



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 15-270

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**COMMENTS INVITED ON APPLICATION OF BUSINESS TELECOM, LLC D/B/A
EARTHLINK BUSINESS TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

WC Docket No. 15-34
Comp. Pol. File No. 1203

Comments Due: March 16, 2015

Section 214 Application

Applicant: Business Telecom, LLC d/b/a EarthLink Business

On January 16, 2015, Business Telecom, LLC d/b/a EarthLink Business (BTI or Applicant), located at 2851 Charlevoix Drive SE, Ste. 209, Grand Rapids, MI 49546, 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 in the Meadowmont development outside of Chapel Hill, NC and the Wakefield development in Wake County, NC (collectively, Service Areas).¹ On February 18, 2015, BTI filed a supplement to correct certain deficiencies in its application and update the record regarding the notice provided to customers.²

BTI indicates that it currently uses its own copper facilities to offer local exchange, exchange access and long distance services to certain businesses and residents in the Service Areas (Affected Services). BTI states, however, that it has made a business decision to decommission the existing copper facilities serving customers in the Service Areas due to increased costs associated with maintenance of the aging facilities. BTI specifies that it plans to discontinue offering the Affected Services in the Service Areas on or after March 1, 2015, pending regulatory approval. According to BTI, the proposed discontinuance will impact 5 customers in Meadowmont and 43 customers in Wakefield.

The Applicant submits that the public convenience and necessity will not be adversely affected by the proposed discontinuance because customers will have competitive alternatives for comparable services including from cable companies, competitive local exchange carriers, incumbent local exchange carriers and wireless providers. BTI emphasizes that it is providing ample notice for customers to make arrangements

¹ See Section 63.71 Application of Business Telecom, LLC d/b/a EarthLink Business For Authority Pursuant to Section 214 of The Communications Act, As Amended, To Discontinue the Provision of Service In Specified Geographic Areas, WC Docket No. 15-34 (filed Jan. 16, 2015), <http://apps.fcc.gov/ecfs/document/view?id=60001013983> (Application).

² See Letter from Paula Foley, Senior Counsel, EarthLink, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 15-34 (filed Feb. 18, 2015).

with alternative service providers and that it will cooperate with other telecommunications providers in the Service Areas to ensure that service to existing customers is not interrupted. BTI maintains that it sent written notice to affected customers on December 1, 2014 and January 15, 2015, and that it sent written notice in compliance with the Commission's rules on February 17, 2015.³ In addition, BTI states that it intends to contact any remaining customers by telephone prior to the cessation of service. BTI asserts that it offers the Affected Services to customers in the Service Areas pursuant to non-dominant carrier regulation.

In accordance with section 63.71(c) of the Commission's rules, BTI's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies BTI that the grant will not be automatically effective. In the application, BTI indicates that it plans to discontinue the Affected Services in the Service Areas on or after March 1, 2015, pending regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of the application, absent further Commission action, BTI may discontinue the Affected Services in the Service Areas on or after **March 30, 2015**, in accordance with BTI'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 **March 16, 2015**. Such comments should refer to **WC Docket No. 15-34 and Comp. Pol. File No. 1203**. 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. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). 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 or rulemaking 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.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

³ Counsel for BTI has confirmed that notice was sent by mail to all affected customers on the dates indicated.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.⁴ 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). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

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), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –

⁴ 47 C.F.R. §§ 1.1200 *et seq.*