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**ORIGINAL**

September 3, 2002

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870

RECEIVED-FPSC  
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COMMISSION  
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Re: Docket No. 020948-TP Sprint-Florida, Incorporated's Emergency Petition  
For Waiver of Rules 25-4.118 and 25-4.113, F.A.C.

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of Sprint-Florida, Incorporated's  
(Sprint) Emergency Petition for Waiver of Rules 25-4.118 and 25-4.113, F.A.C.

Copies of this have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this  
letter and returning the same to this writer.

Sincerely,

Susan S. Masterton

Enclosures

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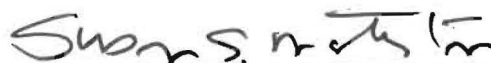
**CERTIFICATE OF SERVICE**  
**DOCKET NO. \_\_\_\_\_**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Overnight Mail\* or Hand Delivery\*\* this 3<sup>rd</sup> day of September, 2002 to the following:

Nancy Pruitt \*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870

Adelphia Business Solutions Investment, LLC <sup>kt</sup>  
& Adelphia Business Solutions  
Investment East, LLC  
& Adelphia Business Solutions of  
Jacksonville, Inc.  
Ms. Terry Romine  
One North Main Street  
Coudersport, PA 16915-1630

Joint Administrative Procedures  
Committee\*\*  
Room 120  
The Holland Building  
Tallahassee, Florida 32399-1300



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Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Petition by Sprint-Florida,	)	
Incorporated For waiver of	)	Docket No.
Rule 25-4.118, F.A.C.	)	
(carrier selection requirements),	)	
Rule 25-4.113, F.A.C.	)	
(refusal or discontinuance of service)	)	
and to become the	)	
conditional carrier for certain	)	
local business customers due to	)	
termination of service by	)	
Adelphia Business Solutions Investment,	)	
LLC, Adelphia Business Solutions	)	
Investment East, LLC and Adelphia	)	
Business Solutions of	)	
Jacksonville, Inc.	)	Filed: September 3, 2002
_____	)	

**SPRINT-FLORIDA, INCORPORATED'S EMERGENCY PETITION FOR WAIVER OF RULES 25-4.118 AND 25-4.113, F.A.C.**

Sprint-Florida, Incorporated ("Sprint") pursuant to Section 120.542, Florida Statutes, and Rule 28-104.004, Florida Administrative Code, hereby petitions the Commission for an emergency waiver of Rule 25-4.118, F. A.C., regarding the requirements for carrier selection and Rule 25-4.113, F.A.C., regarding parameters for the refusal of discontinuance of service by incumbent local exchange companies. Sprint requests that this emergency petition be placed as an item on the Commission's September 6, 2002, Special Agenda Conference. Sprint seeks this emergency waiver to enable Sprint to transition, under the circumstances described below, certain customers of Adelphia Business Solutions Investment, LLC, Adelphia Business Solutions Investment East, LLC and Adelphia Business Solutions of Jacksonville, Inc. (collectively

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“Adelphia”) to Sprint upon Sprint’s discontinuance of service to Adelphia at Adelphia’s request.

In addition, Sprint seeks confirmation from the Commission that section 364.24, F.S., does not prohibit Adelphia from providing Sprint with customer contact information so that Sprint may notify Adelphia customers that pursuant to the waiver Sprint will, subject to the terms of its General Exchange Tariff, under the unique circumstances of this situation transition Adelphia’s resale local service customers to Sprint service if they fail to choose an alternative provider prior to the date Adelphia discontinues their service.

Specifically, Sprint seeks the following:

1. Petitioner is:

Sprint-Florida, Incorporated  
555 Lake Border Drive  
Apopka, Florida 33702

Petitioner’s representative in this matter is:

Susan S. Masterton  
Charles J. Rehwinkel  
Sprint  
P.O. Box 2214  
Tallahassee, FL 32303-2214  
(850) 599-1560 (phone)  
(850) 878-0777 (fax)  
susan.masterton@mail.sprint.com

2. Rule 25-4.118, Florida Administrative Code, states that, before submitting a preferred carrier change, carriers must verify the subscriber’s authorization of the change via one of the methods prescribed in the rule.

3. Adelphia is a certificated ALEC<sup>1</sup> in Florida who purchases resale telecommunications services from Sprint pursuant to an interconnection and resale agreement between the parties.
4. Adelphia has requested that Sprint discontinue the services it provides to Adelphia in Florida no later than September 23, 2002. Prior to Adelphia's decision to discontinue services, Sprint provided resale services to Adelphia for approximately 4,012 business lines in Florida.
5. Adelphia has represented to Sprint that it has provided notice to its customers that Adelphia is discontinuing its service to them and that they must select another local service provider by September 1, 2002. However, as of August 30, 2002, Sprint's records show that customers with a total of approximately 2,500 access lines have not requested a change to another local service provider. These customers will be disconnected from service on the date that Sprint discontinues service to Adelphia.
6. Adelphia is discontinuing service to thousands of business customers in multiple states in which Sprint is the incumbent local service provider. Given the number of customers that have not yet requested to change their local service provider, disconnection of Adelphia on the date requested potentially will result in an inundation of calls to Sprint from customers who have lost their local service. This substantial increase in workload will not only impede Sprint's ability to respond to the affected customers, but will also affect Sprint's ability to respond to normal

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<sup>1</sup> It is Sprint's understanding that Adelphia's parent company, Adelphia Business Solutions Operations, Inc. has filed for bankruptcy in federal bankruptcy court. In Florida, Adelphia operates under several ALEC certificates. Each of the Adelphia entities named in this petition holds a current ALEC certificate in Florida. However, in connection with the bankruptcy filing, Adelphia Business Solutions Investments East, LLC has asked the Commission for voluntary cancellation of its ALEC certificate. (Docket No. 020880-TI.) Sprint's interconnection agreement with Adelphia covers all three entities named in this petition.

customer demands unrelated to disconnection and then reconnection of service to soon-to-be former Adelphia customers.

7. If Sprint is not granted the exemption from Rule 28-4.118, F.A.C., requested in this proposal, allowing it to prevent the disruption of service to customers that have not chosen another provider by the default date, each customer will most likely apply to Sprint for service. In doing so they will be required to complete the normal application and service provisioning process. Given the volume of customer contacts with the Sprint business office that Adelphia's planned disconnection will generate and Sprint's normal new service application and provisioning procedures, it could take as much as 5 to 7 days per customer for Sprint to establish service.
8. If Sprint's waiver request is granted, the customers who have not selected another provider will, under most circumstances, not lose service but will be transitioned to Sprint.
9. Sprint's procedures and conditions for handling the transition as the new local service provider entail provisioning in accordance with Sprint's terms and conditions for service as set forth in Sprint's General Exchange Tariff on file with the Florida Commission. Sprint will assess the customers based on normal creditworthiness guidelines. Any customer who would not have been allowed to subscribe without providing security will be disconnected upon failure to do so within a reasonable timeframe. In addition, any customer who Sprint verifies was -- as a previous retail customer of Sprint -- disconnected for non-payment and who has not completely satisfied such obligation will be disconnected immediately.

10. Sprint is also filing a notice with the Federal Communications Commission and will request a waiver in compliance with FCC Rule 64.1120. In accordance with that rule, Sprint will not assess any carrier change charges on the customers transitioning to Sprint.
11. Sprint will provide notice to Adelphia's customers that, if they do not select another local provider prior to the date Adelphia's service is discontinued, Sprint will become their local service provider. In addition, when notifying customers that Sprint will be the carrier if they fail to affirmatively select another carrier, Sprint will make clear to each customer that they are not required to automatically return to or take service from Sprint but have the option of selecting another local service provider either before their service from Adelphia is discontinued or after the transition to Sprint. Additionally, customers will be informed that if Sprint becomes their local service provider, service continuation will be subject to credit worthiness, deposits as necessary, and payment of any prior unpaid balance owed to Sprint. Noncompliance may result in immediate discontinuance of service in a manner that is not inconsistent with the exception allowed in Rule 25-4.113, F.A.C., for termination of service without 5 working days written notice in "extreme cases". A copy of the draft customer notice is appended hereto as Attachment A.
12. Although Adelphia has stated that it notified its customers of the impending disconnection, no notice has yet been provided regarding transitioning of these customers to Sprint. Sprint needs from Adelphia its customer contact list in order to provide the requisite notice to the customers. To the best of Sprint's knowledge,

Adelphia does not object to providing this information or object to Sprint's intent to serve as the conditional local service provider.

13. Section 364.24, F.S., prohibits a telecommunications company from disclosing customer account information except under certain conditions. The Commission has previously determined that the provision of customer contact information pursuant to a protective order in the context of an ALEC discontinuing service and the ILEC who is the underlying carrier participating in ensuring that no customers are left without phone service does not violate s. 364.24, F.S. See, Order No. PSC-01-0812-PAA-TP, *In re: Petition by Verizon Florida Inc. and Verizon Select Services Inc. for limited waiver of Rule 25-4.118, F.A.C.*, issued March 28, 2001.
14. Sprint's waiver request meets the requirements of section 120.542, F.S. The purpose of the underlying statutes, 364.01(4), 364.03 and 364.19, Florida Statutes, is in part to ensure that basic local telecommunications services are available to all consumers on a competitive basis, consistent with an incumbent local exchange company's continuing obligation as the provider of last resort for such services pursuant to s. 364.025, F.S.
15. Sprint believes that its request for a waiver is in the public interest and that such a waiver will serve the same purpose in this instance as the Commission's primary local carrier change verification rules.
16. The Commission's verification rules and the purposes of the relevant statutes would not be served by obtaining prior authorization and verification in order to switch the affected customers of Adelphia to Sprint. As is demonstrated by the number of customers who have not yet switched their service provider, despite the notice of



impending termination by Adelphia, many customers may not understand the need to authorize the change in their local service provider, and will therefore lose their service on the Adelphia disconnection date, unless Sprint's request for a waiver is granted.

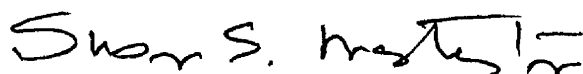
17. Rule 25-4.113, F.A.C., provides the conditions under which a telecommunications company may refuse or discontinue service to a customer, including timeframes for providing customer notice. To the extent that a waiver of Rule 25-4.113, F.A.C., is necessary for Sprint to immediately disconnect any of the customers transferred from Adelphia who do not comply with Sprint's credit, deposit or payment requirements, Sprint requests the Commission to grant Sprint's request for emergency waiver of this rule. Such a waiver is necessary to preserve the "principles of fairness" embodied in Rule 25-4.113, F.A.C. The purpose of the rule is to balance the interests of customers and carriers, by setting forth the conditions under which a carrier may discontinue or deny service to customers. Arguably, the rule is inapplicable to the transfer of former Adelphia customers to Sprint, since it predates retail competition and was not designed to address the type of mass transfer situation involved when an ALEC exits the market. Sprint's proposal to conditionally take the customers back but then disconnect any customers who fail to comply with Sprint's credit, deposit and payment policies serves the purposes of the statutes underlying Rule 25-4.113, F.A.C, that is, s. 364.03, 364.19, and s 364.604, F.S., in that it strikes the same balance between customer and carrier interests that are embodied in Rule 25-4.113, F.A.C.
18. Sprint requests that this petition be addressed on an emergency basis, because the disconnection of Adelphia's customers has been requested for September 23, 2002.

If the Commission does not consider and rule on Sprint's request for a waiver at the prior to September 23, 2002, Sprint will be unable to act as the new local service carrier for Adelphia's customers and any customers who have not selected another provider prior to that date will be disconnected with the consequences described above.

19. Sprint emphasizes that the circumstances of this case are unusual due to the large number of business customers who will be potentially applying for service simultaneously. Depending on the (currently unknown) character of the businesses involved, a potential negative impact on the public safety, health and welfare could exist if prolonged disruption of customers occurs. Under normal circumstances, Sprint does not believe that the ultimate best interests of competition are served if one company automatically serves as the default carrier when a competitive provider fails. Nevertheless, Sprint believes that pragmatism should prevail over principle in this particular situation. For these reasons we seek this emergency waiver.

WHEREFORE, having demonstrated good cause for its request, Sprint asks that the Commission grant Sprint's request for an emergency waiver of Rule 25-4.118, F.A.C., and Rule 25-4.113, F.A.C. and confirm that Adelphia may provide Sprint with the necessary customer contact information to notify such customers that Sprint will become their conditional local service provider should they fail to select another carrier by the date upon which Adelphia's service is discontinued.

Respectfully submitted this 3rd day of September 2002.

Handwritten signature of Susan S. Masterton in black ink.

Susan S. Masterton  
Charles J. Rehwinkel  
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[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

ATTORNEYS FOR SPRINT

**DRAFT**

September 3, 2002

Dear Business Customer,

**Adelphia Business Solutions Operations, Inc. ("Adelphia") currently provides your local telephone service. However, Adelphia will be discontinuing provision of your telephone services effective September 23, 2002. Unless you select another local service provider prior to this date, Sprint, subject to the terms and conditions of its tariff and appropriate regulatory approvals, will transition your current local service line(s) to Sprint in order to mitigate any problems that may occur if service is disconnected by Adelphia prior to your selection of an alternative local service provider. Whether you are transitioned to Sprint or select an alternative local service carrier, you will be able to retain your current telephone number. Additionally, you will not be billed Sprint's customary carrier change charge if your service is transitioned to Sprint. The transition to Sprint will not impact your long distance carrier selection.**

**You have the right to subscribe to service from any local service provider. This decision is entirely up to you, and you may switch to another local service provider before the September 23, 2002 Adelphia disconnect date. In the event you are transitioned to Sprint, you will still be able to transfer service to another local service provider subsequent to the transfer to Sprint.**

**If you request that your local access lines be transitioned to Sprint or if you have not made arrangements to continue your service with another local service provider, Sprint will transition your local service to Sprint billing effective September 23, 2002. However, continuation of service as a Sprint customer is contingent on any appropriate credit and/or deposit requirements. This may include payment for any previous unpaid balances due Sprint. Failure to comply with the credit requirements may result in immediate discontinuation of service. You will be notified of any deposit and/or previous unpaid balance amounts that may be due.**

**If you have arranged preferred carrier freeze through Adelphia on the service(s) involved in this transfer, the freeze will be removed in order to transition your service to Sprint unless you have selected a different carrier before the transfer date. Thus, after the transfer, you may contact Sprint if you want to reestablish a preferred carrier freeze.**

**Adelphia is responsible for handling any outstanding complaints or disputes that may exist between you and Adelphia or another carrier. You will be responsible for any account balances due Adelphia through the date of transition to Sprint or the local service provider of your choice. You will also need to address any questions pertaining to existing deposits or pending credits with Adelphia.**

**If you desire to switch your local service to Sprint prior to September 23, 2002 please contact us at 1 XXX XXX ZZZZ to confirm your decision. This will help us to ensure that you have continuous uninterrupted service. Additionally, we will be able to answer any questions you may have and provide you with information regarding Sprint's rates, terms and conditions.**

**Sincerely,**