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March 20, 2000

Florida Public Service Commission
Division of Records and Reporting
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

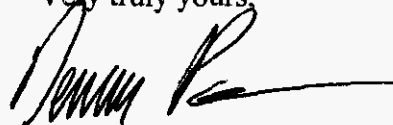
**Re: PNG Telecommunications, Inc.
Petition for Waiver**

000364-TI

Dear Sir or Madam:

Please find enclosed an original and 8 copies of the Petition of PNG Telecommunications, Inc. Please return one file-stamped copy of the Petition in the self-addressed, postage-prepaid envelope enclosed. Your attention to this matter is appreciated.

Very truly yours,



Dennis M. Packer

DMP/dp
encl.

cc: Todd Pfister, PNG
Pam Arluk, America One

DOCUMENT NUMBER-DATE
03790 MAR 27 8
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of
PNG Telecommunications, Inc.
for waiver of 25-4.118 F.A.C.

FILED
00 MAR 21 10 56 AM '00
MAIL ROOM

: Docket No. 000364-TI
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: **Petition**
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Pursuant to Fla. Stat. §364.337(4) and F.A.C. 25-24.455, PNG Telecommunications, Inc. ("PNG"), a certificated interexchange carrier, respectfully petitions the Commission for a waiver of the requirements set forth in 25-4.118 F.A.C. regarding interexchange carrier selection. Granting PNG's petition is in the public interest.

I. Factual Background

PNG provides non-facilities based, resold intraLATA toll and interexchange telecommunications services in the State of Florida pursuant to the Commission's grant of a Certificate of Public Convenience and Necessity by Order No. PSC-95-0587-FOF-TI in Docket No. 941328-TI (Company Code TI346, Certificate No. 3981). PNG has agreed to purchase the wireline customer base of America One Communications, Inc. ("America One"), also a certificated switchless rebiller (Company Code TI623, Certificate No. 4855). Pursuant to a written purchase agreement, PNG has agreed to purchase certain customer accounts from America One. These accounts are comprised of all customers which have selected America One as their preferred carrier for outbound, inbound and calling card services. The special circumstances warranting a deviation or waiver from the Commission's rules and order include the need to provide seamless transitions of long distance service for the affected America One customers.

During the week of March 13, 2000, America One and PNG sent a joint letter to all

DOCUMENT NUMBER-DATE
03790 MAR 27 8
FPSC-RECORDS/REPORTING

America One customers notifying them that America One will no longer be serving as a domestic presubscribed long distance carrier; that all "1+" calls from telephone lines previously served by America One will be completed by PNG and; that PNG and America One plan to have the transfer completed by the second week of April 2000. PNG's products and services are similar to those offered by America One and America One subscribers will receive rates that are comparable, if not lower, than the existing America One rates. The affected America One customers will be informed that they will continue to receive quality long distance services at economical prices from PNG without needed action. The affected America One customers will also be reminded that they are under no obligation to take service from PNG, and that the customer is free to select another company to transmit their long distance calls.¹

Additionally, PNG will send a "welcome letter" to the affected customers soon after the mailing described above. The "welcome letter" will reiterate the information disclosed in the first letter and provide the customer with other information on PNG services.²

II. Argument

Pursuant to the Commission's rules, prior to submitting a preferred carrier change, carriers must verify the subscriber's authorization of the change by one of the methods set forth in 25-4.118 F.A.C. Section 25-24.455(4) F.A.C. provides that:

[a]n interexchange company may petition for waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or in part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company.

¹See attached joint letter from PNG and America One attached as Exhibit A.

²See attached welcome letter from PNG attached as Exhibit B.

In disposing of a petition, the Commission may consider whether the petition is in the public interest, whether market forces obviate the need for the provision in a particular instance and whether reasonable alternative regulatory methods may serve the same purpose.

25-24.455(4)(a)-(c) F.A.C.

PNG believes that its petition is in the public interest and that alternative regulatory methods will serve the same purpose in this instance as the Commission's primary interexchange carrier change verification rules. PNG requests that the Commission accept the notice and welcome letters attached as Exhibits A and B in lieu of verification procedures of 25-4.118 F.A.C. The affected customers will be notified that their interexchange service will be continued with PNG at comparable or lower rates without action required of them; that they may receive a credit for any charge imposed by their local exchange carrier for changing their primary interexchange carrier; and that they are under no obligation to take service from PNG and may select another primary interexchange carrier. Customers will also be given America One's and PNG's toll-free customer service numbers to call with any questions they may have about the transaction. PNG believes that the notice and welcome letters adequately serve the purpose of assuring that customers who remain with PNG genuinely want PNG as their interexchange and intraLATA toll carrier.

On the other hand, the Commission's verification rules would not be served by obtaining prior authorization and verification in order to switch the affected customers of America One to PNG. Customers who may not understand the need to authorize the change in their intraLATA toll and interexchange service provider and who, therefore, fail to respond to a request for authorization, could lose their service or pay potentially higher rates.

Expedited action on this waiver is requested. The purchase agreement provides , and the

parties intend to complete transfer of the customers by April 15, 2000. Waiver of the Commission's verification rules in this instance allows PNG to provide a seamless transition to America One customers, while ensuring that the affected customers clearly understand available choices. Waiver of the Commission's verification rules in this instance allows PNG to provide a seamless transition to America One customers, while ensuring that the affected customers clearly understand available choices. Therefore, the Commission should grant PNG's request for expedited waiver of the Commission's verification rules set forth in 25-4.118 F.A.C. to permit the transaction to be completed by April 15, 2000.

Respectfully submitted,



Dennis M. Packer
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Cincinnati, Ohio 45242
Tel: (513)563-3090
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"A"

March 07, 2000

AM1
Dial 1 Transfer Letter, ver 2

Dear America One Customer,

We wish to thank you for choosing America One as your long distance provider. It has been a pleasure serving you. We're writing to you today to let you know that because of a change in our business plans, your long distance service will be transferred from America One to PowerNet Global Communications. We expect the transfer to occur on approximately <date>.

PowerNet Global is a national long distance provider that offers customers simple, flat-rate pricing any time of the day or night. So PowerNet Global will be offering you rates comparable – if not lower – than what you are currently getting with America One. Along with low flat-rate pricing for long distance, PowerNet Global offers some of today's most desired services such as:

- Low-cost Internet access
- Enhanced calling features
- Personal 800 service

PowerNet Global will be mailing an announcement outlining these services in detail to you soon.

You should also know that America One and PowerNet Global will work together to ensure that your transition to PowerNet Global will be seamless and PowerNet Global will not require you to pay any switchover fees associated with the transfer. If you have any questions or concerns about this change in long distance service, we encourage you to call America One's customer service at <1-800-xxx-xxxx> prior to <date>. After <date> please call PowerNet Global's customer service at <1-800-xxx-xxxx.>

We recognize that you are free to change carriers if you are not satisfied with the service you receive. PowerNet Global plans to provide you with value-added communications solutions and unrivaled customer support and looks forward to serving your long distance needs.

Sincerely,

David Tyler
Vice President
America One Communications

Bernie Stevens
President & CEO
PowerNet Global Communications

"B"

Dear America One Customer,

Welcome to PowerNet Global Communications, a leading edge provider of low, flat-rate long distance services. **This letter is for your information only; no further action on your part is required.**

Important Points to Remember:

- You will experience no interruption in your current long distance service
- Your current long distance rates will not increase
- You will not be billed or charged any fees for transferring from America One to PowerNet Global
- This transition is approved by America One and is not an attempt to change your long distance services without your consent
- Your long distance services will now be billed by PowerNet Global Communications

Here's how we will help you:

- Same flat rate, 24 hours a day, 7 days a week
- No monthly fees or surcharges
- World-class Customer Service
- Easy to read itemized billing
- 6 second rounding with 18-second start
- Expanded services available for your special needs

PowerNet Global is excited to have you as part of our team. PowerNet Global provides reliable long-distance as well as a growing spectrum of communications solutions including:

- Low-cost Internet access
- Enhanced Calling Features
- Personal 800 Service

Founded in 1992, Cincinnati, Ohio-based PowerNet Global pioneered simple, flat rate, long distance plans coupled with excellent customer support. PowerNet Global, a Cisco Powered Network, has teamed with Cisco Systems Inc., the industry leader in network services, to provide you with leading edge, efficient, and reliable products and services.

Your service with PowerNet Global will begin during the first week of April. If you have any questions regarding your account or would like to inquire about additional services, please call one of our Customer Service Associates at 800-860-9495 and they will gladly assist you. To learn more about PowerNet Global, visit our website at www.powernetglobal.com

Sincerely,

Bernie Stevens
President and CEO