

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for migration of residential local service customers from AT&T Communications of the Southern States, LLC, holder of AAV Certificate No. 4037, to BellSouth Telecommunications, Inc. d/b/a AT&T Florida, holder of ILEC Certificate No. 8, and request for expedited treatment.

DOCKET NO. 070367-TP  
ORDER NO. PSC-07-0624-PAA-TP  
ISSUED: July 31, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER  
GRANTING WAIVER OF CARRIER SELECTION REQUIREMENTS  
OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On June 8, 2007, AT&T Communications of the Southern States, LLC (AT&T-C) and BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida), a competitive local exchange telecommunications company (CLEC) and an incumbent local exchange telecommunications company (ILEC), respectively, submitted a joint request for a waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, for the transfer of residential local customers from AT&T-C to AT&T Florida. AT&T Florida seeks the rule waiver so that it will not have to obtain each customer's authorization for a change in carrier. With the waiver, AT&T Florida can protect itself from possible complaints of unauthorized carrier changes (slamming). Residential customers will benefit because they will not be subject to a loss of service during the transfer, for if prior authorization is required in this process, customers may be disconnected should they fail to take required action.

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FPSC-COMMISSION CLERK

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.02, 364.051, 364.08, 364.09, 364.336, 364.337, and 364.603, Florida Statutes (2007).

Pursuant to Rule 25-4.118(1), Florida Administrative Code, a customer's carrier cannot be changed without the customer's authorization. Rule 25-4.118(1), Florida Administrative Code, provides, in pertinent part, that a carrier shall submit a change request only if one of the following has occurred:

- (a) The provider has a letter of agency (LOA) . . . from the customer requesting the change;
- (b) The provider has received a customer-initiated call for service . . .;
- (c) A firm that is independent and unaffiliated with the provider . . . has verified the customer's requested change . . . .

AT&T Florida has stated that it will provide for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. Commission staff has reviewed the notice that will be sent to AT&T-C's customers and found it to be adequate. The customers should not experience any interruption of service, rate increase<sup>1</sup> or switching fees.

Neither AT&T-C nor AT&T Florida has any outstanding regulatory assessment fees, penalties, or interest associated with its respective CLEC or ILEC certificates. AT&T Florida has agreed to resolve all outstanding AT&T-C consumer complaints after the customer migration.

In accordance with our authority under sections 364.02, 364.051, 364.08, 364.09, 364.336, 364.337, and 364.603, Florida Statutes (2007), we have reviewed the joint request by AT&T-C and AT&T Florida for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, and find it appropriate to approve the joint request. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service.

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<sup>1</sup> AT&T-C will cease providing residential local exchange service to its current customers in the former BellSouth territory. Those AT&T-C residential customers who currently have a bundle of local and long distance service will be placed on the equivalent AT&T-C long distance plan and will be migrated to local service provided by AT&T Florida. To ensure that there is not a rate increase between a customer's current AT&T-C local and long distance bundled plan and the customer's new AT&T Florida stand-alone local plan and AT&T-C stand-alone long distance plan, the customer will be made whole through a credit. In a footnote in its petition, AT&T acknowledged that in some circumstances a credit would raise a concern about discrimination issues. This is not the case here, however, because the credit is directly linked to an approved prior economic bargain effected pursuant to a price list and is being applied to ensure that all similarly situated customers will see no price increase as a result of the migration.

Based on the foregoing, it is

ORDERED, by the Florida Public Service Commission that the joint request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of AT&T Communications of the Southern States LLC's residential local customers to BellSouth Telecommunications, Inc. of AT&T Communications of the Southern States, LLC and BellSouth Telecommunications, Inc. d/b/a AT&T Florida is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28.-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 31st date of July, 2007.

  
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ANN COLE  
Commission Clerk

( S E A L )

HFM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 21, 2007.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.