

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service Commission  
held at its office in Jefferson City on the  
29th day of January, 2002.

In the Matter of the Request of WorldCom, Inc. and                    )  
Intermedia Communications Inc. for Approval of the                    )  
Intra-Corporate Transfer of Subscribers with a Waiver                )  
of Commission Rule 33.150 Regarding Authorization                 )  
and Verification of Changes in Telecommunications                 )  
Providers    )

**Case No. TM-2002-344**

**ORDER APPROVING INTRA-CORPORATE TRANSFER OF CUSTOMERS  
AND GRANTING WAIVER OF 4 CSR 240-33.150**

This order grants a request from WorldCom, Inc., and Intermedia Communications Inc. for permission to transfer customers from Intermedia, a subsidiary of WorldCom, to another WorldCom subsidiary, MCI WorldCom Communications, Inc. The order also grants a waiver of Commission Rule 4 CSR 240-33.150, a rule that concerns verification of orders for changing telecommunications service providers.

On January 16, 2002, WorldCom, Inc. and Intermedia Communications Inc. filed a pleading entitled Motion to Re-Open Case and Approve the Intra-Corporate Transfer of Subscribers with a Waiver of Commission Rule 33.150. That pleading was filed in Case No. TM-2001-314, which is the case established to consider the acquisition of Intermedia by WorldCom. On January 16, 2001, the Commission issued an order approving that acquisition and the case was subsequently closed. Rather than reopening the closed

case, the Commission opened this case on January 17, 2002, to consider WorldCom and Intermedia's motion.

WorldCom and Intermedia's motion indicates that after the acquisition of Intermedia, WorldCom decided to move certain Intermedia business long distance customers to comparable service plans offered by another WorldCom subsidiary, MCI WorldCom Communications, Inc. WorldCom and Intermedia request that the Commission approve their plan to transfer customers. The motion states that the proposed migration of customers will occur on or about February 8, 2002. Accordingly, WorldCom and Intermedia request that the Commission act upon their motion by February 7, 2002.

WorldCom and Intermedia also request a waiver of the requirements of 4 CSR 240-33.150. That rule is an anti-slamming rule that requires telecommunications carriers to obtain authorization and verification of a customer's agreement before switching that customer to a new carrier. WorldCom and Intermedia suggest that the anti-slamming rule should be waived because WorldCom has already advised the affected customers of the nature of the transition and their right to choose another carrier. Notice of the proposed transfer was sent to all affected customers on October 30, 2001, and a copy of that notice letter is attached to the motion.

The Staff of the Commission filed a response to WorldCom and Intermedia's motion on January 23, 2002. Staff recommends that the transfer of customers be approved. Staff also agrees that WorldCom has provided adequate notice of the transfer to the affected customers and recommends that the Commission approve the requested waiver of 4 CSR 240-33.150. On January 16, 2002, the Office of the Public Counsel filed a letter indicating

that it has no objection to the approval of the proposed intra-corporate transfer of subscribers with a waiver of Commission Rule 33.150.

No party has requested a hearing on WorldCom and Intermedia's motion. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.<sup>[11]</sup> Since no one has requested a hearing, the Commission may grant the relief requested based on WorldCom and Intermedia's motion.

Section 392.420, RSMo 2000, grants the Commission the authority to suspend or modify the application of its rules for competitive telecommunications companies if such waiver or modification is consistent with other provisions of Sections 392.361 to 392.520, RSMo 2000, and with the purposes of Chapter 392, RSMo 2000, the chapter that provides for the regulation of telephone companies.

The Commission will approve the proposed intra-corporate transfer of customers. Furthermore, the requested waiver of 4 CSR 240-33.150 is reasonable, will not be detrimental to the public interest, and is consistent with the purposes of Chapter 392, RSMo 2000.

**IT IS THEREFORE ORDERED:**

1. That the intra-corporate transfer of customers proposed by WorldCom, Inc. and Intermedia Communications Inc. in their motion of January 16, 2002, is approved.

2. That the application of 4 CSR 240-33.150 is waived for purposes of the intra-corporate transfer of customers approved in the previous paragraph.
3. That this order shall become effective on February 7, 2002.
4. That this case may be closed on February 8, 2002.

**BY THE COMMISSION**

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Murray, Lumpe, Gaw and Forbis, CC., concur

Woodruff, Senior Regulatory Law Judge

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[\[1\]](#) *State ex rel. Rex Defenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).