



PUBLIC NOTICE

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

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DA 14-158
Released: February 6, 2014

COMMENTS INVITED ON APPLICATION OF TW TELECOM HOLDINGS INC. ON BEHALF OF TW TELECOM OF ARIZONA LLC; TW TELECOM OF CALIFORNIA L.P.; TW TELECOM OF COLORADO LLC; TW TELECOM OF FLORIDA L.P.; TW TELECOM OF GEORGIA L.P.; TW TELECOM OF HAWAII L.P.; TW TELECOM OF IDAHO LLC; TW TELECOM OF INDIANA L.P.; TW TELECOM OF KENTUCKY LLC; TW TELECOM OF MINNESOTA LLC; TW TELECOM OF NORTH CAROLINA L.P.; TW TELECOM OF NEW JERSEY L.P.; TW TELECOM OF NEW MEXICO LLC; TW TELECOM OF NEW YORK L.P.; TW TELECOM OF OHIO LLC; TW TELECOM OF SOUTH CAROLINA LLC; TW TELECOM OF TENNESSEE LLC; TW TELECOM OF TEXAS LLC AND TW TELECOM OF WASHINGTON LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

**WC Docket No. 14-20
Comp. Pol. File No. 1139**

Comments Due: February 21, 2014

Section 214 Application

Applicant: tw telecom holdings inc. on behalf of tw telecom of arizona llc; tw telecom of california l.p.; tw telecom of colorado llc; tw telecom of florida l.p.; tw telecom of georgia l.p.; tw telecom of hawaii l.p.; tw telecom of idaho llc; tw telecom of indiana l.p.; tw telecom of kentucky llc; tw telecom of minnesota llc; tw telecom of north carolina l.p.; tw telecom of new jersey l.p.; tw telecom of new mexico llc.; tw telecom of new york l.p.; tw telecom of ohio llc; tw telecom of south carolina llc; tw telecom of tennessee llc; tw telecom of texas llc and tw telecom of washington llc

On January 6, 2014, **tw telecom holdings inc.** (TW Telecom or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliates, **tw telecom of arizona llc; tw telecom of california l.p.; tw telecom of colorado llc; tw telecom of florida l.p.; tw telecom of georgia l.p.; tw telecom of hawaii l.p.; tw telecom of idaho llc; tw telecom of indiana l.p.; tw telecom of kentucky llc; tw telecom of minnesota llc; tw telecom of north carolina l.p.; tw telecom of new jersey l.p.; tw telecom of new mexico llc; tw telecom of new york l.p.; tw telecom of ohio llc; tw telecom of south carolina llc; tw telecom of tennessee llc; tw telecom of texas llc and tw telecom of Washington llc** (TW Telecom Affiliates), located at **10475 Park Meadows Drive, Littleton, CO 80124**, 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 domestic telecommunications service in Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Kentucky, Minnesota, North Carolina, New Jersey, New Mexico, New York, Ohio, South Carolina, Tennessee, Texas and Washington (collectively, Service Areas).¹

¹ TW Telecom states that it is also filing notice of the proposed discontinuance with the International Bureau. Discontinuance of international service is governed by section 63.19 of the Commission's rules. See 47 C.F.R. § 63.19.

TW Telecom indicates that the TW Telecom Affiliates currently offer Integrated Business Line (IBL) service in the Service Areas. TW Telecom describes IBL service as a service package bundle of voice and Internet services with discounted pre-packaged long distance plans. TW Telecom explains that package voice channels may be lines or analog or digital trunks and customers may mix voice and Internet channels in any manner they choose. TW Telecom states, however, that the TW Telecom Affiliates plan to begin the process of removing the outdated equipment that supports the IBL service from their network and to fully discontinue offering IBL service in the Service Areas on or after March 10, 2014, subject to Commission approval.² TW Telecom maintains that the public convenience and necessity will not be adversely affected by the proposed discontinuance because all affected customers have been given notice that affords them ample time to acquire reasonable substitute services which are readily available and include, but are not limited to, other services offered by affiliates of TW Telecom. For example, in its notice letter, TW Telecom offers to migrate affected customers to its Converged Services platform which allows customers to fully integrate Voice (analog lines, PRI, digital trunks) with data (VPN) and/or Internet and Security services on a single connection. TW Telecom indicates that affected customers were notified of the proposed discontinuance by letters sent via U.S. Mail on January 6, 2014. TW Telecom asserts that the TW Telecom Affiliates are considered non-dominant carriers in their provision of IBL service.

In accordance with section 63.71(c) of the Commission's rules, TW Telecom'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 TW Telecom that the grant will not be automatically effective. In the application, TW Telecom indicates that the TW Telecom Affiliates plan to discontinue IBL service in the Service Areas on or after March 10, 2014, subject to Commission approval. Accordingly, pursuant to section 63.71(c) and the terms of TW Telecom's application, absent further Commission action, the TW Telecom Affiliates may discontinue IBL service in the Service Areas on or after **March 10, 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 **February 21, 2014**. Such comments should refer to **WC Docket No. 14-20 and Comp. Pol. File No. 1139**. 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

² TW Telecom suggests that it previously notified customers that they could continue to use IBL service after their contracts expire as long as they did not require any modifications or additions to the service. There is no indication, however, that TW Telecom made any prior filings seeking authority to discontinue, reduce or impair IBL service in the Service Areas. We note that any action on this application is without prejudice to any potential enforcement action related to any previous unauthorized discontinuance, reduction or impairment of IBL service.

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.³ 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 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.

– FCC –

³ 47 C.F.R. §§ 1.1200 *et seq.*