

DT 00-048

**GTE COMMUNICATIONS CORPORATION, D/B/A GTE LONG DISTANCE AND  
SPRINT COMMUNICATIONS COMPANY L.P.**

**Transfer of GTE Long Distance Customers to  
Sprint Communications Company**

**Order Approving Transfer of Customer Base**

**O R D E R    N O.    23,520**

**July 5, 2000**

On March 2, 2000, Sprint Communications Company, L.P.(Sprint) filed a letter of notification (LON) with the New Hampshire Public Utilities Commission (Commission) of a proposed transfer of certain customers of GTE Communications Corporation, d/b/a GTE Long Distance (GTE-LD) to Sprint's customer base.

Sprint included in the LON a copy of the Petition for Waiver (POW) filed by Sprint L.P. at the Federal Communications Commission(FCC)on February 16, 2000. The POW requests a limited waiver of the FCC's authorization and verification rules (47 CFR §§64.1100-64.1190) to enable Sprint L.P. to transfer certain subscribers of GTE-LD to Sprint L.P.'s customer base without first obtaining subscribers' authorization and verification. The FCC, by issuance of its order, granted Sprint's request. Sprint's petition to the FCC to acquire GTE-LD's customers was precipitated by GTE-LD's parent, GTE Corporation agreement to merge with Bell Atlantic.

As a result of the merger, GTE-LD will no longer be allowed to provide interexchange services originating in those Bell Atlantic states for which Bell Atlantic has not received Section 271 authority from the FCC once the merger is approved by the FCC and consummated. Therefore, with the exception of the state of New York, GTE-LD is required to discontinue the provision of interexchange services in all Bell Atlantic states.

GTE-LD is a registered Competitive IntraLATA Toll Provider in New Hampshire pursuant to Authorization No. IXC 06097 dated May 5, 1995. GTE-LD is an interexchange carrier that provides telecommunication services throughout the United States and internationally. Sprint is an authorized Competitive IntraLATA Toll Provider in New Hampshire pursuant to Authorization No. IXC00497, dated January 21, 1991.

On or about February 24, 2000 GTE-LD sent a letter to all affected customers regarding the company's March 30, 2000-plan to cease providing interexchange services to such customers. In its letter, GTE-LD informed the customers of their right to choose another interexchange carrier and if a long distance carrier was not chosen by March 20, 2000 Sprint, by default, would become the customers' long distance carrier to ensure that there would be no disruption in their

interexchange service.

The LON further states that the customers were provided with a coupon by GTE-LD to assist covering the fee imposed by their LEC for their conversion to Sprint.

Sprint, in a letter to the former GTE-LD customers who had not chosen a long distance carrier provided notification that as a result of the customer not selecting another interexchange carrier, the customer had become a Sprint customer. Sprint also provided the GTE-LD customers' assurance that Sprint's services would be provided at rates and under terms and conditions that were comparable to the rates, terms and conditions of service provided by GTD-LD. Additionally, in the letter to GTE-LD customers, Sprint detailed the actions the customer would have to take if they chose to receive long distance service from another carrier.

The Commission finds Sprint's acquisition of the assets of GTE-LD in the common good and public interest. The system to be transferred consists of GTE-LD's tangible and intangible assets encompassing, *inter alia*, customer base, computerized billing systems, and collection rights.

In Order No. 23,234 (June 14, 1999) DT 99-077, Re RSL COM U.S.A., Inc.(RSL), the Commission determined that the provisions of RSA 374:28-a, which prohibits changes of a

customer's service provider without the customer's knowledge or consent, applies when there is a transfer of a customer base from one provider to another. In the case before us, Sprint L.P. has provided notice to all of GTE-LD customers, who had not chosen another interexchange carrier, of his/her opportunity to choose another long distance carrier and that the customers do not have to do anything to receive Sprint service.

We further stated in RSL, "[I]t is imperative that customers have adequate advance notice that a carrier proposes to stop serving them, of their ability to choose another carrier, and of the identity of the carrier that will serve them if they do not make a choice by the end of the notice period." Id. p. 3. We commend the carriers here for recognizing this imperative.

**Based upon the foregoing, it is hereby**

**ORDERED,** that the transfer of GTE Communications Corporation, d/b/a GTE Long Distance to Sprint Communications Company, L.P. is hereby APPROVED; and it is

**FURTHER ORDERED,** Sprint shall file tariff pages encompassing the services provided by GTE-LD, pursuant to which it will provide service to those former customers of GTE-LD who choose the default carrier Sprint as their local

exchange service provider; and it is

**FURTHER ORDERED,** GTE-LD surrender its certification in New Hampshire by filing a supplement canceling their existing tariff; and it is

**FURTHER ORDERED,** that the Petitioner shall file a compliance tariff with the Commission in accordance with N.H. Admin. Rules, Puc 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this fifth day of July, 2000.

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Douglas L. Patch  
Chairman

Susan S. Geiger  
Commissioner

Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary