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September 16, 2004

**VIA OVERNIGHT DELIVERY**

Ms. Blanca S. Bayó  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED FPSC  
SEP 17 AM 11:03  
COMMISSION  
CLERK

**Re: Notification of Startec Global Licensing Company and Teligent Services, Inc. of the Transfer of Commercial Long Distance Customers in Florida**

**Petition of Teligent Services, Inc. for Waiver of Rule 25-4.118, Florida Administrative Code**

Dear Ms. Bayó:

Startec Global Licensing Company ("Startec") and Teligent Services, Inc. ("Teligent") (Startec and Teligent, together, the "Parties"), through the undersigned counsel, hereby notify the Commission of a proposed transaction whereby Startec will acquire the commercial long distance customers of Teligent in Florida ("Transaction"), as set forth below.

In addition, attached as **Exhibit A** hereto is a petition requesting a waiver of Rule 25-4.118, Florida Administrative Code, to allow Teligent to transfer its customers to Startec without first obtaining each customer's authorization and verification. The Parties request expedited review and approval of the waiver petition. Based upon a review of the Florida Statutes and Commission rules, the Parties understand that no other Commission action is required with respect to the Transaction.

An original and fifteen (15) copies of this filing are enclosed. Please date stamp the enclosed extra copy of this filing and return it in the date stamped postage paid envelope provided.

RECEIVED & FILED  
*Dr*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
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**A. Description of the Parties**

Startec Global Licensing Company (“Startec”) is a Delaware corporation with its principal place of business located at 1151 Seven Locks Road, Potomac, Maryland. Startec is a wholly owned subsidiary of Startec Global Communications Corporation, a Delaware corporation whose principal business is telecommunications.<sup>1</sup> Startec is authorized to provide intrastate interexchange telecommunications services in the State of Florida pursuant to IXC Certificate No. 4427, granted by the Commission in Docket No. 981804-TI.<sup>2</sup> Further information concerning Startec’s technical, managerial and financial qualifications to provide service was submitted with its application for certification and is, therefore, a matter of public record. Startec respectfully requests that the Commission take official notice of that information and incorporate it by reference herein.

Teligent Services, Inc. (“Teligent”) is a Delaware corporation with its principal place of business located at 460 Herndon Parkway, Suite 100, Herndon, Virginia. Teligent is a wholly owned subsidiary of Teligent, Inc., a privately held Delaware corporation whose principal business is telecommunications.<sup>3</sup> Teligent is authorized to resell intrastate interexchange telecommunications services in the State of Florida pursuant to IXC Certificate No. 4850, granted by the Commission in Docket No. 990633-TI.<sup>4</sup>

**B. Designated Contacts**

Correspondence, notices and communications regarding this filing should be directed to the Parties’ respective counsel of record:

For Startec:

James Morgan  
Corporate Counsel  
Startec Global Communications Corporation  
1151 Seven Locks Road  
Potomac, MD 20854  
Tel: (301) 610-4646  
Fax: (240) 314-4219  
Email: [James.Morgan@startec.com](mailto:James.Morgan@startec.com)

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<sup>1</sup> Startec Global Communications Corporation, a holding company, holds no regulatory licenses from this or any other regulatory commission.

<sup>2</sup> Startec’s Certificate was originally granted to Startec, Inc. in Docket No. 960072-TI. The Commission authorized the transfer to Startec of Certificate No. 4427, by Order No. PSC-99-0208-FOF-TI, issued in Docket No. 981804-TI.

<sup>3</sup> Teligent, Inc., a holding company, holds no regulatory licenses from this or any other regulatory commission.

<sup>4</sup> Teligent is also authorized to operate in Florida as an competitive local exchange carrier and alternative access vendor, pursuant to ALEC Certificate No. 4804 and AAV Certificate No. 4707, respectively.

and

For Teligent:

Catherine Wang  
Grace R. Chiu  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7647  
Email: [CWang@swidlaw.com](mailto:CWang@swidlaw.com)  
[GRChiu@swidlaw.com](mailto:GRChiu@swidlaw.com)

**C. Description of the Transaction**

Startec has determined that the acquisition of Teligent's long distance customer base will enable it to expand its operations in a cost-efficient manner, thereby enhancing its competitive position and ability to provide integrated telecommunications services to customers in Florida as well as other states. To that end, Startec and Teligent have entered into an agreement whereby Startec will acquire Teligent's Florida long distance customer base, including associated customer account information (the "Florida Customers"). The proposed transaction does not involve the transfer of network facilities or telecommunications equipment in the State of Florida.

To ensure a seamless transition, the Florida Customers will be given not less than 30 days prior written notice of the proposed transfer, in compliance with the rules of the Federal Communications Commission ("FCC") governing carrier-to-carrier customer base transfers.<sup>5</sup>

The Parties emphasize that the proposed transaction does not involve a transfer to Startec of Teligent's Florida IXC Certificate. Following closing, the services that the Florida Customers currently receive from Teligent will be provided by Startec pursuant to its own Certificate, No. 4427, as referenced above. Startec will amend its Florida tariff, to the extent necessary, to include Teligent's applicable rates and charges for the services that the Florida Customers currently receive from Teligent. As a result, the proposed asset transfer will be virtually transparent to the Florida Customers in terms of the rates and terms and conditions of service that these customers currently receive.

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<sup>5</sup> 47 C.F.R. § 64.1200(e).

**D. Public Interest Considerations**

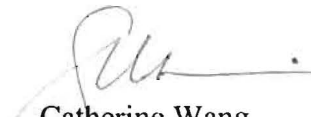
The proposed transaction will serve the public interest by enhancing competitive choices for Florida consumers. Specifically, the proposed transaction will benefit Florida consumers by accelerating Startec's ability to offer a broad range of telecommunications products and services. By enhancing Startec's ability to provide innovative and diversified services, and to expand its operations in a cost-effective manner, the asset transfer will enable Startec to strengthen its competitive position. These enhancements in turn will ultimately inure to the benefit of Florida consumers, by promoting innovation and furthering competition among providers in the Florida telecommunications marketplace. Florida consumers therefore will ultimately benefit from the proposed transfer of Teligent's assets to Startec.

As noted above, the Florida Customers will be given prior written notice of the transfer of their account to Startec, in compliance with the FCC's customer notice rules. Following the transfer, the Florida Customers will continue to receive services which will be consistent with the quality of services currently provided by Teligent and which will be supported by Startec's experienced and well-qualified management team. As a result, the proposed transfer will be virtually transparent to the Florida Customers in terms of the rates and terms and conditions of service that these customers currently receive. The proposed transaction therefore will serve the public interest.

\* \* \* \*

If there are any questions regarding this filing, please contact the undersigned at (202) 424-7500. Thank you for your attention to this matter.

Respectfully submitted,



Catherine Wang  
Grace R. Chiu

Counsel to Teligent Services, Inc.

cc via email:  
James Morgan (Startec)

**EXHIBIT A**

**PETITION FOR WAIVER**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re Petition of Teligent Services, Inc. and )  
Startec Global Licensing Company for )  
Waiver of Rule 25-4.118, F.A.C., Local, )  
Local Toll or Toll Provider Selection in )  
connection with the Transfer of Commercial )  
Long Distance Customers to Startec )  
Global Licensing Company )  
\_\_\_\_\_ )

Docket No. \_\_\_\_\_

Filed: September \_\_\_\_, 2004

**JOINT PETITION FOR WAIVER**

Teligent Services, Inc. (“Teligent”) and Startec Global Licensing Company (“Startec”) (Teligent and Startec, together, “Petitioners”), hereby petition the Florida Public Service Commission (the “Commission”) for waiver of Rule 25-4.118, Florida Administrative Code, to allow Teligent to transfer to Startec its commercial long distance customer accounts in Florida without obtaining individual authorization and verification from each of Teligent’s Florida customers.

Concurrent with the filing of this Petition, Petitioners have filed a letter with the Commission notifying it of the proposed transfer to Startec of Teligent’s commercial long distance customer accounts in Florida. The proposed customer base transfer transaction is described in greater detail in Section IV below.

In support of this Petition, Petitioners state as follows:

**I. DESCRIPTION OF PETITIONERS**

**A. Startec Global Licensing Company (“Startec”)**

Startec Global Licensing Company (“Startec”) is a Delaware corporation with its principal place of business located at 1151 Seven Locks Road, Potomac, Maryland. Startec is a wholly owned subsidiary of Startec Global Communications Corporation, a Delaware corporation whose principal business is telecommunications.<sup>1</sup> Startec is authorized to provide intrastate interexchange telecommunications services in the State of Florida pursuant to Certificate No. 4427, granted by the Commission in Docket No. 981804-TI.<sup>2</sup> Further information concerning Startec’s technical, managerial and financial qualifications to provide service was submitted with its application for certification and is, therefore, a matter of public record. Startec respectfully requests that the Commission take official notice of that information and incorporate it by reference herein.

**B. Teligent Services, Inc. (“Teligent”)**

Teligent Services, Inc. (“Teligent”) is a Delaware corporation with its principal place of business located at 460 Herndon Parkway, Suite 100, Herndon, Virginia. Teligent is a wholly owned subsidiary of Teligent, Inc., a privately held Delaware corporation whose principal business is telecommunications.<sup>3</sup> Teligent is authorized to resell intrastate interexchange

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<sup>1</sup> Startec Global Communications Corporation, a holding company, holds no regulatory licenses from this or any other regulatory commission.

<sup>2</sup> Startec’s Certificate was originally granted to Startec, Inc. in Docket No. 960072-TI. The Commission authorized the transfer to Startec of Certificate No. 4427, by Order No. PSC-99-0208-FOF-TI, issued in Docket No. 981804-TI.

<sup>3</sup> Teligent, Inc., a holding company, holds no regulatory licenses from this or any other regulatory commission.

telecommunications services in the State of Florida pursuant to IXC Certificate No. 4850, granted by the Commission in Docket No. 990633-TI.<sup>4</sup>

**II. DESIGNATED CONTACTS**

Correspondence, notices and communications regarding this Petition should be directed to Petitioners' respective counsel of record:

For Startec:

James Morgan  
Corporate Counsel  
Startec Global Communications Corporation  
1151 Seven Locks Road  
Potomac, MD 20854  
Tel: (301) 610-4646  
Fax: (240) 314-4219  
Email: James.Morgan@startec.com

and

For Teligent:

Catherine Wang  
Grace R. Chiu  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7647  
Email: CWang@swidlaw.com  
GRChiu@swidlaw.com

**III. RULE TO BE WAIVED**

Pursuant to Rule 25-4.118, Florida Administrative Code, a customer's interexchange telecommunications services provider shall not be changed without the customer's authorization. To make such a change, a carrier must (1) obtain a letter of agency from the customer requesting

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<sup>4</sup> Teligent is also authorized to operate in Florida as an competitive local exchange carrier and alternative



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 applicable to interexchange carriers through incorporation by reference in Rule 25-24.490.

Petitioners respectfully request a waiver of Rule 25-4.118 so that Teligent may transfer to Startec its commercial long distance customer accounts in Florida. As explained more fully below, affected Teligent customers will be notified in writing of the transfer of their service to Startec and of their rights under federal law pursuant to the applicable rule of the Federal Communications Commission ("FCC").<sup>5</sup>

#### **IV. DESCRIPTION OF TRANSACTION**

Startec has determined that the acquisition of Teligent's long distance customer base will enable it to expand its operations in a cost-efficient manner, thereby enhancing its competitive position and ability to provide integrated telecommunications services to customers in Florida as well as other states. To that end, Startec and Teligent have entered into an agreement whereby Startec will acquire Teligent's Florida long distance customer base, including associated customer account information (the "Florida Customers"). The proposed transaction does not involve the transfer of network facilities or telecommunications equipment in the State of Florida.

To ensure a seamless transition, the Florida Customers will be given not less than 30 days prior written notice of the proposed transfer, in compliance with the FCC's rules governing

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access vendor, pursuant to ALEC Certificate No. 4804 and AAV Certificate No. 4707, respectively.

<sup>5</sup> 47 C.F.R. § 64.1120(e).

carrier-to-carrier customer base transfers.<sup>6</sup> A copy of the customer notice is attached hereto as Attachment 1.

Petitioners emphasize that the proposed transaction does not involve a transfer to Startec of Teligent's Florida Certificate to provide intrastate long distance services. Following closing, the services that the Florida Customers currently receive from Teligent will be provided by Startec pursuant to its IXC Certificate, No. 4427, as referenced above. Startec will amend its Florida tariff, to the extent necessary, to include Teligent's applicable rates and charges for the services that the Florida Customers currently receive from Teligent. As a result, the proposed asset transfer will be virtually transparent to the Florida Customers in terms of the rates and terms and conditions of service that these customers currently receive.

**V. PUBLIC INTEREST CONSIDERATIONS**

Grant of this Petition will serve the public interest by enhancing competitive choices for Florida consumers. Specifically, the proposed transaction will benefit Florida consumers by accelerating Startec's ability to offer a broad range of telecommunications products and services. By enhancing Startec's ability to provide innovative and diversified services, and to expand its operations in a cost-effective manner, the asset transfer will enable Startec to strengthen its competitive position. These enhancements in turn will ultimately inure to the benefit of Florida consumers, by promoting innovation and furthering competition among providers in the Florida telecommunications marketplace. Florida consumers therefore will ultimately benefit from the proposed transfer of Teligent's assets to Startec.

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<sup>6</sup> *Id.*

As discussed above, the Florida Customers will be given prior written notice of the transfer of their account to Startec, in compliance with the FCC's customer notice rules. Following the transfer, the Florida Customers will continue to receive services which will be consistent with the quality of services currently provided by Teligent and which will be supported by Startec's experienced and well-qualified management team. As a result, the proposed transfer will be virtually transparent to the Florida Customers in terms of the rates and terms and conditions of service that these customers currently receive. The public interest therefore will be served by approval of this Petition.

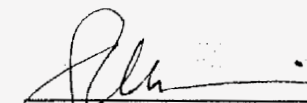
The Commission has granted petitions for waiver in similar circumstances in several prior cases, including Order No. PSC-03-0252-PAA-TP (Mpower Communications Corp./Florida Digital Network, Inc.) in Docket No. 030080; Order No. PSC-01-0812-PAA-TP (Verizon Florida, Inc./Select Services Inc.) in Docket No. 010030-TP; Order No. PSC-00-1520-PAA-TI (PNG Telecommunications/Broadwing) in Docket No. 000764-TI; and Order No. PSC-00-2198-PAA-TI (TTI National/Minimum Rate Pricing) in Docket No. 000825-TI.

Finally, expedited consideration of this Petition will serve the public interest by permitting Petitioners to more speedily bring about the competitive benefits that will inure from permitting Startec to strengthen its presence in the State of Florida. Petitioners therefore respectfully request that the Commission grant approval of this Petition as soon as possible but not later than November 15, 2004.

WHEREFORE, Petitioners request that the Commission grant the Petition and waive the requirements of Rule 25-4.118, Florida Administrative Code, to permit Teligent to transfer to

Startec its Florida long distance customer accounts without obtaining individual authorization and verification from each of Teligent's Florida customers.

Respectfully submitted,

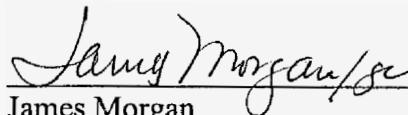


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Catherine Wang  
Grace R. Chiu

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Counsel to  
**TELIGENT SERVICES, INC.**



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James Morgan

Corporate Counsel  
Startec Global Communications Corporation  
1151 Seven Locks Road  
Potomac, MD 20854  
Tel: (301) 610-4646  
Fax: (240) 314-4219  
Email: James.Morgan@startec.com

For **STARTEC GLOBAL LICENSING  
COMPANY**

Dated: September 16, 2004

**ATTACHMENT 1**

**CUSTOMER NOTICE LETTER**



**Teligent, Inc.**  
460 Herndon Parkway, Suite 100  
Herndon, Virginia 20170  
voice: 703.326.4400  
fax: 703.326.4500  
<http://www.teligent.com>

September 9, 2004

Dear Valued Customer,

Teligent Services, Inc. recently entered into an agreement with Startec Global Licensing Company to transfer its long distance operations to Startec. On or about November 25, 2004, Startec will provide the long distance services presently provided to you by Teligent.

There will be no service interruption associated with this transaction. You will continue to receive the same services, under the same terms and conditions, and at the same rates. You have the right to choose a different long distance carrier subject, however, to the terms and conditions of your existing agreement with Teligent. If you wish to change providers, please inform us by calling customer service at 1-888-411-1175 during business hours or by sending an email addressed to [customer.services@teligent.com](mailto:customer.services@teligent.com).

The actual transfer date will depend on when we receive the necessary federal and state approvals. Please note that all current Teligent customers will be transferred, including those who had arranged for a preferred carrier freeze. To arrange a new preferred carrier freeze, please contact your local service provider. The transfer should not result in any carrier-change charges by your local telephone company. If, however, such charges appear on your local phone bill as a result of the Teligent-Startec transfer, please request a credit or refund by calling customer service during business hours at 1-888-411-1175.

Teligent and Startec are committed to a seamless transfer. You will continue to contact customer service by calling 1-888-411-1175. In addition, Startec will work to resolve any complaints you may have filed or raised against Teligent prior to or during the transfer that have not been resolved by the time your account is transferred. Notice of any future changes in rates, terms, and conditions of service will be provided to you as required under your existing long distance agreement with Teligent or as required by law; however, no changes are anticipated.

In the coming months, you will be able to take advantage of a wide variety of additional services developed by Startec especially for business users, such as integrated local and long distance service and DSL Internet access. If you have additional questions, please contact Teligent customer service at 1-888-411-1175 or [customer.services@teligent.com](mailto:customer.services@teligent.com).

Sincerely,

Patrick F. Doyle  
President and  
Chief Operating Officer

A. Merchant  
Senior Vice President  
Startec