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March 24, 2000

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Room tw-204B
Washington, D.C. 20554

RE: Implementation of the Subscriber Changes Provisions of the
Telecommunications Act of 1996, CC Docket No. 94-129,
Broadwing Telecommunications Inc. Supplement to Petition for Waiver

Dear Ms. Salas:

Enclosed are an original and four copies plus two additional public copies of Broadwing Telecommunications Inc.'s Supplement to Petition for Waiver of the Commission's authorization and verification rules, 47 C.F.R. §§64.1100-64.1190, as adopted in the above referenced proceeding. Please substitute the Supplement to Petition for Waiver filed today for the Petition for Waiver file by Broadwing on January 28, 2000. The Supplement will replace the original filing in its entirety. A duplicate original copy of this letter is enclosed; please date stamp this copy as acknowledgement of its receipt and return it. Questions regarding this filing may be directed to David L. Meier at the above address or by telephone at (513) 397-1393.

Sincerely,

Enclosures

cc: Katherine Schroder, Accounting Policy Division
Michele Walters, Accounting Policy Division
Will Cox, Accounting Policy Division

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**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)
)
Broadwing Telecommunications Inc.)
Petition for Waiver)

CC Docket 1-129
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PETITION FOR WAIVER

Broadwing Telecommunications Inc., pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. §1.3, hereby respectfully requests a limited waiver of the Commission's authorization and verification rules, 47 C.F.R. §§64.1100-64.1190. Broadwing requests this waiver to enable it to transfer certain of the long distance subscribers of Cincinnati Bell Long Distance Inc. ("CBLD") to Broadwing's customer base without first obtaining such subscribers' authorization and verification. For the reasons set forth below, Broadwing fully satisfies 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

Broadwing Telecommunications Inc. (formerly Eclipse Telecommunications, Inc.) and CBLD are both providers of long distance service with authority to operate as such throughout the continental United States. As a result of the recent merger involving Cincinnati Bell Inc. and IXC Communications, Inc., which was completed on November 9, 1999, Broadwing

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. A small minority of customers within the Cincinnati metropolitan area will also be migrated to Broadwing. Upon completion of the customer transfer, Broadwing will resolve any customer complaints that may result from the transfer or that may be brought against CBLD in its capacity as a long distance provider.

Prior to implementing this migration, CBLD proposes to send a notification letter to all affected customers. The initial notification letter will advise the customers of the following: the pending change of their carrier selection to Broadwing, that there will be no change in the way they dial or the customer service available to them, that there will be no charges associated with the change of their carrier selection to Broadwing, that services will be provided at the same rates as those charged by CBLD, and the option to elect a different long distance provider if they prefer. The initial letter will also include a customer inquiry number that customers may call for more information. A sample copy of the initial customer notification letter is attached hereto as Exhibit 1. Once Broadwing has received the necessary regulatory approval for the migration and the transfer has been completed, Broadwing intends to send a second letter to affected CBLD customers welcoming them to Broadwing service. A copy of the post-migration letter is attached hereto as Exhibit 2.

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 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

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

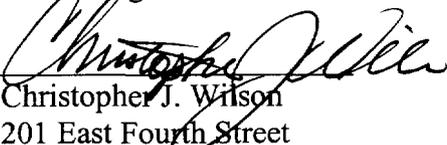
² See e.g. *Sprint Request for Waiver*, DA 99-1112, released June 17, 1999; *AT&T Corporation Request for Waiver*, DA 99-1718, released August 27, 1999; *MCI WorldCom, Inc. Request for Waiver*, DA 99-1549, released August 6, 1999; *Citizens Telecommunications Co. Alliance Group Services, Inc. Joint Request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

III. CONCLUSION

For the reasons set forth herein, Broadwing Telecommunications 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 
Christopher J. Wilson
201 East Fourth Street
Room 102-620
Cincinnati, Ohio 45202

Sample Customer Notification Pre-Migration

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. began operating as Broadwing, 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. There will be no charges assessed to your bill as a result of the transfer.

We are confident you will be pleased with the superior service you receive from Broadwing. We value our relationship and pledge our commitment to providing you with quality services and personalized customer care as we move forward. If you do not wish to receive service from Broadwing, however, please understand that you are free to choose another carrier (subject to any term plan discount arrangements business customers may have with CBLD). 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.

Sample Customer Notification Post-Migration

Date

Dear Broadwing Customer:

We are pleased to welcome you to Broadwing! As announced in previous correspondence, CBLD's parent company, Cincinnati Bell Inc., acquired IXC Communications, Inc. With the completion of the merger, Cincinnati Bell Inc. began operating as Broadwing, an integrated communications powerhouse, providing voice, data, and Internet solutions to customers nationwide. Your former long distance carrier, CBLD, became part of this newly formed Broadwing family.

Upon receiving necessary regulatory approval, Broadwing consolidated the long distance operations of its two long distance affiliates. This consolidation will enhance our ability to provide you with cost-effective, technically superior services. As noted in our initial letter to you, your account was recently transferred from CBLD to Broadwing, and Broadwing became your new long distance carrier. Following this transfer, the only change you will notice is that your bill will come from Broadwing rather than CBLD. There will be no charges assessed to your bill as a result of the transfer, and **you will continue to receive the same great service and rates you have always received from CBLD.** As new services and enhanced programs become available through Broadwing, 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 pledge our commitment to providing you with quality services and personalized customer care as we move forward. If you do not wish to receive service from Broadwing, however, please understand that you are free to choose another carrier (subject to any term plan discount arrangements business customers may have with CBLD). 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.