



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 13-2301

Released: December 2, 2013

COMMENTS INVITED ON APPLICATION OF @COMMUNICATIONS, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 13-296
Comp. Pol. File No. 1130

Comments Due: December 17, 2013

Section 214 Application

Applicant: @Communications, Inc.

On November 6, 2013, @Communications, Inc. (ATCOM or Applicant), located at 1509 Bridges Street, Morehead City, NC 28557, 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 North Carolina.¹ With an amendment filed on December 2, 2013, ATCOM updated the record regarding notice to customers and state entities. Accordingly, ATCOM's application is deemed complete as of December 2, 2013.

ATCOM indicates that it currently offers telecommunications services in North Carolina resold through CenturyLink, the incumbent local exchange carrier. ATCOM asserts, however, that it reduced to providing local telephone service to fewer than 25 customers in North Carolina due to financial challenges and the loss of almost all resold customers through attrition. ATCOM states that it now seeks to cease operation and discontinue all telecommunications services in North Carolina on December 31, 2013 pending regulatory approval. ATCOM explains that most of its customers have since transitioned to alternative services and that ATCOM has called and assisted them in their transition to alternative providers. According to ATCOM, there is currently only one remaining customer that has not yet transitioned to an alternative service provider. ATCOM maintains that its proposed discontinuance of resold telecommunications services is not disruptive to the current or future public convenience and necessity, and that customers have been provided with a list of alternative companies. ATCOM asserts that it mailed written notice of the proposed discontinuance to the remaining customer via the United States Postal Service on November 30, 2013. ATCOM states that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, ATCOM'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 ATCOM that the grant will not be automatically effective. In its revised application, ATCOM indicates that it plans to discontinue all telecommunications services in North Carolina on

¹ The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on November 12, 2013.

December 31, 2013 pending regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of ATCOM's revised application, absent further Commission action, ATCOM may discontinue all telecommunications services in North Carolina on or after **January 2, 2014**. 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 **December 17, 2013**. Such comments should refer to **WC Docket No. 13-296 and Comp. Pol. File No. 1130**. 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://fjallfoss.fcc.gov/ecfs2/>. 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.² 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

² 47 C.F.R. §§ 1.1200 *et seq.*

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.

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