

Nov. 14, 2001

**BY HAND DELIVERY**

Ms. Blanca Bayó  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

011581-TX

Re: MCImetro Access Transmission Services, LLC  
Petition for Temporary Waiver of Rule 25-4.110(16), Florida  
Administrative Code, and corresponding portion of Section 364.603,  
Florida Statutes

Dear Ms. Bayó,

Enclosed for filing on behalf of MCImetro Access Transmission Services, LLC (MCImetro) are the original and fifteen (15) copies of its Petition for Temporary Waiver of Rule 25-4.110(16) and corresponding portion of Section 364.603, Florida Statutes.

If you have any questions regarding this filing, please contact me at your convenience.

Sincerely,



Donna Canzano McNulty

Enclosures

In re: Petition of MCImetro Access	)	Docket No.:
Transmission Services, LLC, for waiver of	)	
Rule 4.110(16), Florida Administrative	)	Filed: Nov. 14, 2001
Code, and corresponding portion of	)	
Section 364.603, Florida Statutes	)	
	)	

MCImetro Access Transmission Services, LLC (MCImetro), pursuant to Section 364.337(2), Florida Statutes, hereby petitions the Commission for temporary waiver of Rule 25-4.110(16), Florida Administrative Code, requiring ALECs to provide customer notification that a PC Freeze is available, and the corresponding portion of Section 364.603, Florida Statutes. In support of this petition, MCImetro states:

1. The name and address of the Petitioner are

2. MCImetro is certificated in Florida as an alternate local exchange

3. Notices and other pleadings in this docket should be furnished to:

Donna Canzano McNulty  
WorldCom, Inc.  
325 John Knox Road  
The Atrium Bldg., Ste. 105  
Tallahassee, FL 32303

## **RULE/PORTION OF STATUTE TO BE WAIVED**

4. Pursuant to Rule 25-4.110(16), Florida Administrative Code, companies that bill for local service are required to provide notification with the customer's first bill or by letter, and annually thereafter, that a Preferred Carrier (PC) Freeze is available. This requirement is made applicable to ALECs through incorporation by reference in Rule 25-24.845, Florida Administrative Code. Rule 25-4.110 implements Section 364.603, Florida Statutes, which in part, directs the Commission to adopt a rule to provide for the notification to subscribers of the ability to freeze the subscriber's choice of carriers at no charge. MCImetro respectfully requests a temporary waiver of Rule 25-4.110(16), Florida Administrative Code, and corresponding portion of Section 364.603, Florida Statutes, for the reasons set forth below.

## **BASIS FOR TEMPORARY WAIVER**

5. The basis for granting a temporary waiver of Rule 25-4.110(16) and corresponding portion of Section 364.603, Florida Statutes, is set forth in Section 364.337(2), Florida Statutes. Specifically, under that subsection a certificated ALEC may petition the Commission for a waiver of some or all of the requirements of Chapter 364, except sections 364.16 and 364.336(1, and 5), and the Commission may grant such petition if determined to be in the public interest.

## **TEMPORARY WAIVER IS IN PUBLIC INTEREST**

6. MCImetro plans to offer starting Nov. 16 local telecommunications service to residential consumers in limited areas in Florida. To provide this service, MCImetro will lease unbundled network elements from the incumbent local exchange company BellSouth Telecommunications, Inc. (BellSouth), specifically using the

combination of elements typically called “unbundled network elements platform” (UNE-P).

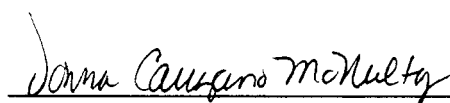
7. To meet the requirements of Section 364.603, Florida Statutes, and Rule 25-4.110(16), Florida Administrative Code, which require providing customer notification that a PC Freeze is available, MCImetro has requested from BellSouth the ability to electronically request a PC freeze for MCImetro customers it serves using UNE-P. In response to requests from MCImetro, BellSouth has stated that at the present time, BellSouth does not offer Local Service Freeze (LSF) for UNE-P orders. BellSouth also stated that the issue still is under consideration and will notify MCImetro if there are any changes. (Attachment A). Accordingly, MCImetro will not be able to offer its customers a PC Freeze until BellSouth offers a LSF for the UNE-P orders MCImetro places. MCImetro needs at least 180 days to implement the software changes in its system after BellSouth makes the LSF available for UNE-P.

8. MCImetro will provide residential consumers an alternative choice for local telecommunications service, even though it will not be able to offer a PC freeze at this time. Competitive providers generally offer consumers innovative products and competitive pricing where possible. Based on the circumstances of this Petition, it is in the public interest and consistent with Section 364.01, Florida Statutes, to waive temporarily the customer notification requirement of Section 364.603, Florida Statutes, and Rule 25-4.110(16) until at least 180 days after BellSouth offers a LSF for UNE-P orders. Specifically, Section 364.01(4)(b) states that the Commission shall exercise its exclusive jurisdiction to encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the

widest possible range of consumer choice in the provision of all telecommunications services. Under Section 364.01(4)(d), the Commission is to promote competition by encouraging new entrants into telecommunications markets and by allowing a transitional period in which new entrants are subject to a lesser level of regulatory oversight than local exchange telecommunications companies. Likewise, under Section 364.01(4)(e and f), the Commission is to encourage telecommunications providers to introduce new services free of unnecessary regulatory constraints, and are treated fairly. Offering competitive alternatives for local service is also consistent with the intent of the Telecommunications Act of 1996.

WHEREFORE, for the reasons set forth more fully above, MCImetro Access Transmission Services, LLC requests that the Commission grant its request for temporary waiver of Rule 25-4.110(16), Florida Administrative Code, requiring customer notification of a PC Freeze, and the applicable, corresponding portion of Section 364.603, Florida Statutes, until at least 180 days after BellSouth offers a LSF for UNE-P orders.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of November, 2001.

  
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Donna Canzano McNulty  
WorldCom, Inc.  
325 John Knox Road  
The Atrium Bldg., Ste. 105  
Tallahassee, FL 32303  
(850) 422-1254

ATTORNEY FOR MCIMETRO  
ACCESS TRANSMISSION SERVICES,  
LLC

## **ATTACHMENT A**

September 17, 2001

Ms. Sharon Daniels  
Sales Asst Vice-President  
WorldCom Account Team  
1960 W. Exchange Place, Room 420  
Tucker, Georgia 30084

Re: Local Service Provider Freeze in Florida

Sharon,

BellSouth Carrier Notification SN91081506, advises the CLEC community of Local Service Freeze (LSF). The notification explains that LSF is only valid on REQTYPE E, which we understand to be resale orders.

During last Thursday's call, Joe Laszlo of the BellSouth Account team clarified that REQTYPE M is not currently supported for LSF. REQTYPE M is used for UNE-P. WorldCom further understands that BellSouth currently has no plans to make LSF available to CLECs for UNE-P.

Please confirm that our understanding of that discussion is correct.



Patricia B. Woods  
Senior Manager,  
WorldCom Carrier Management,  
BellSouth



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BellSouth Interconnection Services 770 492-7500  
Suite 420 Fax 770 621-0632  
1960 West Exchange Place  
Tucker, Georgia 30084

October 10, 2001

Ms. Patricia B. Woods  
Senior Manager  
WorldCom Carrier Management  
2520 NorthWinds Parkway  
Alpharetta, GA 30004

Dear Pat:

This is in response to your letter dated September 17, 2001, and a follow-up to a letter to you dated August 31, 2001, regarding clarification of the use of REQTYPE M associated with BellSouth providing Local Service Freeze (LSF) on Unbundled Network Element-Platform (UNE-P) orders.

As stated in the August 31, 2001 letter, under Question 13a, this issue was referred to the appropriate BellSouth organizations for review, and it was further advised that you would be provided with the results of the review. At the present time, BellSouth does not offer LSF on REQTYPE M for UNE-P orders. However, BellSouth still has the issue under consideration, and if there are any changes, I will notify you.

In the meantime, if you have additional questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Daniels".

Sharon Daniels  
Sales Assistant Vice-President