



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF BROADVIEW NETWORKS, INC. TO DISCONTINUE INTERCONNECTED VOIP SERVICES

WC Docket No. 15-116
Comp. Pol. File No. 1219

Comments Due: June 4, 2015

On **April 29, 2015**, **Broadview Networks, Inc.** (Broadview or Applicant), located at **800 Westchester Avenue, Suite N-501, Rye Brook, NY 10573**, 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 New Jersey and New York (Service Areas).¹

Broadview indicates that it currently offers Broadview Hosted Private Branch Exchange Service (Broadview HPBX or Affected Service) in the Service Areas. Broadview describes the Affected Service as a VoIP-enabled HPBX service. According to Broadview, the Affected Service is a technologically antiquated service configuration which Broadview inherited a number of years ago as part of the existing service offering of an entity which has been acquired by Broadview. Broadview states, however, that it has recently made the business decision that continued maintenance of the service is no longer economically feasible. Accordingly, Broadview indicates that it plans to discontinue the Affected Service on or after June 1, 2015, subject to Commission authorization.

Broadview submits that the public convenience and necessity will not be impaired by the proposed discontinuance because there is very low demand for the service and various alternatives remain available. Broadview explains that it extended an offer to convert existing Broadview HPBX customers to any of Broadview's other service offerings, including Broadview's Officesuite product. Broadview maintains that its Officesuite product represents a significant upgrade in terms of both service quality and functionalities compared to Broadview HPBX, and that almost all of Broadview's remaining customers have already converted to either Officesuite or another Broadview product with Broadview's assistance. Broadview states that currently only 14 commercial customers in the Service Areas continue to utilize Broadview HPBX and have not yet selected an alternative Broadview service or opted to migrate to a new service provider. According to Broadview, no residential customers will be impacted by the proposed discontinuance. Broadview maintains that throughout recent months it has repeatedly advised the 14 remaining commercial customers of the proposed discontinuance, and that, on April 27, 2015, it also

¹ See Section 63.71 Application of Broadview Networks, Inc. For Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, To Discontinue the Provision of Service, WC Docket No. 15-116 (filed Apr. 29, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001030319> (Application).

mailed notice to affected customers via U.S. Mail, postage prepaid. Broadview asserts that it is considered non-dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, Broadview'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 Broadview that the grant will not be automatically effective. In the Application and notice to customers, Broadview indicates that it plans to discontinue Broadview HPBX in the Service Areas on or after June 1, 2015, subject to Commission authorization. Accordingly, pursuant to section 63.71(c) and the terms of the Application and notice to customers, absent further Commission action, Broadview may discontinue the Affected Service in the Service Areas on or after **June 20, 2015**, in accordance with its 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 4, 2015**. Such comments should refer to **WC Docket No. 15-116 and Comp. Pol. File No. 1219**. 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.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

² 47 C.F.R. §§ 1.1200 *et seq.*

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 Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@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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