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To: Filings@psc.state.fl.us
Subject: Docket No. _____ Joint Petition for Waiver
Attachments: Sprint and Trinsic Joint Petition for Waiver.pdf

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Docket No. 050916 - TP

Title of filing: Joint Petition for Waiver

Filed on behalf of: Sprint and Trinsic

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ORIGINAL

December 13, 2005

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

Re: Docket No. 050916-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint Communications Company, Limited Partnership and Trinsic Communications, Inc. is Sprint and Trinsic's Joint Petition for Waiver.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE

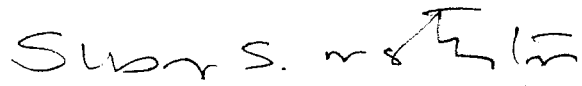
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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.
Mail this 14th day of December, 2005 to the following:

Florida Public Service Commission
Patrick Wiggins
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

A handwritten signature in black ink, appearing to read "Susan S. Masterton", written over a horizontal line.

Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications Company, Limited Partnership and Trinsic Communications, Inc. for Waiver of Rule 25-4.118, F.A.C., Local, Local Toll or Toll Provider Selection in Connection with the Transfer of Sprint Communications Company, Limited Partnership Local Customers to Trinsic Communications, Inc.

Docket No. 050916-TP

Filed: December 14, 2005

JOINT PETITION FOR WAIVER

Sprint Communications Company, Limited Partnership ("Sprint") and Trinsic Communications, Inc. ("Trinsic"), pursuant to Rule 25-24.455(4), Florida Administrative Code and section 364.337(2), Florida Statutes, hereby petition the Florida Public Service Commission ("Commission") for a waiver of Rule 25-4.118, Florida Administrative Code, to allow Sprint to transfer to Sprint's competitive local exchange customers served via the unbundled network element platform ("UNE-P") to Trinsic without obtaining individual authorization and verification from each of Sprint's customers.

In support of this Petition, Petitioners state as follows:

Description of Petitioners

- 1. Sprint is a Delaware limited partnership with principal offices located at 6200 Sprint Parkway, Overland Park, KS.. Sprint is certificated by the Commission to provide competitive local exchange service (Certificate No. 4732) and is registered with the Commission to provide intrastate interexchange service in Florida. Sprint's representatives for the purposes of this proceeding are:

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3065 Cumberland Cir., SE
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2. Trinsic is a Delaware corporation with principal offices located at 601 South Harbour Island Blvd., Suite 220, Tampa, Florida 33602. Trinsic is certificated by the Commission to provide competitive local exchange service (Certificate No. 5701) and is registered with the Commission to provide intrastate interexchange service in Florida. Trinsic's representative for the purposes of this proceeding is:

Andrew Graham, Esq.
Associate General Counsel
Trinsic Communications, Inc.
601 South Harbor Island Blvd., Suite 220
Tampa, FL 33602
agraham@trinsic.com
(813) 233-4567

Rule to be Waived

3. Pursuant to Rule 25-4.118, F.A.C., a customer's local exchange telecommunications or interexchange telecommunications provider may not

be changed without the customer's authorization. To make such a change, a carrier must obtain a letter of agency from the customer requesting the change, must obtain confirmation from the subscriber via a customer-initiated call, or must use an independent third party to verify the subscriber's order. The requirements of Rule 25-4.118, F.A.C., are applicable to interexchange companies through incorporation by reference in Rule 25-24.490, F.A.C. and competitive local exchange companies (CLECs) through incorporation by reference in Rule 25-24.845, F.A.C.

4. Petitioners are requesting a waiver of Rule 25-4.118, F.A.C., so that Sprint may transfer to Trinsic its UNE-P customer base in Florida. As explained more fully below, affected Sprint customers have been notified in writing of the transfer of their services and of their rights under federal law pursuant to the applicable rule of the Federal Communications Commission ("FCC").¹

Description of the Transaction

5. In accordance with the parties' agreement, Sprint will transfer its Sprint Complete Sense and Sprint Complete Sense for Business local customers to Trinsic. Sprint Complete Sense and Sprint Complete Sense for Business provide a bundled offering of local and long distance services. In order to offer Sprint Complete Sense and Sprint Complete Sense for Business, Sprint currently purchases local exchange services on a wholesale basis from Trinsic and the applicable Regional Bell Operating Company for resale to Sprint CLEC customers in Florida and 36 other states.

¹ 47 C.F.R. § 64.1120(e).

6. Pursuant to the agreement between Sprint and Trinsic, Sprint will cease its UNE-P operations nationwide and transfer its UNE-P customer base to Trinsic. The number of Florida residential and business customers affected by the transaction is approximately 9,430.² Both Sprint and Trinsic will file with the Commission the necessary tariff revisions to implement the transfer. The transfer will be transparent to the affected customers and will not alter the manner or quality of service that Sprint's current Complete Sense local customers enjoy.
7. Sprint has notified Florida customers of the impending transfer and their options under federal and Florida law via notices sent out on December 5, 2005. The notice is attached as Attachment A.
8. The notice in Attachment A also serves as Sprint's compliance with FCC Rule 64.1120(e), by providing at least 30 days notice of the transfer to affected customers. Trinsic made the filings required by Rule 64.1120(e) with the FCC on December 12, 2005.

Public Interest Considerations

9. Rule 25-4.118, F.A.C., was enacted to implement the provisions of section 364.603, Florida Statutes. Rule 25-24.455, F.A.C., allows the Commission to waive the application of rules applicable to IXCs if it determines that such waiver is in the public interest. Section 364.337(2), F.S., allows the

² Sprint will continue to provide its Integrated Local Services ("ILS") business local resale product in Florida. In addition, Sprint will continue to provide wholesale telecommunications services in order to facilitate the provision of local exchange services by Sprint's cable partners in Florida and numerous other states.

Commission to waive the application of certain regulations to CLECs if it determines that such waiver is in the public interest.³

10. The public interest will be served by the transfer of Sprint's UNE-P customers to Trinsic, an experienced and qualified local exchange carrier that began providing retail local exchange services in 1998 under the name of Z-Tel Communications, Inc. As evidenced by this Commission's granting of a certificate to Trinsic, Trinsic has the technical, financial and managerial capabilities to provide quality service to Sprint's UNE-P customer base.
11. There will be no changes to the affected customers service plans, rates, features, terms or conditions as a result of the proposed transaction. Moreover, the Commission's approval of the proposed transfer will serve the public interest in promoting competition in the local exchange market in Florida by enabling Trinsic to strengthen its market position and combine Sprint's business and residential Complete Sense customer base with Trinsic's existing services, products and carrier expertise. The market for voice and data local exchange services is becoming increasingly competitive in nature, and this competition ultimately benefits Florida consumers through expanded choices for products and services and lower, more competitive rates. Accordingly, Commission approval of the proposed transfer is in the public interest.
12. The Commission has granted petitions for waiver in similar circumstances in several prior cases. See, e.g., Order No. PSC-03-0252-PAA-TP, *In re: Petition for expedited waiver of carrier selection requirements of Rule 25-*

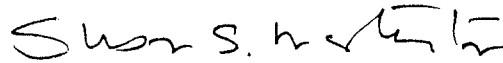
³ Section 364.337(2), F.S., allows the waiver of any provisions of the chapter except sections 364.16, 364.336 and 364.337 (1) and (5).

4.118, F.A.C., 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).

Conclusion

WHEREFORE, Petitioners request that the Commission grant the Petition and waive the requirements of Rule 25-4.118, F.A.C. and section 364.337(2), Florida Statutes, to permit Sprint to transfer its UNE-P customer base to Trinsic. Because the anticipated transfer date is February 1, 2006, Sprint requests expedited consideration of this Petition so that the transfer can be made without delay.

Respectfully submitted this 14th day of December 2005.



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ON BEHALF OF THE JOINT
PETITIONERS



IMPORTANT NOTICE REGARDING YOUR SPRINT SERVICES

Dear Sprint Customer,

Sprint and Trinsic Communications, Inc. are contacting you and other customers to let you know of an upcoming change to your local and long distance services. Sprint will be transferring all Sprint Complete SenseSM and Sprint Complete Sense for BusinessSM customers nationwide to Trinsic, the acquiring carrier on February 1, 2006, or shortly thereafter.

You will retain your current plan, rates, features, Terms and Conditions of Service and your current customer service numbers. It is important to both Sprint and Trinsic that you continue to receive uninterrupted phone service at the level you have come to expect and deserve. Trinsic, founded in 1998 under the name Z-Tel, was the first nationwide local phone service provider. In addition to providing service to hundreds of thousands of their own residential and business customers, Trinsic offers services to other phone companies. Sprint has utilized Trinsic's services to operate and support Sprint Complete Sense since 2003. Now that service will simply be provided directly under the Trinsic name.

You will not incur any charges for the transfer of services to Trinsic, and no action is required from you regarding this changeover. Your phone number will not change and your service will be automatically transferred to Trinsic on February 1, 2006. For any disputes with charges or services after February 1, 2006 you may contact Trinsic through your current customer service number.

All customers have a choice in carriers for their local and long distance service. If you choose to seek an alternative carrier for services, you may incur a fee for transfer of services. If you choose to select an alternate carrier, please contact the new carrier prior to January 15th, 2006 to ensure no interruptions to your service. A list of most local and long distance service providers is typically available in your local telephone directory. You may contact a Sprint customer service representative for residential service-1-800-882-7802 and for small business at-1-866-852-9557 if you have questions or need assistance. Written correspondence can be sent to Sprint Customer Service P.O. Box 15955, Shawnee Mission, KS. 66285-5955

Any PIC freeze on your Sprint local or long distance services will be automatically removed to enable a switch in services. A PIC freeze which may exist on your line(s) of service today will not transfer to Trinsic. If you wish to reestablish a PIC freeze please contact Trinsic after February 1, 2006.

Sprint and Trinsic have notified the FCC & the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, phone: 1-850-413-6100, regarding the transfer of all Sprint Complete Sense and Sprint Complete Sense for Business services to Trinsic and Sprint's decision to no longer provide these local services. The FCC will normally authorize Sprint's proposed discontinuance of these local services unless customers show they will be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity will be otherwise adversely affected. If you wish to object, you should file your comments within 15 days of receipt of this notification. Address complaints to the Federal Communications Commission, Washington, DC 20554, referencing the Application of Sprint Communications Company L.P. Comments should include specific information about the impact of this proposed discontinuance upon you and/or your company, including any inability to acquire reasonable substitute service.

Thank you for choosing Sprint Complete Sense. It has been our privilege to provide this service to you. Trinsic welcomes you and looks forward to providing you with reliable, innovative communication services for years to come. Look for more information from Trinsic in your mailbox in the coming weeks.

Sincerely,

Sprint and Trinsic

Note to Customers regarding Discounts, Mileage Programs and Sprint Business Rewards:

Sprint Wireless services and/or any associated discounts will not be impacted by the change. For Sprint Complete Sense customers who receive Frequent Flyer Airline Miles with their service: These benefits will cease as of February 1, 2006, upon transfer of services to Trinsic. Benefits earned up until February 1, 2006 will be retained by customers. For customers who receive discounts to services via various affiliations: These discounts will continue with Trinsic, though there is no longer any direct affiliation with associated partners. For Sprint Business Rewards customers: Please contact Sprint online at www.sprintbusinessrewards.com or call 1-800-488-2440 to redeem your points by 4/30/06.

