



# PUBLIC NOTICE

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

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**DA 13-1855**  
**Released: September 3, 2013**

## **COMMENTS INVITED ON APPLICATION OF TW TELECOM OF KENTUCKY LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 13-210**  
**Comp. Pol. File No. 1121**

**Comments Due: September 18, 2013**

### **Section 214 Application**

**Applicant: tw telecom of kentucky llc**

On **August 16, 2013**, **tw telecom of kentucky llc** (TW Telecom or Applicant), located at **10475 Park Meadows Drive, Littleton, CO 80124**, 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 Kentucky.<sup>1</sup>

TW Telecom indicates that it currently offers Complete Dynamic ATM service in the Louisville, Kentucky metropolitan area (Service Area). According to TW Telecom, Complete Dynamic ATM service is a flexible bandwidth bundled service consisting of local exchange service with selected features, a long distance and/or toll free usage allowance of 2,500 minutes, shared web hosting and Internet access. In its notice letter to customers, TW Telecom explains that the equipment used to provision this service is no longer supported in its current product portfolio. TW Telecom states that it, therefore, plans to remove the outdated equipment from its network and discontinue this service in the Service Area on or after October 4, 2013, subject to Commission approval. 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 readily available in the Service Area. 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 asserts that it mailed notice of the proposed discontinuance to affected customers via U.S. mail on August 16, 2013. TW Telecom states 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, TW Telecom's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless

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<sup>1</sup> 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.

the Commission notifies TW Telecom that the grant will not be automatically effective. In the application and notice to customers, TW Telecom indicates that it plans to discontinue Complete Dynamic ATM service in the Service Area on or after October 4, 2013, subject to Commission approval. Accordingly, pursuant to section 63.71(c) and the terms of TW Telecom's application and notice, absent further Commission action, TW Telecom may terminate Complete Dynamic ATM service in the Service Area on or after **October 4, 2013**. 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 **September 18, 2013**. Such comments should refer to **WC Docket No. 13-210 and Comp. Pol. File No. 1121**. 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.<sup>2</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 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

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<sup>2</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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 Gregory Kwan, (202) 418-1191 (voice), [gregory.kwan@fcc.gov](mailto:gregory.kwan@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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