

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18th day of June, 2002.

In the Matter of the Application of WorldCom, Inc.,)
MCI WorldCom Communications, Inc. and Intermedia)
Communications, Inc., for Approval of the Transfer of) **Case No. XM-2002-1073**
Residential IXC Customers and Waiver of Commission)
Rule 4 CSR 240-33.150.)

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

Syllabus

This order approves an Application for a transfer of customers. The Applicants wish to transfer residential customers from Intermedia Communications, Inc., to MCI WorldCom Communications, Inc (MCI WorldCom). Both Intermedia and MCI WorldCom are subsidiaries of WorldCom, Inc (WorldCom).

The Transactions

On May 14, 2002, Intermedia and MCI WorldCom applied to the Commission for authority for Intermedia to transfer residential customers to MCI WorldCom. The Commission approved of WorldCom's acquisition of Intermedia in Case No. TM-2001-314. Afterwards, the Commission approved of Intermedia's transfer of business customers to MCI WorldCom in Case No. TM-2002-344.

The Applicants further ask the Commission to waive the provisions of 4 CSR 240-33.150 (the "anti-slamming" rule). WorldCom has already notified Intermedia's customers of the pending transfer of customers, which is scheduled to happen on July 15, 2002. The Applicants state that the notice gives the Commission good cause to waive the rule.

Intermedia and MCI WorldCom plan to transfer Intermedia's residential customers

by July 15, 2002. Therefore, they ask the Commission to approve the transfer no later than July 14, 2002.

Discussion

On May 30, 2002, Staff filed its recommendation. Staff does not object to the proposed transfer of customers. Staff recommends that the Commission approve the transfer and waive the requirements of 4 CSR 240-33.150.

No requests for intervention have been received and no party has requested a hearing. 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. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989). Since no one has requested a hearing, the Commission may grant the relief requested based on the verified application.

The Commission has reviewed the application and Staff's recommendation. The Commission finds that it should approve the proposed transfer. The Applicants wish to transfer approximately 50 residential long-distance customers from Intermedia to MCI WorldCom. WorldCom has notified these customers of this transfer. The customers have adequate notice of the transaction, and the chance to choose another long-distance carrier without interruption of service. They also can accept the transfer, and receive long-distance service without a change in the rates, terms and conditions of service they receive. The Commission finds the transfer of customers to not be detrimental to the public interest.

In addition, the Commission finds that it should waive 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. MCI WorldCom and Intermedia state that the Commission should waive this rule because WorldCom has already advised the affected customers of the transfer and of their right to choose another carrier. The Commission finds 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 application for authority to transfer residential long-distance customers from Intermedia Communications, Inc., to MCI WorldCom Communications, Inc., is approved.
2. That a waiver of 4 CSR 240-33.150 is granted.
3. That this order shall become effective on June 28, 2002.
4. That this case shall be closed on June 29, 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.

Pridgin, Regulatory Law Judge