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October 1, 2008

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
08 OCT - 1 AM 9:37  
HAND DELIVERED BY  
COMMISSION  
CLERK

Re: Joint Petition for Cancellation of CLEC Certificate, Cancellation of IXC  
Registration, and Waiver of Rule 25-4.118, Florida Administrative Code

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket on behalf of Level 3 Communications, LLC ("Level 3") and Progress Telecom LLC ("Progress Telecom") are the original and fifteen copies of a Joint Petition for Cancellation of CLEC Certificate, Cancellation of IXC Registration, and Waiver of Rule 25-4.118, Florida Administrative Code.

Please acknowledge receipt of these documents by stamping the extra copy of this letter filed and returning the copy to me. Thank you for your assistance with this filing.

Sincerely,



Marsha E. Rule

MER/rl  
Enclosures  
level3\cole October 01 08ltr

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ECR \_\_\_  
GCL     
OPC     
RCP     
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Joint Petition of Progress Telecom LLC )  
and Level 3 Communications, LLC for a Waiver )  
of Rule 2-4.118, Florida Administrative Code, )  
and for Cancellation of Progress Telecom LLC's )  
CLEC Certificate and IXC Registration )  
\_\_\_\_\_ )

Docket No. 080619-TP

Filed: October 1, 2008

**JOINT PETITION FOR CANCELLATION OF CLEC CERTIFICATE,  
CANCELLATION OF IXC REGISTRATION,  
AND WAIVER OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE**

Progress Telecom LLC ("Progress Telecom") and Level 3 Communications, LLC, ("Level 3"), pursuant to Rules 25-24.474, 25-24.455, 25-4.820 and 25-4.118, Florida Administrative Code, request cancellation of Progress Telecom's IXC registration and CLEC certificate, and a waiver of 25-4.118, Florida Administrative Code, to allow transfer of Progress Telecom's customers to Level 3, its parent company. In support, the parties state as follows:

1. Progress Telecom is a facilities-based telecommunications company with authority to provide competitive local exchange telecommunications service and interexchange telecommunications service in Florida.<sup>1</sup> Progress Telecom's address is 1025 Eldorado Blvd., Broomfield, CO 80021. Level 3 is the parent company of Progress Telecom. Level 3 is a facilities-based telecommunications company that also has authority to provide competitive local exchange telecommunications service and

<sup>1</sup> Progress Telecom holds CLEC certificate No. 7448 and IXC registration No. TJ639.

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FPSC-COMMISSION CLERK

interexchange telecommunications service in Florida.<sup>2</sup> Level 3's address is 1025 Eldorado Blvd., Broomfield, CO 80021.

2. The name and address of Progress Telecom's and Level 3's representative in this proceeding is:

Gregory T. Diamond  
Regulatory Counsel, Southeast Region  
Level 3 Communications  
Broomfield, CO 80021  
Tel: 720-888-3148  
Fax: 720-888-5134  
Email: greg.diamond@level3.com

3. For the past several years Level 3 has been integrating the networks and systems of its various subsidiaries, including Progress Telecom. As a result, the independent existence of many of Level 3 certificated subsidiaries has become *pro forma*. In order to streamline and better organize the business and operations of Level 3's various operating companies, the parties propose to transfer all of Progress Telecom's Florida customers to Level 3 and cancel Progress Telecom's Florida CLEC certificate and IXC registration.

4. Rule 25-4.118, Florida Administrative Code prohibits changing a customer's telecommunications carrier without the customer's authorization. Rule 25-4.118 is applicable to IXCs and CLECs pursuant to Rules 25-24.475 and 25-24.845, respectively. The Commission has authority to waive this requirement pursuant to Rule 25-24.455, Florida Administrative Code and Section 364.337(2) and (4), Florida Statutes. Progress Telecom currently serves about 56 customers in Florida, and seeks a waiver of this requirement so it will not have to obtain each customer's consent. Waiver of this

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<sup>2</sup> Level 3 holds CLEC certificate No. 5725 and IXC registration No. TJ154.

requirement in the instant case is in the public interest because it will ensure a quick and easy transfer for customers while avoiding unnecessary service disruption or slamming complaints.

5. The transfer of customers from Progress Telecom to Level 3 will have no adverse impact on customers. The Progress Telecom customers will continue to receive their existing services over the same facilities and at the same rates, terms and conditions that they have prior to the transfer, and any future changes in the rates, terms and conditions of service will be made consistent with Commission requirements. The bills Progress Telecom customers currently receive already prominently identify Progress Telecom as a Level 3 company and, as such, the transfer will not cause customer confusion. Immediately following the transfer, existing customers will continue to receive service under the same billing system and the proposed transfer will not involve any interruption or discontinuation of service or customer terminations.

6. Level 3 will provide advance written notice to the affected customers at least thirty (30) days prior to the transfer to ensure a seamless transition and to avoid customer confusion or inconvenience. A copy of the notification letter is attached as Exhibit A.

7. Level 3 will file amended tariffs or price lists to include all grandfathered legacy Progress Telecom services and all legacy Progress Telecom services that will continue to be marketed by Level 3. Customers transferred from Progress Telecom to Level 3 will not experience any change in their telecommunications services. The only change will be the identity of their new provider.

8. The proposed transfer is in the public interest. The transfer will be transparent to customers and will have no adverse impact. Existing Progress Telecom customers will be notified of the change and will receive the same services at the same rates, terms and conditions.

9. Progress Telecom will notify the Commission when customers have been transferred, and thereafter, will file its final Regulatory Assessment Return and pay its final Regulatory Assessment fees within 30 days of the Commission's final order canceling its IXC registration and CLEC certificate.

WHEREFORE, the parties request the Commission to (a) waive the requirements of Rule 25-4.118, Florida Administrative Code so that they may transfer Progress Telecom's customers to Level 3, and (b) after such customers have been transferred, to cancel Progress Telecom's CLEC certificate and IXC registration.

RESPECTFULLY SUBMITTED:



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(850) 681-6788 (Telephone)  
(850) 681-6515 (Facsimile)

Attorneys for Progress Telecom, LLC  
and Level 3, LLC

**EXHIBIT A**

Progress/Level 3 Logos

Date

**IMPORTANT NOTICE REGARDING YOUR SERVICES FROM PROGRESS  
TELECOM**

Dear Progress Telecom Customer:

Level 3 Communications, LLC ("Level 3") became the parent company of Progress Telecom in 2006. We are now pleased to announce that the services you receive from Progress Telecom will now be provided by Level 3. As an existing customer, the only change you will see will be a change in the name of your provider from Progress Telecom to Level 3. Otherwise, your services will remain with the Level 3 family of companies.

You will continue to use the same services you currently do and, of course, there will be no fees or charges to you in connection with this transfer and there will be no disruption in service. As a Level 3 customer, you will continue to receive services at the same rates, terms and conditions specified in your existing contract with Progress Telecom or, if applicable, filed and/or posted tariffs and/or price lists.

Level 3 anticipates the date of the transfer will be \_\_\_\_\_, 2008, provided any necessary regulatory approvals have been obtained; and, at that time, the name of your service provider will become Level 3.

If you have any questions about the transfer or about Level 3 in general, please visit [www.level3.com](http://www.level3.com) or call 800-\_\_\_\_-\_\_\_\_. For all questions regarding billing, repairs, service needs or complaints, please contact Level 3 at 800-\_\_\_\_-\_\_\_\_.

We look forward to continuing to provide service to you.

Cordially,

Level 3 Communications