

Florida
Digital
N e t w o r k

January 29, 2002

Ms. Blanca Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030080-TP — Petition for Expedited Waiver of Carrier Selection Requirements of Rule 25-4.118, Florida Administrative Code, for transfer of customer base of Mpower Communications Corp. (holder of IXC Certificate No. 5752 and ALEC Certificate No. 5279) to Florida Digital Network, Inc. (holder of IXC Certificate No. 7048 and ALEC Certificate No. 5715)

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of this letter and an attachment.

The attachment to this letter is a draft of the customer notice referred to as Exhibit A in the Petition that Florida Digital Network, Inc. ("FDN") filed January 24, 2003.

Further, please be advised that FDN has confirmed with staff that the first page of the Petition should have referred to Rule 28-104.002, Florida Administrative Code, and not Rule 28-104.004. It has also come to my attention that the Commission may have additional authority for granting FDN's request for relief pursuant to Sections 364.337(2) and (4), Florida Statutes, and Rule 25-24.455, Florida Administrative Code – all of which provide that the Commission may waive certain requirements if the Commission makes a determination that such waiver is in the public interest. FDN maintains that that its Petition, as filed, meets the public interest criteria of these provisions.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,



Matthew Feil
Florida Digital Network
General Counsel

C: Lee Fordham (FPSC)
D. Woodsmall (Mpower)
Joint Admin. Pro. Committee

L O C A L

L O N G D I S T A N C E

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407.835 0300 Fax 407.835.0309 www.fdn.com

DOCUMENT NUMBER-DATE

INTERNET
00974 JAN 30 8

FPSC-COMMISSION CLERK



DATE TBD _____

To valued Mpower Communications customers:

Florida Digital Network, Inc. ("FDN"), and Mpower Communications Corp. are excited to announce that we have entered into an agreement under which FDN will take over the Southeast operations of Mpower Communications and begin serving Mpower customers in Florida.

Mpower Communications remains committed to providing a positive customer experience. A recent change in the national business plan of Mpower has made this agreement the best choice for their Southeast customers. Mpower believes in the ability of FDN to provide the excellent service and value that Mpower customers deserve.

We understand that change always raises some concerns. We want you to know that FDN comes into this with excellent fundamental strengths. Established in Orlando in 1998 by telecom veteran Mike Gallagher, Florida Digital has grown steadily and today provides voice and Internet service to over 30,000 businesses. The private corporation is financially strong with no bank debt and positive earnings. Built on a solid foundation of customer service and reliable technology, FDN is the right choice for the Mpower customers. FDN's tight regional focus and fully redundant facilities based network combined with an experienced, hands on management team have created one of the best telecom choices for today's businesses. We invite you to learn more about FDN by visiting the FDN website, FDN.COM

We understand what is most important to our customers and want to assure you of a couple of items. First, NO INTERRUPTION in service will result from this transfer. Second, there will be no immediate changes in your rates or in the types of services you receive. And third, we pledge to keep you fully informed at every significant step along the way.

Here's what you can expect: For the next few weeks, Mpower personnel will continue to handle your customer service needs, including billing inquiries and service. Mpower customers with repair needs should continue to call 888-777-5802 to report phone service troubles. We will notify you before changes are made.

The actual transition of your phone service will take place in approximately 45 days. Attached you will find an OFFICIAL NOTICE OF TRANSFER OF TELEPHONE SERVICE which outlines the transition and highlights your rights as a consumer.

You will receive more correspondence from us in the coming weeks. These communications will contain more details about the seamless transition of your service to FDN and your FDN Customer Welcome Pack.

We thank you for the opportunity you have given us to serve you.

Sincerely,

Rolla Huff
Chief Executive Officer
Mpower Communications Corp

We welcome you to our company, and look forward to serving you with excellence.

Sincerely,

Mike Gallagher
Chief Executive Officer
Florida Digital Network

DATE (_____)
NOTICE OF TRANSFER OF TELEPHONE SERVICE

Dear Mpower Communications Corp. customer:

Mpower Communications Corp. and certain of its affiliates (collectively "Mpower") recently agreed to sell its Southeast assets to Florida Digital Network, Inc., and Southern Digital Network, Inc., (collectively "FDN"). Beginning on **DATE _____** or as soon thereafter as final regulatory approvals are received (the "Transfer Date"), FDN will provide you with the telecommunications services you had received from Mpower (local, local toll, long distance, Internet, or some combination). In accordance with the applicable rules of the Federal Communications Commission ("FCC") and your state public service commission, this notice is intended to provide you with notice of this transition.

There will be no interruption of your service during the transfer. Further, there will be no immediate change to the rates terms and conditions of your services. In the event that changes become necessary in the future FDN will provide written notice of the changes in accordance with any applicable rules of your state public service commission and/or the FCC. FDN will be responsible for any carrier change charge associated with the transition of your service to FDN, so the transfer of service to FDN will be at no cost to you. If you have a deposit with Mpower for services affected by this transfer and become an FDN customer at the Transfer Date, the deposit will be transferred to FDN and governed in accordance with the same conditions as before.

Mpower or its designee is responsible for handling any outstanding complaints or disputes that may exist between you and Mpower prior to the Transfer Date. Any complaints or disputes that arise during or after the transfer will be the responsibility of FDN.

While FDN hopes that you will choose to remain with FDN through the transfer and for many years to come, you do have the right to choose another telecommunications services provider. If you do wish to be served by another carrier, you must make arrangements with that carrier to complete the transfer prior to the Transfer Date or your service will be transferred to FDN as explained above. If you transfer all or some of your services to a carrier other than FDN, however, you may incur a new connection charge and termination charges consistent with the terms of your existing service contract. Also, if you transfer to a carrier other than FDN you must pay your final Mpower bill, address disposition of any deposit, and resolve any pending billing or other complaints you may have.

Some Mpower customers have a preferred carrier freeze on their accounts. All existing preferred carrier freezes on services involved in the transfer will be lifted for the purposes of this transaction. Customers who had preferred carrier freezes on their services will be transferred to FDN unless they transfer their services to another carrier before the Transfer Date. Please contact an FDN service representative if you wish to reinstate a preferred carrier freeze after the transfer to FDN is complete.

If you have any questions about FDN, FDN services or the transfer, please contact FDN at 1-877-CALL-FDN (877-225-5336). For Customer Service inquiries prior to the Transfer Date please contact an Mpower customer service rep at 1-888-777-5802.