



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 15-592**  
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## **COMMENTS INVITED ON APPLICATION OF CLEARWIRE CORPORATION TO DISCONTINUE INTERCONNECTED VOIP SERVICES**

**WC Docket No. 15-117**  
**Comp. Pol. File No. 1211**

**Comments Due: June 1, 2015**

On **March 26, 2015**, **Clearwire Corporation** (Clearwire or Applicant), located at **6200 Sprint Parkway, Overland Park, KS 66251**, 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 a certain interconnected Voice over Internet Protocol (VoIP) service in Chico, CA; Redding, CA; and Reno/Carson City, NV (Service Areas).<sup>1</sup>

Clearwire states that it currently offers digital voice VoIP service and associated features such as directory assistance (Affected Service) to a limited number of customers in the Service Areas. Clearwire describes the Affected Service as a VoIP service that enables customers to place and receive voice telephone calls over the wireless Internet connection provided by their Clearwire Expedience service, a broadband Internet access service.<sup>2</sup> Clearwire indicates, however, that its parent company, Sprint Corporation, is implementing major enhancements to its 4G LTE Network and shutting down the towers that support Clearwire Expedience service and the Affected Service in certain markets in an effort to repurpose the 2.5 GHz band spectrum to support LTE technologies. Accordingly, Clearwire submits that it plans to discontinue the Affected Service in the Service Areas effective June 16, 2015, or as soon thereafter as the necessary regulatory approval can be obtained. The Applicant submits that the public convenience and necessity will not be adversely affected by the proposed discontinuance because the number of affected customers is limited to approximately 95 customers, and notice has been provided to all affected customers, affording them ample time to acquire alternative services. Clearwire specifies that alternative voice calling capabilities are available from a variety of providers including traditional wireline, facilities-based VoIP, non-facilities-based VoIP, and wireless service providers. According to Clearwire, it sent a letter regarding the proposed discontinuance to all affected customers by email on March 16, 2015. In addition, Clearwire states that it provided written notice by first class mail to all affected customers on March 20, 2015. Clearwire asserts that it is considered non-dominant with respect to the service to be discontinued.

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<sup>1</sup> See Section 63.71 Application of Clearwire Corporation, WC Docket No. 15-117 (filed Mar. 26, 2015) (posted in the ECFS on Mar. 27, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001027555> (Application).

<sup>2</sup> Counsel for Clearwire has confirmed with Commission staff that although the Affected Service is wireless and portable for use within the house, it should not be considered a mobile service similar to CMRS for purposes of consideration under the Commission's domestic discontinuance rules.

In accordance with section 63.71(c) of the Commission's rules, Clearwire'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 Clearwire that the grant will not be automatically effective. In the application and notice to customers, Clearwire indicates that it plans to discontinue the Affected Service in the Service Areas effective June 16, 2015, or as soon thereafter as the necessary regulatory approval can be obtained. Accordingly, pursuant to section 63.71(c) and the terms of the application and notice to customers, absent further Commission action, Clearwire may discontinue the Affected Service in the Service Areas on or after **June 16, 2015**, in accordance with Clearwire'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 **June 1, 2015**. Such comments should refer to **WC Docket No. 15-117 and Comp. Pol. File No. 1211**. 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>3</sup> 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

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<sup>3</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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](mailto: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](mailto:Carmell.Weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [Rodney.McDonald@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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