCom, Inc.
325 John Knox Road
The Atrium, Suite 105
Tallahassee, Florida 32303

with a copy to:

Marsha Ward
WorldCom, Inc.
6 Concourse Parkway
Atlanta, Georgia 30328

RULE TO BE WAIVED

4. Pursuant to Rule 25-4.118, Florida Administrative Code, a customer's presubscribed local exchange or 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 Rules 25-4.118 are made applicable to local exchange and interexchange carriers through incorporation by reference in Rules 25-24.845 and 25-4.490, Florida Administrative Code, respectively. MCI WorldCom respectfully requests a waiver of Rule 25-4.118 so that it may consolidate the multi-service customer base of Intermedia with its own customer base, for the reasons more fully described below.

HISTORY AND CURRENT TRANSACTION

5. On October 23, 2000, Intermedia and WorldCom, Inc. (“WorldCom”), the parent company of MCI WorldCom, filed with the Commission an application for transfer of control of Intermedia to WorldCom. That transfer was approved by the Commission in Order No. PSC-00-2435-PAA-TP issued December 19, 2000 and the approval became final with the issuance of Consummating Order No. PSC-01-0105-CO-TP on January 17, 2001.

6. By letter dated September 21, 2001, WorldCom notified the Commission that it had determined not to sell the regulated telecommunications operations of Intermedia. As WorldCom indicated to the Commission in its earlier filings on the status of the transaction, Intermedia has continued to operate since the WorldCom acquisition under the existing Intermedia certificates and tariffs. At the same time, WorldCom has evaluated whether and how it will consolidate the Intermedia operations into the existing operations of other WorldCom operating subsidiaries, including the transfer of certain customers from Intermedia to MCI WorldCom.

7. As part of its customer migration plan, on October 29, 2001, MCI WorldCom requested a similar waiver of Rule 25-4.118 so that Intermedia could transfer its business and residential interexchange customers to MCI WorldCom without first obtaining each subscriber’s authorization and verification. That Petition was approved by the Commission in Order No.

PSC-02-0053-PAA-TI issued on January 7, 2002 and the approval became final with the issuance of Consummating Order No. PSC-02-0151-CO-TI issued on February 1, 2002.

8. As stated in earlier filings with the Commission, WorldCom is committed to keeping the Commission apprised of the results of any plans to consolidate certain Intermedia services with other WorldCom subsidiaries. Accordingly, at this time, WorldCom advises the Commission that it has determined that it also is appropriate to transition those Intermedia customers currently receiving Intermedia's dedicated long distance, ISP-PRI, private line, Intermedia One, and certain ATM and frame relay services to MCI WorldCom.

9. As noted above, WorldCom has determined that it is necessary to migrate these customers of its subsidiary Intermedia to another WorldCom operating subsidiary MCI WorldCom. Approximately 4,857 customers in Florida will be affected by this transition.

10. Intermedia will continue to provide certain other services, including some ATM, frame relay, and private line services pursuant to its existing certificates. Accordingly, WorldCom is not at this time seeking to cancel any Intermedia local and/or long distance certificates or tariffs, but upon completion of the migration of the affected subscribers will as necessary make tariff filings to reflect the modifications to Intermedia's service offerings that are being made as part of this current transition.

11. Because the Intermedia customers receiving these services will be transitioned to another WorldCom operating subsidiary with a new name, WorldCom has developed a customer notification and transfer plan that is intended to assure informed customer choice and seamless transition to MCI WorldCom service. However, in the event that a customer elects not to make the change, WorldCom will also assure that any customer who so chooses can transfer to another carrier without any interruption of service consistent with the terms of the customer's contract.

Specifically, WorldCom has provided customers with notice of the change from Intermedia to its affiliate MCI WorldCom to assure that customers are fully informed of the change. The affected customers were notified by letter, in the form attached as Attachment 1 hereto, that advises them that:

- WorldCom will provide the customer with the same or better high quality telecommunications services as it received from Intermedia;
- WorldCom will reimburse the transferred customers for any primary carrier change charges if they are imposed by the customers' local exchange carrier in connection with the change from Intermedia to MCI WorldCom;
- in the event that the customer prefers to use another company as its long distance carrier, it has the right to switch to another carrier of its choice consistent with the terms of the customer's contract; and
- the customer may contact WorldCom at a toll-free number with any questions regarding the transfer of their service.

12. The migration of customers to MCI WorldCom service is expected to take place on or after September 13, 2002. In connection with this process, WorldCom has also fully complied with the rules and regulations of the Federal Communications Commission ("FCC"), 47 C.F.R. § 64.1120(e), requiring notice to customers and permitting the transfer of those customers to WorldCom without WorldCom first obtaining each customer's authorization and verification. *See* 47 C.F.R. § 64.1120(e) (2001). A copy of the notification filed with the FCC is attached as Attachment 2 hereto.

BASIS FOR WAIVER

13. The basis for granting a waiver for interexchange carriers 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.

14. The requirements for granting a waiver for alternative local exchange carriers is set forth in Section 120.542, Florida Statutes. Under this statutory requirement, a petitioner requesting a waiver of a Commission rule must first demonstrate that the purpose of the underlying statute will otherwise be served if waiver of the rule is granted. Secondly, the petitioner must demonstrate that continued enforcement of the rule would result in substantial hardship for the petitioner or violate principles of fairness.

15. In the circumstance described in this Petition, it is in the public interest to waive the carrier selection requirements of Rule 24-4.118, Florida Administrative Code. Rule 25-4.118 does not prescribe any means of authorizing a carrier change that is necessitated by a mass migration of customers between affiliated companies. It would be unfair to hold MCI WorldCom to requirements that plainly do not address its particular situation and with which it cannot reasonably comply. However, MCI WorldCom and Intermedia have provided for a seamless transition while ensuring that customer understand available choices with the least amount of disruption to customers. The customers will receive ample notice of the transfer and have the opportunity not to participate. MCI WorldCom and Intermedia believe 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 service.

16. Finally, enforcement of the requirements of Rule 25-4.118, Florida Administrative Code, will result in substantial hardship for the company. Obtaining individual authorizations from Intermedia's approximately 4,857 customers would be an extremely time-consuming and inefficient manner of migrating customers between affiliates. Further, as stated above, customers may fail to respond to a request for authorization, neglect to select another carrier, and thus lose their service. Enforcement of the requirement that a multi-service

customer's provider not be changed without the customer's authorization would potentially subject MCI WorldCom to significant penalties if the affected customers filed slamming complaints and the company was ordered to show cause based on the customer's complaints.

17. The Commission has granted petitions for waiver in similar circumstances in several prior cases, including Order No. PSC-01-0812-PAA-TP (Verizon Florida, Inc./Select Services Inc.) in Docket No. 010030-TP, 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. In addition, as stated above, the Commission has already granted MCI WorldCom a waiver of this rule for the transfer of certain interexchange customers.

WHEREFORE, MCI WorldCom requests that the Commission grant its requested waiver of Rule 25-4.118, Florida Administrative Code, to permit it to consolidated the multi-service customer base of Intermedia with its own customer base as more fully set forth above.

RESPECTFULLY SUBMITTED this ¹²/₅ day of August, 2002.

HOPPING GREEN & SAMES, P.A.

By: 

Richard D. Melson
Gary V. Perko
123 South Calhoun Street
P.O. Box 6526
Tallahassee, Florida 32314

and

Jean L. Kiddoo
Kathy L. Cooper
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Attorneys for MCI WorldCom
Communciations, Inc.

ATTACHMENT 1

Sample Customer Notice Letter



5055 North Point Parkway
Alpharetta, Georgia 30022

August 6, 2002

Customer Name
Address 1
Address 2
City, State ZIP

Dear Valued Customer,

We're pleased to announce that two telecommunications leaders -- WorldComSM and Intermedia Communications -- have merged networks and customer services. In the future, your service will be provided and invoiced by WorldCom. We want to take this opportunity to assure you that all measures are being employed to provide you the highest level of customer service and support while we transition customer accounts to WorldCom.

Although you will soon see your invoice change to WorldCom, please be assured that your service will not be affected during this transition. WorldCom will provide your service pursuant to your contract with Intermedia. Thus, your current rates, terms and conditions will not be affected, and notice of future changes, if any, to those terms will be provided in accordance with your existing contracts and applicable law. As part of the transition, however, your account number and remittance address will change, and we will advise you of the new information on your first WorldCom invoice.

The transfer to WorldCom will occur on or about September 13, 2002. No action is required on your part. You have the right to select another carrier for your services consistent with the terms of your contract.

If you have any questions or concerns about your previous or new service, or this billing change, please don't hesitate to contact our Customer Service team at 1-800-250-9999.

With network facilities in more than 65 countries and local service available in more than 100 cities, WorldCom has the scale and resources to deliver all the services your organization needs -- from local to conferencing, data, Internet services and more. We look forward to serving you!

Sincerely,

Michelle Decker
Vice President, Customer Satisfaction & Service Operations

Additional Information:

Your IntermediaOne, Single T, unifiedvoice.net and Unified Voice account(s) will be assessed an End User Common Line (EUCL) surcharge. This is a charge that allows WorldCom to provide service beyond a basic Metropolitan area at consistent rates. The EUCL charge varies by area, but will not exceed \$9.20 per month, per line or trunk.

For switched long distance customers, if you have a freeze on your account, it will be lifted to effectuate the change, and you may need to contact your local exchange provider to arrange for a new freeze on your account.

You will not be responsible for any carrier change charge associated with this transfer to WorldCom.

ATTACHMENT 2

FCC Notice Letter

WORLD.COM.

Karen T. Reidy
Associate Counsel

1133 Nineteenth Street, NW
Washington, DC 20036
202 736 6489
Fax 202 736 6359

August 12, 2002

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, SW
Washington, DC 20554

Re: CC Docket No. 00-257

Dear Ms. Dortch:

On July 19, 2002 WorldCom, Inc. ("WorldCom") notified the Commission, pursuant to 47 C.F.R. § 64.1120(e), of the impending transfer of Intermedia Communications ("Intermedia") customers to WorldCom, as a result of the merger between WorldCom and Intermedia. The customers affected by the transfer are current subscribers to Intermedia One, Dedicated Long Distance, Private Line, ATM, Frame Relay, and/or ISP/PRI services.

In its notification WorldCom indicated that the customer notifications had been sent on July 11, 2002. Out of an abundance of caution WorldCom hereby notifies the Commission that the mailing of these letters was delayed. The customer notifications were sent on August 6 rather than July 11. The date of the transfer remains as indicated in the July 19 notice to the Commission, no sooner than September 13, 2002.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Karen Reidy



COPY

Karen T. Reidy
Associate Counsel
Federal Law and Public Policy

1801 Pennsylvania Avenue, NW
Washington, DC 20006
202 887 2380
Vnet 220 2380

July 18, 2002

VIA HAND DELIVERY

RECEIVED

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, SW
Washington, DC 20554

JUL 19 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 00-257, Notification Regarding Customer Acquisition

Dear Ms. Dortch:

WorldCom, Inc. ("WorldCom") hereby notifies the Commission, pursuant to 47 C.F.R. § 64.1120(e), of the impending transfer of a portion of the customer base of Intermedia Communications ("Intermedia") to WorldCom. The transfer of affected subscribers will occur no sooner than September 13, 2002. The customers affected by the transfer are current subscribers to Intermedia One, Dedicated Long Distance, Private Line, ATM, Frame Relay, and/or ISP/PRI service. The services being transferred include local exchange, intraLATA/intrastate toll, interLATA/interstate toll and international exchange.

Attached are the certification required by 47 C.F.R. § 64.1120(e)(1) and a copy of the notification letter that was sent to the affected subscriber base. Please include this notice and the attachments in the record of the above-referenced proceeding.

Sincerely,

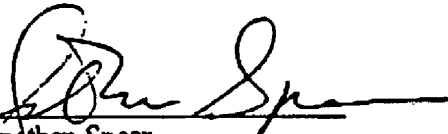

Karen Reidy

Attachments

Attachment 1
Certification of Compliance

CERTIFICATION OF COMPLIANCE

With regard WorldCom's acquisition of the dedicated and private line local and long distance customer base of Intermedia, WorldCom hereby certifies compliance with the requirements of 47 C.F.R. §64.1120(e). This includes the provision of advanced subscriber notice, in accordance with 47 C.F.R. § 64.1120(e)(3), and the obligations specified in that notice.



Jonathan Spear
Director, Law and Public Policy
WorldCom, Inc.

Attachment 2
Subscriber Notification Letter



5055 North Point Parkway
Alpharetta, Georgia 30022

July 11, 2002

Customer Name
Address 1
Address 2
City, State ZIP

Dear Valued Customer,

We're pleased to announce that two telecommunications leaders -- WorldComSM and Intermedia Communications -- have merged networks and customer services. In the future, your service will be provided and invoiced by WorldCom. We want to take this opportunity to assure you that all measures are being employed to provide you the highest level of customer service and support while we transition customer accounts to WorldCom.

Although you will soon see your invoice change to WorldCom, please be assured that your service will not be affected during this transition. WorldCom will provide your service pursuant to your contract with Intermedia. Thus, your current rates, terms and conditions will not be affected, and notice of future changes, if any, to those terms will be provided in accordance with your existing contracts and applicable law. As part of the transition, however, your account number and remittance address will change, and we will advise you of the new information on your first WorldCom invoice.

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If you have any questions or concerns about your previous or new service, or this billing change, please don't hesitate to contact our Customer Service team at 1-800-250-9999.

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Michelle Decker
Vice President, Customer Satisfaction & Service Operations

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Your IntermediaOne, Single T, unifiedvoice.net and Unified Voice account(s) will be assessed an End User Common Line (EUCL) surcharge. This is a charge that allows WorldCom to provide service beyond a basic Metropolitan area at consistent rates. The EUCL charge varies by area, but will not exceed \$9.20 per month, per line or trunk.

For switched long distance customers, if you have a freeze on your account, it will be lifted to effectuate the change, and you may need to contact your local exchange provider to arrange for a new freeze on your account.

You will not be responsible for any carrier change charge associated with this transfer to WorldCom.