

ORIGINAL

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February 14, 2006

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

RECEIVED-FPSC  
06 FEB 15 AM 10:03  
COMMISSION  
CLERK

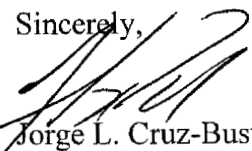
Re: Docket No.: 060138-TR

Dear Ms. Bayo:

Enclosed for filing on behalf of ANEW Broadband Inc., ("ANEW") and DSL Telecom Inc., ("DSL") is ANEW and DSL'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 filing, please do not hesitate to call me at 305.992.2521.

Sincerely,  
  
Jorge L. Cruz-Bustillo

Enclosure

DOCUMENT NUMBER-DATE

01290 FEB 15 06

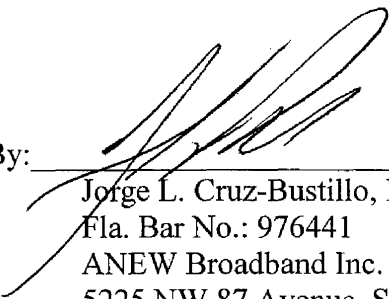
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served by U.S. Regular Mail this 14 day of February 2006, to the following:

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

By: \_\_\_\_\_

  
Jorge L. Cruz-Bustillo, Esq.  
Fla. Bar No.: 976441  
ANEW Broadband Inc.  
5225 NW 87 Avenue, Suite 100  
Miami, Florida 33178  
(305) 261-7778 (voice) Ext. 139  
(305) 436-8674 (fax)

DOCUMENT NUMBER-DATE

01290 FEB 15 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of ANEW Broadband )  
Inc. and DSL Telecom Inc., for Waiver ) Docket No.: \_\_\_\_\_  
of Rule 25-4.118, F.A.C., Local, )  
Local Toll or Toll Provider Selection )  
In Connection with the Transfer of )  
DSL Telecom Inc., customers to ) Filed: February 14, 2006  
ANEW Broadband Inc. )  
 )  
 )  
\_\_\_\_\_ )

**JOINT PETITION FOR WAIVER**  
**REQUEST FOR EXPEDITED TREATMENT**

ANEW Broadband Inc., (“ANEW”) and DSL Telecom, Inc. (“DSL”), 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 DSL to transfer competitive local exchange customers served via the unbundled network element platform (“UNE-P”) to ANEW without obtaining individual authorization and verification from each of DSL’s customers.

In support thereof, Petitioners state as follows:

Description of Petitioners

1. ANEW is a for-profit Florida corporation with principal offices located at 5225 NW 87 Avenue, Suite 100, Miami, Florida 33178. ANEW is certificated by the Commission to provide competitive local exchange service (Certificate No. TJ599) and is registered with the Commission to provide intrastate interexchange service in Florida. ANEW’s representatives for the purpose of this proceeding are:

Jorge L. Cruz-Bustillo  
ANEW  
5225 NW 87 Avenue, Suite 100  
Miami, Florida 33178  
(305) 261-7888 (voice) Ext. 139

(305) 436-8674 (fax)

2. DSL is a for-profit Florida corporation with principal offices located at 2128 West Flagler Street, Suite 300, Miami, Florida 33135-1619. DSL is certificated by the Commission to provide competitive local exchange service (Certificate No. TX496). DSL's representatives for the purpose of this proceeding are:

Seyed M. Moghani  
DSL Telecom Inc.  
2128 West Flagler Street, Suite 300  
Miami, Florida 33135-1619  
(305) 305-238-3633 (voice)  
(305) 305-278-3878 (fax)

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 DSL may transfer to ANEW its UNE-P customer base in Florida. As explained more fully below, affected DSL customers have been notified in writing of the transfer of their services and of their rights under federal law pursuant to Rule 47 CFR section 64.1120(e), of the Federal Communications Commission ("FCC").

### Description of the Transaction

5. In accordance with the parties' agreement, DSL will transfer all of its customers to ANEW. DSL currently purchases local exchange services on a wholesale basis from BellSouth for resale to DSL customers in Florida.

6. Pursuant to the agreement between DSL and ANEW, DSL will cease its UNE-P operations and transfer its UNE-P customer base to ANEW. The number of Florida residential and business customers affected by this transaction is approximately 350. Both ANEW and DSL 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 DSL's current customers enjoy.

7. DSL has notified its Florida customers of the impending transfer and their options under federal and Florida law via notices sent out on February 14, 2006. The notice is attached as Attachment A.

8. The notice in Attachment A also serves as DSL's compliance with FCC Rule 64.1120(e), by providing at least 30 days notice of the transfer to affected customers. ANEW served its filings required by Rule 64.1120(e) with the FCC on February 13, 2006.

### Public Interest Consideration

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 IXC's if it determines that such waiver is in the public interest. Section 364.337(2), Florida Statutes, allows the Commission to waive the application of certain regulations to CLECs if it determines that such waiver is in the public interest.

10. The parties seek expedited treatment of this Petition because DSL is winding down its business and if the transfer is not approved DSL intends to cease operations. The public interest will be served by the transfer of DSL's UNE-P customers to ANEW, an experienced and qualified local exchange carrier that began providing retail local exchange service in 2001 under the name ANEW Broadband Inc. As evidenced by this Commission's granting of a certificate to ANEW, ANEW has the technical, financial and managerial-capabilities to provide quality service to DSL'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 ANEW to strengthen its market position and combine DSL's customer base with ANEW's existing services, products and carrier expertise. The market for voice and data local exchange services is becoming increasingly competitive 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.

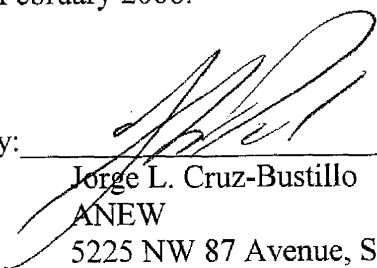
#### Conclusion

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 DSL to transfer its UNE-P customer base to ANEW. Because the anticipated transfer date is March

17, 2006, the Petitioners request expedited consideration of this Petition so that the transfer can be made without delay.

Respectfully submitted this 14 day of February 2006.

By: \_\_\_\_\_

  
Jorge L. Cruz-Bustillo

ANEW

5225 NW 87 Avenue, Suite 100

Miami, Florida 33178

(305) 261-7888 (voice) Ext. 139

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-and-

Seyed M. Moghani

DSL Telecom Inc.

2128 West Flagler Street, Suite 300

Miami, Florida 33135-1619

(305) 305-238-3633 (voice)

(305) 305-278-3878 (fax)

**ON BEHALF OF THE JOINT PETITIONS**

**ATTACHMENT B**

**Customer Notice**





**\*\*IMPORTANT NOTICE REGARDING YOUR DSL TELECOM SERVICE\*\***

Dear Customer:

We have some exciting news to share with you regarding your DSL Telecom local and long distance service!

ANEW Broadband Inc., ("ANEW"), a regional provider of affordable and technologically advanced local exchange and long distance services, has agreed to acquire all of the assets of DSL Telecom and will soon begin providing local exchange and long distance services to customers currently being served by DSL Telecom.

Here are a few key pieces of information that answer some questions you may have:

- The transfer of your services to ANEW will not affect your rates or the terms and conditions of your service.
- There will be no costs, carrier change charges, delays, or service interruptions to you associated with the transfer.
- ANEW is a profitable company with many years of experience providing telecommunications services to customers in the state of Florida. To learn more about ANEW, please visit us at [www.anewbroadband.com](http://www.anewbroadband.com).

Subject to obtaining regulatory approval, ANEW and DSL Telecom anticipate that the transfer of your service to ANEW will occur in the near future, but not before March 17, 2006. 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 alternative carrier, please contact that new carrier prior to March 17, 2006, to ensure no interruption to your service. A list of most local and long distance service providers is typically available in your local telephone directory. If you have previously arranged a preferred carrier freeze on the service(s) involved in this transfer, the freeze will be removed in order to transition your service to ANEW. You may re-establish your preferred carrier freeze after the transfer is complete.

While you have a right to select another provider for your services, ANEW is committed to providing you with the most advanced, reliable and competitively priced telecommunications services available.

ANEW extends a warm welcome and is excited to have you as a customer. ANEW is proud of its commitment to quality and record of outstanding customer service.

If you have any questions at all, please contact ANEW toll-free at 1-800-680-7030.

Once more, welcome to ANEW!  
Warmest Regards,

