



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-1126
Released: October 2, 2015

COMMENTS INVITED ON APPLICATION OF LIVINGSTON TELEPHONE COMPANY (LIVINGSTON COMMUNICATIONS) TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 15-228
Comp. Pol. File No. 1244

Comments Due: November 2, 2015

Section 214 Application

Applicant: Livingston Telephone Company (Livingston Communications)

On September 1, 2015, Livingston Telephone Company (Livingston Communications) (Livingston or Applicant), located at 701 W. Church St., Livingston, TX 77531-3198, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services within the company's service area in the State of Texas including the Livingston exchange in Polk County (Service Area).¹

Livingston indicates that it currently offers certain operator services, including Collect Call, Bill to Third Number, Bill to Credit Card, Line Status Verification/Busy Line Verification, and Busy Line Interrupt services in the Service Area (Affected Services).² Livingston asserts, however, that there has been a lack of customer demand for the Affected Services. Accordingly, Livingston submits that it made a business decision to discontinue the Affected Services in the Service Area on or after December 1, 2015, upon completion of all necessary federal and state regulatory approvals. Livingston indicates that it sent notice of the proposed discontinuance to all affected customers by U.S. Mail via bill insert on September 1, 2015. Livingston states that a bill insert was the most economic method of reaching its rural customers. In addition, Livingston indicates that it printed the bill insert on distinctly colored paper to distinguish it from

¹ See Section 63.71 Application of Livingston Telephone Company for Authority to Discontinue Certain Services, WC Docket No. 15-228 (filed Sept. 1, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001199045> (Application).

² Livingston defines Collect Call as a billing arrangement by which the charge for a call may be reversed provided the charge is accepted at the called service point. Livingston explains that Bill to Third Number is a billing arrangement by which an operator-assisted call may be charged to an authorized service point other than the service point originating the call or the service point where the call is terminated. According to Livingston, Bill to Credit Card is a billing arrangement by which an operator-assisted call may be charged to an authorized credit card. Livingston describes Line Status Verification/Busy Line Verification as an operator service that allows the operator to confirm when a line is idle or in use. Livingston further explains that Busy Line Interrupt is an operator service that allows the operator to break into a conversation when a line is in use.

the billing statement and bring sufficient attention to the notice. The Applicant maintains that its customers will not be adversely affected by the proposed discontinuance because there have been only 7 instances of Collect Call usage and no additional usage of the remaining Affected Services over the last 36 months. Livingston asserts that it is an incumbent local exchange carrier and considered dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(d) of the Commission's rules, Livingston's application will be deemed granted automatically on December 1, 2015, the 60th day after the release date of this public notice, unless the Commission notifies Livingston that the grant will not be automatically effective.³ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which an applicant is authorized to discontinue, reduce, or impair service. In the Application, Livingston indicates that it plans to discontinue the Affected Services in the Service Area on or after December 1, 2015, upon completion of all necessary federal and state regulatory approvals. Accordingly, pursuant to section 63.71(d), and the terms of the Application, absent further Commission action, Livingston may discontinue, reduce or impair the Affected Services in the Service Area on or after **December 1, 2015**, in accordance with Livingston's filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **November 2, 2015**. Such comments should refer to **WC Docket No. 15-228 and Comp. Pol. File No. 1244**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Copies of the comments may also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140,

³ See 47 C.F.R. § 63.71(d) (stating, in relevant part, that an application filed by a dominant carrier "shall be automatically granted on the 60th day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Washington, D.C. 20554, Attention: Carmell Weathers, or faxed to the FCC at (202) 418-1413, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.⁵ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (888) 835-5322 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (888) 835-5322. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

⁵ 47 C.F.R. §§ 1.1200 *et seq.*