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November 3, 2000

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

601669-TI

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RECORDS AND
REPORTING

Re: Docket No.
Joint Petition of Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance
and NYNEX Long Distance, Inc. d/b/a Verizon Enterprise Solutions for Waiver
of Slamming Rule, Chapter 25-4.118

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of the above-referenced Joint
Petition. Service has been made as indicated on the Certificate of Service. If there
are any questions regarding this matter, please contact me at 813-483-2617.

Sincerely,

Kimberly Kimberly Caswell

KC:tas
Enclosures

RECEIVED

[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

14271 NOV-38

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of) Docket No. *001669*
Bell Atlantic Communications, Inc. d/b/a) Filed: November 3, 2000
Verizon Long Distance and NYNEX Long)
Distance, Inc. d/b/a Verizon Enterprise)
Solutions for Waiver of Slamming Rule,)
Chapter 25-4.118)
_____)

JOINT PETITION FOR WAIVER

Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance and NYNEX Long Distance, Inc. d/b/a Verizon Enterprise Solutions ("Petitioners") respectfully request, pursuant to Rule 25-24.455(4), the Florida Public Service Commission ("Commission") to waive Florida Administrative Code rule 25-24.118, in order to facilitate the transfer of customers among the following affiliated entities: Verizon Select Services, Inc. ("VSS"), Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance ("VLD") and NYNEX Long Distance, Inc. d/b/a Verizon Enterprise Solutions ("VES"). Upon approval of this waiver, the Petitioners propose to transfer certain segments of the customer base of VSS to VLD and VES, and to transfer certain segments of the customer base of VES to VLD.

As the result of the merger of Bell Atlantic and GTE, there are three different affiliates of the combined company -- Verizon Communications Inc. ("Verizon") -- that now provide overlapping long distance services in certain market segments in the state. These are the Petitioners and VSS. Verizon wishes to streamline its operations and service offerings in the state and to consolidate its long distance operation in VLD and VES.

More specifically, after all the necessary regulatory approvals, residence and general business long distance customers would be served by VLD. Larger business customers will primarily be served by VES. To accomplish this, VSS' residence and general

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business and VES' general business long distance customers will be transferred to VLD, and VSS' large business customers will be moved to VES. Upon completion of the customer transfer, Petitioners will resolve any customer questions that may result from the transfer.

Prior to implementing these changes, the transferring company will send a notification to all affected customers. The initial notification will advise the customers of the following: the pending change of their carrier selection to either VLD or VES; that there will be no change in the way they dial or in the customer service available to them; that there will be no charges associated with the change; that services will be provided at the same rates as those charged by the current carrier; and that they have the option to select a different long distance provider if they prefer. The initial notification will also include a toll-free customer inquiry number that customers may call for more information. Customers will also receive a post-transfer confirmation of the carrier change. A sample copy of the initial customer notification and post-transfer confirmation are attached to this Petition as Exhibits 1 and 2 of the FCC waiver petition in Attachment A.

Petitioners respectfully request that the Commission issue an order granting a wavier of Rule 25-24.118 in order to consummate the transfer of customers. In support of this request, Petitioners provide the following information:

I. THE PETITIONERS and PARTIES

Bell Atlantic Communications, Inc., a Delaware corporation, was certificated on May 7, 1996 in Docket No. 960179-TI (interexchange carrier ("IXC") certificate number 4438). NYNEX Long Distance, Inc., a Delaware corporation, was certificated on September 4,

1996 in Docket No. 960697-TI (IXC certificate number 4714). Verizon Select Services, Inc. holds IXC certificate number 4080 in Florida, which was granted on November 1, 1995.

All three companies offer a variety of resale interexchange telecommunications services, including direct dial outbound service, inbound toll-free service, travel card service and operator assisted services. In addition to the services provided in Florida, these three companies are authorized to provide resold interexchange telecommunications services nationwide either pursuant to certification or registration, or on an unregulated basis, except in certain states in the Bell Atlantic region and in Alaska. These companies are also authorized by the FCC to provide interstate and international telecommunications services.

II. CONTACT INFORMATION

Correspondence or communications pertaining to this application should be directed to:

Kimberly Caswell
Vice President & General Counsel, Southeast
Verizon
201 N. Franklin Street, FLTC0007
Tampa, FL 33602

with a copy to:

John Broten, Director - Regulatory
Verizon
1320 North Court House Road, 9th Floor
Arlington, VA 22201

III. REQUEST FOR RULE WAIVER

Pursuant to Rule 25-24.118(1), Florida Administrative Code, the long distance provider of a customer shall not be changed without the customer's authorization. Rule 25-

24.118-(2) provides that an IXC shall submit a change request to the local exchange carrier only if one of the following has occurred: (a) the provider has a letter of agency from the customer requesting the change; (b) the provider has received a customer-initiated call for service; or (c) a third party firm has verified the customer's requested change. As a result of the merger and subsequent restructure described above, the Petitioners ask the Commission to waive the conditions in 25-24.118-(2) in order to allow the transfer of customers of record to VES and VLD. VES and VLD have filed a petition with the Federal Communications Commission for a waiver of the authorization and verification rules for implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996.

IV. CUSTOMER IMPACT

This transaction will be made in a seamless fashion that will avoid disruption to consumers. Existing customers of the Petitioners will not be inconvenienced in any way. There will be no interruption of service and customers will be well informed of their choices.

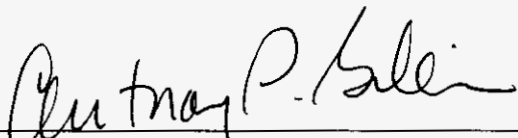
V. PUBLIC INTEREST CONSIDERATIONS

The Petitioners have determined that the proposed transaction will improve operational efficiency, thus providing greater opportunities to improve the price performance of services available to its customers. If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another long distance carrier and lose their long distance service during the transition. Consequently, granting this Petition is consistent with the public interest in promoting

competition among telecommunications carriers in Florida. Further, by granting this Petition, unnecessary slamming complaints will be prevented during the transition, saving Petitioners and the Commission administrative burdens.

WHEREFORE, for the reasons stated above, the Petitioners submit that the public interest, convenience and necessity would be furthered by a grant of this Joint Petition for Waiver of Rule 25-24.118.

Respectfully submitted on November 3, 2000.

By: 
Or Kimberly Caswell
P. O. Box 110, FLTC0007
Tampa, Florida 33601-0110
Telephone: (813) 483-2617

Attorney for Joint Petitioners

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Implementation of the Subscriber Changes
Provisions of the Telecommunications Act of
1996

Bell Atlantic Communications, Inc. d/b/a
Verizon Long Distance and NYNEX Long
Distance, Inc. d/b/a Verizon Enterprise
Solutions Petition for Waiver

CC Docket No. 94-129

PETITION FOR WAIVER

Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance (“VLD”) and NYNEX Long Distance d/b/a Verizon Enterprise Solutions (“VES”), pursuant to Section 1.3 of the Commission’s Rules, 47 CFR 1.3, respectfully request a limited waiver of the Commission’s carrier-change authorization and verification rules. Petitioners request this waiver to enable them to transfer certain long distance subscribers between affiliated companies without first obtaining such subscribers’ authorization and verification. For the reasons set forth below, petitioners fully satisfy the good cause standard established by *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), for securing a waiver.

I. BACKGROUND

As the result of two corporate mergers, there are four different affiliates of Verizon Communications Inc. that now provide overlapping long distance services in certain market areas. These are the two petitioners and Verizon Select Services, Inc. (“VSS”) and Verizon

Hawaii International Inc. ("VHI"). Verizon wishes to streamline its operations and service offerings in these areas and to consolidate its long distance operation in the two petitioners.

More specifically, after all the necessary regulatory approvals, residence and general business customers would primarily be served by VLD. Larger business customers would primarily be served by VES. To accomplish this, VSS's and VHI's residence and general business and VES's general business long distance customers will be transferred to VLD, and VSS's and VHI's large business customers will be moved to VES. Upon completion of the customer transfer, petitioners will resolve any customer complaints that may result from the transfer or that may be brought against one of the transferring companies in its capacity as a long distance provider.

Prior to implementing these changes, the transferring companies will send a notification to all affected customers. The initial notification will advise the customers of the following: the pending change of their carrier selection to one of the petitioners, that there will be no change in the way they dial or in the customer service available to them, that there will be no charges associated with the change, that services will be provided at the same rates as those charged by the current carrier, and that they have the option to select a different long distance provider if they prefer. The initial notification will also include a toll-free customer inquiry number that customers may call for more information. A sample copy of the initial customer notification is attached as Exhibit 1. Once petitioners have received the necessary regulatory approvals and the transfer has been completed, petitioners will send a follow-up confirmation to affected customers welcoming them to petitioners' service. A copy of the post-transfer confirmation is attached as Exhibit 2.

II. PETITIONERS' REQUEST IS REASONABLE AND SHOULD BE GRANTED.

Pursuant to Section 258 of the Act, the Commission has adopted comprehensive rules to combat the practice of changing customers' preferred carriers without authorization, a practice known as "slamming." Under the Commission's authorization and verification rules, carriers are required to verify all preferred carrier change orders before such changes can be submitted for execution. In accordance with well-established precedent, however, the Commission can grant a waiver of its rules where special circumstances warrant a deviation from a particular rule and where such a deviation is in the public interest.¹

Petitioners submit that waiver of the Commission's authorization and verification rules is appropriate in this case. A deviation from the rules is necessary to enable petitioners to ensure a seamless transition of the affected customers without inconveniencing the customers or interrupting their service. If petitioners were required to obtain verification from each customer, there is a risk that the long distance services of certain customers could be interrupted, or that certain customers could be charged higher casual calling rates if a carrier selection is not made. Given these risks, a deviation from the rules is in the public interest. Moreover, because these customers will be notified prior to any migration, the policy goals of the authorization and verification rules will be met in a manner consistent with the public interest. Finally, the circumstances justifying this waiver are similar to those set forth in other petitions for waiver of the authorization and verification rules, which have been granted by the Commission.²

¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

² *E.g.*, *McLeodUSA Petition for Wavier*, DA 00-2151 (rel. Sept. 21, 2000); *PT-1 Long Distance and PT-1 Counsel Joint Petition for Wavier*, DA 00-2113 (rel. Sept. 15, 2000); *INET Interactive Network System Petition for Wavier*, DA 00-2093 (rel. Sept. 13, 00).

III. CONCLUSION

For the reasons set forth herein, petitioners submit that good cause exists for waiver of the Commission's authorization and verification rules. Such a waiver will enable petitioners to execute the seamless transfer of long distance subscribers to its customer base and will serve the public interest.

Respectfully submitted,

/s/

John M. Goodman

Attorney for Petitioners

1300 I Street, N.W.
Washington, D.C. 20005
(202) 336-7874

Michael E. Glover
Of Counsel

Dated: October 27, 2000

Exhibit One

Initial Customer Notification

Dear Verizon Select Services Inc. (*or Verizon Enterprise Solutions or Verizon Hawaii International Inc.*) Customer:

As part of GTE's merger with Bell Atlantic, the name of the Verizon company providing your long distance service became Verizon Select Services Inc. (*or Verizon Enterprise Solutions or Verizon Hawaii International Inc.*). Within the next few months after obtaining the necessary regulatory approvals, Verizon Select Services Inc. (*or Verizon Enterprise Solutions or Verizon Hawaii International Inc.*) will be moving its long distance services under Verizon Long Distance (*or Verizon Enterprise Solutions*). This change will not impact your billing, service or rates and is free of charge. Verizon will continue providing you the same excellent service. If you do not wish to receive service from Verizon Long Distance (*or Verizon Enterprise Solutions*), you may choose another long distance provider [subject to the terms and conditions of your plan] by contacting them directly or through your local service provider. If you decide to change, there may be a nominal charge. If you have any questions about the change to Verizon Long Distance please call the toll free customer service number on this bill.

[Note: The bracketed phrase "subject to the terms and conditions of your plan" will be used for business customers]

Sincerely,

Verizon Select Services Inc. (*or Verizon Enterprise Solutions or Verizon Hawaii International Inc.*)

Exhibit Two

Customer Confirmation

Dear Verizon Long Distance (*or Verizon Enterprise Solutions*) Customer:

As we previously notified you, the Verizon company which is now providing your long distance service is Verizon Long Distance (*or Verizon Enterprise Solutions*). This change from Verizon Select Services Inc. (*or Verizon Enterprise Solutions or Verizon Hawaii International Inc.*) has not impacted your billing, service or rates, which remain the same. Verizon will continue providing you the same excellent service. If you do not wish to receive service from Verizon Long Distance (*or Verizon Enterprise Solutions*), you may choose another long distance provider [subject to the terms and conditions of your plan] by contacting them directly or through your local service provider. If you decide to change, there may be a nominal charge. If you have any questions about the change to Verizon Long Distance please call the toll free customer service number on this bill. [Note: The bracketed phrase "subject to the terms and conditions of your plan" will be used for business customers]

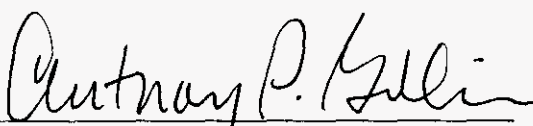
Sincerely,

Verizon Long Distance (*or Verizon Enterprise Solutions*)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Joint Petition of Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance and NYNEX Long Distance, Inc. d/b/a Verizon Enterprise Solutions for Waiver of Slamming Rule, Chapter 25-4.118 was sent via overnight delivery on November 2, 2000 to:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



or Kimberly Caswell