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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

NOV 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Joint Applications of OnePoint)
Communications Corp. and Verizon)
Communications for Authority Pursuant to)
Section 214 of the Communications Act of)
1934, as Amended, To Transfer Control of)
Authorizations To Provide Domestic)
Interstate and International)
Telecommunications Services as a)
Non-Dominant Carrier)
)
)
)
)

CC Docket No. 00-170

NOTICE OF ONEPOINT'S DIVESTITURE OF ITS INTERLATA BUSINESS

Ventures in Communications II, L.L.C. ("Ventures") is the corporate parent of a number of operating subsidiaries that provide telecommunications services to the public. OnePoint, a subsidiary of Ventures, is a non-dominant provider of long distance and international telephone service, and provides local telephone service, video service, and high-speed Internet access to apartment and condominium (Multiple Dwelling Unit or "MDU") residents.

This Notice is being filed in preparation for the proposed acquisition of OnePoint by Verizon Investments, Inc. ("VII"), a wholly-owned subsidiary of Bell Atlantic Corporation d/b/a Verizon Communications ("Verizon"). As a result of this acquisition, OnePoint will become subject to the regulatory requirements that prohibit Verizon from offering originating interLATA services in its local service region until it has met the requirements of Section 271 of the

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Telecommunications Act of 1996.¹ OnePoint Communications Corp. (“OnePoint”), a subsidiary of Ventures in Communications II, L.L.C.(“Ventures”) hereby notifies the Commission that pursuant to Section 271 of the Communications Act of 1934, as amended (“the Act”); 47 U.S.C. § 271, OnePoint has terminated its interLATA operations in Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC.

In the course of its review of the Qwest/US West merger the Commission noted that if, upon divestiture of Qwest’s legacy interLATA business, the carriers provide no continuing support services to the buyer of the interLATA business (except billing and collection services), the merger would probably result in a merger that complies with Section 271(a) of the Act.² The Commission also observed that if the merged company were to provide other services, such as receiving and placing orders for the buyer’s customers, assisting in provisioning, acting as an agent for the buyer, or establish joint marketing or sourcing agreements, the likelihood of a Section 271 violation would increase.³ The Commission concluded that “the risk of the divestiture, in practice, fails to result in a merger that fully complies with Section 271 is entirely within the control of the Applicants.”⁴

¹ See 47 U.S.C. § 271.

² See *Qwest Communications International Inc. and US WEST, Inc. Application for Transfer of Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License*, Memorandum Opinion and Order, CC Docket No. 99-272, FCC 00-91, 15 FCC Rcd 5376, 5376, at para. 19 (rel. Mar. 10, 2000) (“*Qwest Merger Order*”). See also, 47 U.S.C. § 271(a).

³ See *Qwest Merger Order* 15 FCC Rcd at 5386, para. 19.

⁴ *Id.*

To demonstrate that OnePoint has divested its interLATA business in compliance with the Commission's guidelines, as set for the in *Qwest Merger Order*, OnePoint herein submits this Notice (1) identifying Talk.com, Inc. and Talk.com Holding Corp. d/b/a The Phone Company ("Talk.com") as the transferee of OnePoint's remaining interLATA customers; (2) a description of the activities undertaken by OnePoint and Talk.com to facilitate the transfer and to ensure OnePoint and Verizon's compliance with Section 271; and (3) a description of the post-transfer relationship among OnePoint, Verizon, and Talk.com.⁵

To prepare for its proposed merger with Verizon, OnePoint first arranged to divest its interLATA business to Talk.com in order to ensure that the proposed merger of OnePoint and Verizon will fully comply with Section 271 of the Act. Specifically, OnePoint arranged to transfer any OnePoint long distance customers that had not selected a new interLATA carrier by October 31, 2000 to Talk.com (d/b/a "The Phone Company"). Talk.com has committed to provide service to OnePoint's former interLATA customers on the same, or better, rates, terms, and conditions compared to those that OnePoint offered. The relevant terms of that arrangement are as follows:

- Upon direction from OnePoint, either Talk.com or OnePoint would request Verizon to process PIC changes for all remaining interLATA subscribers in Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC. Talk.com would be solely responsible for paying all fees for these account changes.

⁵ See *Qwest Merger Order*, 15 FCC Rcd at 5386, paras. 3, 18-19.

- Talk.com would be responsible for billing all affected subscriber's interLATA messages after October 31, 2000.
- Talk.com would establish all subscriber accounts at the same or better pricing for interLATA services as compared to those formerly offered by OnePoint.
- Subscribers will not be required to pay a PIC change charge or other charges to initiate their interLATA service with Talk.com

To ensure that this transfer would not conflict with the Commission's "anti-slamming" rules, OnePoint and Talk.com separately filed a Joint Petition for Waiver of the Commission's carrier-change rules, 47 C.F.R. Sections 64.1100 through 64.1190.⁶ As described in that Petition, OnePoint completed a multi-step notification process pursuant to Sections 63.19 and 63.71 of the Commission's rules and Section 214(a) of the Act.⁷ Specifically, on September 15, 2000, October 2, 2000, and October 15, 2000, OnePoint sent notices to all affected customers informing them that after October 31, 2000, OnePoint will no longer be their long distance and international carrier, and advising those customers of the need to select a new long distance

⁶ *Joint Petition For Waiver Of OnePoint Communications Corp. And The Phone Company, Inc.*, CC Docket No. 94-129 (filed Sept. 8, 2000).

⁷ *See Section 63.71 Application of OnePoint Communications Corp. for Section 214 Authority to Discontinue Service*, File No. ITC-214-19970418-00216, Application to Discontinue (filed Sep. 15, 2000); *Implementation of the subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996*, CC Docket No. 94-129, *OnePoint Communications Corporation and Talk.Com, Inc. and Talk.Com Holding Corp. Joint Petition for Waiver of the Subscriber Carrier Selection Change Provisions of the Telecommunications Act of 1996*, Joint Petition for Waiver of OnePoint Communications Corp. and The Phone Company, Inc. (filed Sep. 8, 2000); *Joint Applications of OnePoint Communications Corp. and Verizon Communications for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Transfer Control of Authorizations to Provide Domestic Interstate and International Telecommunications Services as a Non-Dominant Carrier* CC Docket No. 00-170; *International Resale Authority Granted to OnePoint Communications, LLC*, File No. ITC-214-19970418-00216, *International Resale Authority Granted to OnePoint Services, LLC*, File No. ITC-214-20000321-00206, Section 63.19 Notice of Discontinuation of International Service (filed October 13, 2000).

carrier.⁸ In addition, the September 15, 2000 notification provided the specific discontinuance of service notification required under Section 63.71(a)(5)(i) of the Commission's rules.⁹ More than 1800 OnePoint interLATA customers selected a new interLATA carrier in response to OnePoint's notices.

On October 30, 2000, the Commission granted OnePoint and Talk.com's *Joint Petition* requesting waiver of the Commission's "anti-slamming" rules, enabling OnePoint to transfer its remaining interLATA to Talk.com.¹⁰ Pursuant to that Waiver, between October 31 and November 1, 2000, OnePoint transferred to Talk.com the approximately 6,500 OnePoint interLATA customers that had not chosen a new interLATA carrier pursuant to the customer notifications provided by OnePoint on September 15, October 2, and October 15, 2000.

As of November 1, 2000, interLATA calls made by OnePoint customers in Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC, that had not otherwise chosen a new interLATA carrier are carried by Talk.com. OnePoint will have no continuing role in the provisioning or carriage of interLATA calls in those states. To facilitate a smooth transition, however, OnePoint will continue to assist Talk.com in account set-up activities, as required, until November 17, 2000, but will cease that activity on that date. In addition, pursuant to the conditions of the Commission's Waiver, OnePoint will maintain its ongoing commitment to

⁸ See Attachment I.

⁹ See 47 C.F.R. § 63.71(a)(5)(i).

¹⁰ See *Implementation of the Subscriber Carrier Selection Change Provisions of the Telecommunications Act of 1996; OnePoint Communications Corp., Talk.com Inc., and Talk.com Holding Corp., d/b/a The Phone Company Joint Petition for Waiver*, Order, CC Docket No. 94-129, DA 00-2445 (rel. Oct. 31, 2000) ("Waiver Order"). Attachment II.

cooperate with the Commission to investigate and resolve any outstanding complaints of affected customers regarding OnePoint's services, should such complaints arise.¹¹

Talk.com will maintain a business relationship with the former OnePoint interLATA customers that is independent from OnePoint. Upon completion of the transfer and account set-up activities, OnePoint will not provide further assistance or otherwise be involved in Talk.com's provision of interLATA service, nor will OnePoint obtain material benefits (other than access charges) uniquely associated with the provision of interLATA services. OnePoint no longer holds itself out as a provider of long distance service, perform activities or functions that are typically performed by those who are legally or contractually responsible for providing interLATA service to the public, and will not provide continuing support services to Talk.com with respect to divested interLATA customers in Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC.¹²

Respectfully Submitted,

ONEPOINT COMMUNICATIONS CORP.

By: 

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November 13, 2000

¹¹ *Id.* at para. 7.

¹² *Qwest Merger Order*, 15 FCC Rcd 5376, at paras. 18-19.

ATTACHMENT I

ADDRESS
ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear Mr. Sample,

As early as October 31, 2000, OnePoint Communications will no longer provide interstate long distance service in your calling area. OnePoint Communications is merging with Verizon Communications and, as a result, will be subject to regulatory requirements that prohibit Verizon Communications and its affiliates from providing long distance service within your calling area. OnePoint Communications, however, will continue to provide your local service, without interruption.

Select a New Long Distance Company Before October 31, 2000

You will need to select a new long distance company before October 31, 2000. OnePoint Communications has three simple ways for you to conveniently choose your new long distance company:

1. Go to www.onepointcom.com/ldchoice and choose your new long distance company online;
2. Complete the enclosed business reply card and mail it back to OnePoint Communications; or
3. Call 1-888-OnePoint (1-888-663-7646) and a OnePoint Communications representative can help you make the change.

To ensure that you receive uninterrupted service, we have made arrangements for The Phone Company to become your new long distance company if you have not made a selection by October 31, 2000 (pending regulatory approval). The Phone Company will provide you with long distance service at the same, or better prices than you now enjoy. You remain free, however, to change your long distance company at any time.

In addition, OnePoint Communications will waive any charges associated with transitioning your long distance service to your new long distance company. This includes any charges for removing your prescribed carrier selection (PIC restriction) and any toll restrictions.

No Disruption To Your Current Local Telephone Service

Thank you for being a OnePoint Communications customer. We look forward to continuing to provide you with superior local telephone service. If you have any further questions, please call 1-888-OnePoint (1-888-663-7646).

Sincerely,

Regulatory Notice

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of OnePoint Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC.

ACT NOW

To Ensure Your Long Distance Telephone Service Is Uninterrupted

As early as October 31, 2000, OnePoint Communications will no longer provide interstate long distance service in your calling area. Due to a pending merger between OnePoint Communications and Verizon Communications, OnePoint Communications can no longer provide your long distance service. However, OnePoint Communications will continue to provide you with local telephone service.

Time is running out and we still have not heard from you. Please choose a long distance company TODAY using one of these three convenient ways:

1. Go to www.onepointcom.com/ldchoice and choose a new long distance provider online;
2. Complete the enclosed business reply card and mail it back to OnePoint Communications; or
3. Call 1-888-OnePoint (1-888-663-7646) and a OnePoint Communications representative can help you make the change.

Be sure to choose your new long distance company by October 31, 2000. To ensure that you do not experience a service interruption, however, we have made arrangements for The Phone Company to become your new long distance company if you have not made a selection by October 31, 2000 (pending regulatory approval). The Phone Company will provide you with long distance service at the same, or better prices than you now enjoy. You remain free to change your long distance company at any time.

In addition, OnePoint Communications will waive any charges associated with transitioning your long distance service to your new long distance company. This includes any charges for removing your prescribed carrier selection (PIC restriction) and any toll restrictions.

**Your local telephone service with OnePoint Communications will not be affected.
If you have any questions, please call 1-888-OnePoint (1-888-663-7646).**

Thank you for being a OnePoint Communications customer. We look forward to continuing to provide you with superior local telephone service.

Regulatory Notice

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of OnePoint Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC.

To Ensure Uninterrupted Long Distance Service ACT NOW

Recently, we informed you that as early as October 31, 2000, OnePoint Communications will no longer provide interstate long distance service in your calling area, and requested that you select a new long distance company. OnePoint Communications is merging with Verizon Communications and, as a result, will soon be subject to the regulatory requirements that prohibit Verizon Communications and its affiliates from providing long distance service within your calling area. OnePoint Communications, however, will continue to provide your local service, without interruption.

Since we still have not heard from you, please take a minute to choose your new long distance company, using one of these three simple ways:

1. Go to www.onepointcom.com/ldchoice and choose a new long distance provider online;
2. Complete the enclosed business reply card and mail it back to OnePoint Communications; or
3. Call 1-888-OnePoint (1-888-663-7646) and a OnePoint Communications representative can help you make the change.

Be sure that you switch your long distance provider before October 31, 2000. To ensure that you receive uninterrupted service, however, we have made arrangements for The Phone Company to become your new long distance company, if you have not made a selection by October 31, 2000 (pending regulatory approval). The Phone Company will provide you with long distance service at the same, or better prices than you now enjoy. You remain free to change your long distance company at any time.

In addition, OnePoint Communications will waive any charges associated with transitioning your long distance service to your new long distance company. This includes any charges for removing your prescribed carrier selection (PIC restriction) and any toll restrictions.

Your local telephone service with OnePoint Communications will not be affected. If you have any questions, please call 1-888-OnePoint (1-888-663-7646).

Thank you for being a OnePoint Communications customer. We look forward to continuing to provide you with superior local telephone service.

Regulatory Notice

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of OnePoint Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC.

ATTACHMENT II

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	CC Docket No. 94-129
Telecommunications Act of 1996)	
)	
OnePoint Communications Corp.,)	
Talk.com, Inc., and Talk.Com Holding Corp.,)	
d/b/a The Phone Company)	
Joint Petition for Waiver)	

ORDER

Adopted: October 30, 2000

Released: October 31, 2000

By the Associate Chief, Accounting Policy Division, Common Carrier Bureau:

I. INTRODUCTION AND BACKGROUND

1. In its *Carrier Change Orders*,¹ the Commission adopted rules applicable to carriers changing a consumer's preferred carrier.² In this Order, we grant OnePoint Communications Corporation, Talk.Com, Inc., and Talk.Com Holding Corp., d/b/a The Phone Company (collectively, Petitioners) a limited waiver of the authorization and verification

¹ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Further Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 10674 (1997), Second Report and Order and Further Notice of Proposed Rule Making, 14 FCC Rcd 1508 (1998) (*Section 258 Order*); *stayed in part*, *MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. May 18, 1999); *First Order on Reconsideration*, FCC 00-135 (released May 3, 2000); 65 Fed. Reg. 47678 (August 3, 2000); *stay lifted*, *MCI WorldCom v. FCC*, No. 00-255 (D.C. Cir. June 27, 2000); Third Report and Order and Second Order on Reconsideration, FCC 00-255 (released August 15, 2000); *reconsideration pending*; *Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Report and Order, 10 FCC Rcd 9560 (1995), *stayed in part*, 11 FCC Rcd 856 (1995); *Policies and Rules Concerning Changing Long Distance Carriers*, CC Docket No. 91-64, 7 FCC Rcd 1038 (1992), *reconsideration denied*, 8 FCC Rcd 3215 (1993) (*PIC Change Recon. Order*); Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phase I, 101 F.C.C.2d 911 (*Allocation Order*), 101 F.C.C.2d 935 (*Waiver Order*), *reconsideration denied*, 102 F.C.C.2d 503 (1985) (*Reconsideration Order*) (the *Reconsideration Order* denied reconsideration of both the *Allocation Order* and the *Waiver Order*). We refer to these orders collectively as the *Carrier Change Orders*.

² 47 C.F.R. §§ 64.1100 - 64.1190.

requirements of the Commission's rules and *Carrier Change Orders*.³ We grant this limited waiver to the extent necessary to enable Talk.Com to become the preferred carrier of the consumers currently presubscribed to OnePoint, without first obtaining each customer's authorization and verification.

2. Section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to "submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such procedures as the Commission shall prescribe."⁴ The goal of section 258 is to eliminate the practice of "slamming," the unauthorized change of a subscriber's preferred carrier. Pursuant to section 258, carriers are absolutely barred from changing a customer's preferred local or long distance carrier without first complying with the Commission's verification procedures.⁵ In the *Section 258 Order*, the Commission revised its procedures to ensure that carriers obtain the requisite authority prior to changing a customer's preferred carrier. The Commission requires that carriers follow one of the Commission's prescribed verification procedures before submitting carrier changes on behalf of consumers.⁶

3. The Petitioners seek a waiver of our verification rules to allow Talk.Com to be designated the preferred interLATA and international toll carrier for certain customers of OnePoint without first obtaining each customer's authorization and verification.⁷ Because we conclude that, under the circumstances presented, it is in the public interest to grant the waiver, we grant Talk.Com and OnePoint a waiver, subject to the conditions represented in their filings.

³ On September 8, 2000, OnePoint Communications Corp. (OnePoint), a subsidiary of Ventures in Communications II, L.L.C., joined Talk.Com, Inc. and Talk.Com Holding Corporation, d/b/a The Phone Company (collectively, Talk.Com) in filing a Joint Petition for Waiver (Waiver Petition) relating to Talk.Com's acquisition of the long distance subscriber base of OnePoint. On October 25, 2000, the Petitioners filed a Supplement to the Waiver Petition, which includes, among other things, a draft of a post-transfer customer notification letter. (Supplement). On October 30, 2000, the Petitioners filed a Second Supplement to the Waiver Petition which includes a revised draft post-transfer customer notification letter. (Second Supplement).

⁴ 47 U.S.C. § 258.

⁵ The Commission's rules and orders clearly contemplate that a switchless reseller may be a customer's preferred carrier. Therefore, changes to a customer's preferred carrier that do not involve a change in the customer's underlying facilities-based carrier are nonetheless subject to the Commission's authorization and verification rules. See *Section 258 Order* at paras. 145-146; *WATS International Corp. v. Group Long Distance (USA), Inc.*, 12 FCC Rcd 1743, 1752 (1997) (citing *PIC Change Recon. Order*, 8 FCC Rcd at 3218).

⁶ Pursuant to these procedures, a carrier must: (1) obtain the subscriber's written authorization; (2) obtain confirmation from the subscriber via a toll-free number provided exclusively for the purpose of confirming orders electronically; or (3) utilize an independent third party to verify the subscriber's order. See 47 C.F.R. § 64.1150.

⁷ The affected OnePoint customers are located in Maryland, Virginia, Pennsylvania, Delaware, and Washington, D.C.

II. DISCUSSION

4. Generally, the Commission's rules may be waived for good cause shown.⁸ As noted by the Court of Appeals for the D.C. Circuit, however, agency rules are presumed valid.⁹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹⁰ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹¹ Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.¹²

5. We find that Talk.Com and OnePoint have demonstrated that good cause exists to justify a limited waiver of the Commission's authorization and verification requirements to the extent necessary to enable Talk.Com to transfer to its own customer base the affected OnePoint customers. The Petitioners state that they filed the Waiver Petition in preparation for the proposed acquisition of OnePoint by Verizon Investments, Inc., a wholly-owned subsidiary of Bell Atlantic Corporation d/b/a Verizon Communications.¹³ Upon completion of the acquisition, the Petitioners state that OnePoint will become subject to the regulatory requirements that prohibit Verizon from offering originating interLATA services in its local region until it has met the requirements of Section 271 of the Telecommunications Act of 1996.¹⁴ Pursuant to this transaction, the Petitioners assert that OnePoint will undertake a multi-step notification process to inform present customers that OnePoint will no longer be their long distance carrier, and that they must select a new long distance carrier.¹⁵ Because some customers may fail to choose a new long distance carrier in a timely manner, OnePoint has arranged to transfer these customers to Talk.Com in order to ensure that these customers do not suffer any service interruptions.¹⁶

6. We conclude that special circumstances exist to justify a waiver. Without this waiver, the service of some former OnePoint customers might temporarily be interrupted when OnePoint ceases providing presubscribed service to customers who fail to respond in a timely

8 47 C.F.R. § 1.3.

9 *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

10 *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

11 *WAIT Radio*, 418 F.2d at 1157.

12 *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

13 Waiver Petition at 2.

14 Waiver Petition at 2-3.

15 Waiver Petition at 3-4.

16 Waiver Petition at 3-4.

fashion to requests for preferred carrier change authorization; those customers might also pay potentially higher rates after the discontinuance of service. We conclude that a waiver of the Commission's carrier change rules and orders is necessary to provide a seamless transition with no disruption of service to the transferred customers.

7. We find that the Petitioners have demonstrated that a limited waiver of the authorization and verification rules is in the public interest because it will prevent consumers from temporarily losing long distance service, and because Talk.Com and OnePoint have agreed to notify the affected customers as described below. As noted above, the Petitioners state that they will undertake a multi-step process to notify the affected customers that they need to choose a new long distance carrier.¹⁷ In each pre-transfer notification, OnePoint will inform customers of the proposed transaction, and assure them that no charges or rate increases will be assessed in connection with the transfer from OnePoint to Talk.Com.¹⁸ The Petitioners state that they will also advise the affected customers that they are free to choose a different preferred carrier, should they desire to do so.¹⁹ In addition, customers will be given a toll-free number to call with any questions they may have about the transition.²⁰ Once the proposed transfer has been consummated, Talk.Com will notify these customers of that event and reiterate the foregoing information, assurances, and advice.²¹ In addition, the Petitioners state that they will cooperate with the Commission to investigate and resolve any outstanding complaints of affected customers regarding services provided by OnePoint.²² We conclude that these conditions will adequately protect the rights of the transferred customers of OnePoint.

8. For the foregoing reasons, we grant the Petitioners a waiver of the authorization and verification requirements of our rules for the limited purposes described above. The grant of this waiver is conditioned upon the Petitioners' provision of customer notification and handling of complaints, as described above and further detailed in the Waiver Petition and Supplements.

III. ORDERING CLAUSES

9. Accordingly, pursuant to authority contained in Sections 1, 4, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 258, and the authority delegated under sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91,

¹⁷ Waiver Petition at 3-4.

¹⁸ Talk.Com and OnePoint filed sample notification letters. *See* Waiver Petition, Attachment A; Second Supplement, Attachment. (Notification Letters).

¹⁹ Waiver Petition at 4, 6. According to the Petition, OnePoint will waive any charges associated with a customer's transition to a new carrier, including any charges for removing the customer's presubscribed carrier selection (PIC restriction) or any toll restrictions. Waiver Petition at n.7.

²⁰ *See* Notification Letters.

²¹ *See* Notification Letters.

²² Supplement at 2.

0.291, 1.3, the waiver request filed by OnePoint Communications Corp., Talk.Com, Inc., and Talk.Com Holding Corp., d/b/a The Phone Company, on September 8, 2000, and supplemented on October 25, 2000 and October 30, 2000, IS GRANTED to the extent indicated herein.

10. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

K. Michele Walters
Associate Chief, Accounting Policy Division,
Common Carrier Bureau

CERTIFICATE OF SERVICE

I, Mary W. Malone, do hereby certify that I have caused 1) the forgoing **SECTION 63.19 NOTIFICATION OF ONEPOINT COMMUNICATIONS CORPORATION** to be served, via hand delivery, upon the persons/entities (marked with an asterisk) listed on the attached service list and 2) a copy of the **APPLICATION** to be service, via first class United States mail, postage prepaid, upon all other persons listed on the attached service list.

November 13, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Section 63.19 Notification was delivered by messenger on this 13 day of November, 2000, to the following individuals:

John Adams
Federal Communications Commission
445-12th Street, S.W.
Washington, D.C. 20554

International Transcription Service, Inc.
445-12th Street, S.W. CY-B402
Washington, D.C. 20554

Claudia Pabo
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Mary W. Malone