

Telecommunications Inc. and CBLD are now subsidiaries under the same holding company structure. In short, Cincinnati Bell Inc. is now the ultimate holding company parent of both Broadwing Telecommunications Inc. and CBLD.

Upon receipt of necessary regulatory approvals, Cincinnati Bell Inc. intends to consolidate certain of its long distance operations into Broadwing Telecommunications Inc. This consolidation will include a portion of CBLD's current customer base. More specifically, it is currently contemplated that the vast majority of CBLD customers located outside the Cincinnati metropolitan area will be migrated to Broadwing Telecommunications Inc. Prior to implementing this migration, CBLD proposes to send a notification letter to all affected customers in the form attached hereto as Exhibit 1.

II. **BROADWING'S 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, 47 C.F.R. §§64.1000 *et seq.*, carriers are required to verify all preferred carrier change orders before such changes can be executed. 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

Broadwing submits that waiver of the Commission's authorization and verification rules is appropriate in this case. A deviation from the rules is necessary to enable Broadwing to ensure a seamless transition of the affected CBLD customers to Broadwing without inconveniencing the customers or interrupting their service. If Broadwing were required to obtain verification from

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

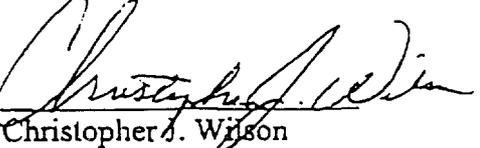
each customer, there is a risk that the long distance services of certain customers could be interrupted, or that certain customers could be charged higher casual calling rate if a carrier selection is not made. Given these risks, a deviation from the rules is in the public interest. Moreover, because 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

III. CONCLUSION

For the reasons set forth herein, Broadwing Telecommunications Inc. submits that good cause exists for waiver of the Commission's authorization and verification rules, 47 C.F.R. §§64.1100-64.1190. Such a waiver will enable Broadwing to execute the seamless transfer of CBLD long distance subscribers to its customer base and will serve the public interest.

Respectfully submitted,

Broadwing Telecommunications Inc.

By 
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² See e.g. *Sprint Request for Waiver*, DA 99-1112, released June 17, 1999; *AT&T Corporation Request for Waiver*, DA 99-1718, released August 27, 1999; *MCI WorldCom, Inc. Request for Waiver*, DA 99-1549, released August 6, 1999; *Citizens Telecommunications Co. Alliance Group Services, Inc. Joint Request for Waiver*, DA 99-1521, released July 30, 1999; *International Exchange Communications, Inc. Request for Waiver*, DA 99-1819, released September 10, 1999.

Sample Customer Notification

Date

Dear CBLD Customer:

We have exciting news to report! As you may know from one of our previous notifications, CBLD's parent company, Cincinnati Bell Inc., recently acquired IXC Communications, Inc. With the completion of the merger, Cincinnati Bell Inc. became Broadwing Inc., an integrated communications powerhouse, providing voice, data, and Internet solutions to customers nationwide. CBLD is now part of this newly formed Broadwing family.

Since the completion of the merger, Broadwing has decided to consolidate its long distance operations. This consolidation process will enhance our ability to provide you with cost-effective, technically superior services. Please note, you are not required to do anything to continue receiving the same great service and rates you have always received from CBLD. Upon receipt of federal regulatory approval and state regulatory notifications, your account will automatically be transferred from CBLD to Broadwing, and Broadwing will become your new long distance carrier. Following the transfer to Broadwing, the only change you will notice is that your bill will come from Broadwing rather than CBLD. As new services and enhanced programs become available, you will be notified of any changes or modifications that may relate to your service.

We are confident you will be pleased with the superior service you receive from Broadwing. We value our relationship and we pledge our commitment to continue providing you with quality services and personalized customer care as we move forward. If you have any questions about the transfer or Broadwing services, please call a Broadwing service representative at (800) 735-3030.

Sincerely,

Broadwing Telecommunications Inc.