

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

|                              |   |                  |
|------------------------------|---|------------------|
| In the Matter of             | ) |                  |
| Section 63.71 Application of | ) | Docket No. _____ |
| OpenBand of Virginia, LLC    | ) |                  |
| to Discontinue Services      | ) |                  |
|                              | ) |                  |

**SECTION 63.71 APPLICATION**

Pursuant to Section 214 of the Communications Act and Section 63.71 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, OpenBand of Virginia, LLC ("OpenBand") applies for authority to discontinue offering all communications services to the residents of the Lansdowne on the Potomac subdivision in Loudoun County, Virginia. OpenBand has agreed to sell most of its network at the Lansdowne on the Potomac subdivision to Comcast Cable Communications Management, LLC ("Comcast"), with which the Lansdowne on the Potomac Homeowners Association recently entered into a bulk-services agreement for the provision of video and Internet services to residents.

As required by section 63.71(a) and (c) of the Commission's rules, OpenBand provides the following information:

**1. Name and Address of Carrier:**

OpenBand of Virginia, LLC  
1765 Greensboro Station Pl.  
Suite 100  
Tysons, VA 22102

**2. Date of Planned Discontinuance of Service:**

OpenBand plans to discontinue all services to affected customers on or about October 15, 2018.

**3. Points of Geographic Areas of Service Affected:**

The affected geographic area is the Lansdowne on the Potomac subdivision in Loudoun County, Virginia.

**4. Brief Description of the Type of Services Affected:**

OpenBand provides directly or through affiliates the following services to residents at the Lansdowne on the Potomac subdivision: voice, digital video programming, high-speed Internet, and digital home security. OpenBand intends to discontinue all these services.

**5. Brief Description of the Dates and Methods of Notice to all Affected Customers:**

OpenBand provided discontinuance notification to its customers on July 20, 2018. Notification was provided via a written letter delivered by the United States Postal Service and via electronic mail. A copy of the written notification provided to customers is attached as Appendix A. OpenBand also made available a copy of this notification on its website, [www.openband.net](http://www.openband.net).

**6. Regulatory Classification of Carrier:**

OpenBand is a non-dominant provider of telecommunication services.

**7. Notice to Federal and State Officials:**

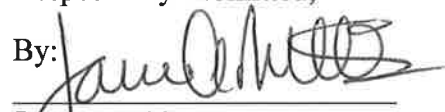
Concurrent with this filing, a copy of this Application is being sent to the Virginia State Corporation Commission and the Virginia Governor's office, as well as to the Department of Defense, as required under Section 63.71.

The public convenience and necessity will not be adversely affected by OpenBand's discontinuance of service. Residents of the Lansdowne on the Potomac subdivision have other alternatives for communications services. Indeed, Comcast has purchased most of OpenBand's network at the Lansdowne on the Potomac subdivision and currently is in the process of deploying other facilities necessary to serve residents. Furthermore, it is OpenBand's understanding that the Lansdowne on the Potomac Homeowners Association intends to enter into agreements with other communications providers to give residents additional options for voice, video, and Internet services. For the foregoing reasons, OpenBand respectfully requests that the Commission approve its Section 63.71 Application to discontinue service.

August 15, 2018

Respectfully submitted,

By:



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Chief Operating Officer  
OpenBand of Virginia, LLC  
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Suite 100  
Tysons, VA 22102  
[james.brabham@openband.net](mailto:james.brabham@openband.net)  
(703) 802-6231

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Section 63.71 Application was served this 15th day of August 2018, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense  
Attn: Special Assistance for Telecommunications  
Pentagon  
Washington, DC 20301

State Corporation Commission  
Commonwealth of Virginia  
Attn: Joel H. Peck, Clerk of the Commission  
P.O. Box 1197  
Richmond, VA 23218

Office of Governor Ralph S. Northam  
Office of the Governor  
P.O. Box 1475  
Richmond, VA 23218

# **Appendix A**

OpenBand Service Discontinuance Notification  
to Lansdowne on the Potomac Customers  
July 20, 2018



July 20, 2018

To: Lansdowne on the Potomac  
Residents

**Re: OpenBand Service Discontinuance Notice**

Dear Lansdowne on the Potomac Customer,

OpenBand is proud to support Lansdowne on the Potomac (LOTP), the Washington metropolitan area's very first fiber-to-the-home community, and it has been our pleasure to serve LOTP residents for the last seventeen years.

As you are aware, the Lansdowne on the Potomac Homeowners Association (the "HOA") recently entered into a bulk-services agreement with Comcast for the provision of video and Internet services to all LOTP residents. As a result, OpenBand has agreed to sell most of its network at LOTP to Comcast. With this sale, OpenBand will **cease providing all communications services within the LOTP property effective October 15, 2018**. The affected services that OpenBand will no longer provide to LOTP residents after October 15, 2018 include voice, video, Internet, and security monitoring.

OpenBand's discontinuance of service at LOTP is subject to the authorization of the Federal Communications Commission (the "FCC"). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of OpenBand at Lansdowne, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you, including any inability to acquire reasonable substitute service.

A list of frequently asked questions (FAQ) is provided with this letter to answer some of the most common customer concerns related to the service provider transition at LOTP, including service activation/termination scheduling, OpenBand equipment return, and invoicing.

Please contact OpenBand Customer Service with questions or concerns about your services or account.

Thank you,  
OpenBand Customer Service  
24x7: (703) 961-1110 | <http://support.openband.net>

Enclosure

# OpenBand Service Discontinuance - Frequently Asked Questions

## **When will OpenBand cease providing services to Lansdowne on the Potomac (LOTP) residents?**

OpenBand will cease providing voice, video, Internet, and security monitoring services to LOTP residents at 12:00 am on Tuesday, October 16, 2018.

## **When should I contact Comcast about new service?**

You should contact Comcast now. Initiate your Comcast request by completing a Comcast Installation Order Form here: <https://lansdowne.myxfinityupdate.com/>

## **I have ordered Comcast services. Do I need to contact OpenBand to cancel my current services?**

Yes, an authorized OpenBand Account Holder should contact OpenBand to request service termination. OpenBand can schedule your OpenBand service termination for the same date as your Comcast service activation. Please note: If you wish to port your telephone number from OpenBand to Comcast, you must make this request when placing your Comcast voice service order and keep your OpenBand telephone line active until the Comcast port is complete.

## **Can I have both Comcast service and OpenBand service active in my home?**

No, customers cannot have both OpenBand service(s) and Comcast service(s) active in the home simultaneously. Comcast will use existing conduit pathways to reach Lansdowne residential units. Comcast will install cable within these conduit pathways, replacing OpenBand's existing connection, as residential units are transferred to the Comcast network. Upon Comcast service activation, each home's structured cabling systems will then be utilized to distribute Comcast services throughout the home.

Once a LOTP home is activated on the Comcast network, OpenBand services will no longer be available to that home.

## **If Comcast construction disrupts my OpenBand service(s), how do I report the outage?**

OpenBand and Comcast are communicating throughout Comcast's network construction in Lansdowne to help ensure a smooth transition to the community's new service provider. However, there is always a risk to existing underground facilities when new construction occurs. If your OpenBand service(s) are abruptly disrupted by nearby Comcast construction, please report it immediately:

1. Contact OpenBand Customer Service to report the issue and create an OpenBand Trouble Ticket. OpenBand will investigate the damage and quickly engage Comcast, as needed, to expedite repair to the underground facilities serving your residence.

2. You can also report the damage to Comcast by using the “*click here to report*” link on the Lansdowne MyXfinity page: <https://lansdowne.myxfinityupdate.com/>. Please contact OpenBand to update your Trouble Ticket with the Comcast ticket/record number associated with your problem report.

### **Can I transfer my OpenBand telephone number to Comcast?**

Yes, OpenBand can port your telephone number to Comcast. You must specify this request to Comcast when placing your order for Comcast voice services. Comcast will then initiate a port request to OpenBand. The telephone number must remain active on your OpenBand service account until the Comcast port is complete or the number will no longer be available for port. Again, place your Comcast order early to ensure adequate time for the phone number port process.

### **Can I keep my OpenBand email address after I switch to Comcast services?**

No, customers will lose access to “@smartneighborhood.net” and “@glassmile.net” email accounts once OpenBand GlassMile Internet service is disconnected. OpenBand email addresses are a feature of that Internet access service. Customers should copy all files and contacts that they wish to maintain after the switch to Comcast service(s).

### **Do I need to return my OpenBand video equipment?**

When customers cancel OpenBand video service, they must return all OpenBand equipment. Customers will be invoiced the applicable fees for any equipment not returned to OpenBand upon service termination. Customers should return all OpenBand:

- |                         |                                   |
|-------------------------|-----------------------------------|
| ▪ Set-Top Receivers     | ▪ Remote Controls                 |
| ▪ CableCards            | ▪ Power Cables                    |
| ▪ Leased TiVo Equipment | ▪ Digital Terminal Adapters (DTA) |

Customers can return OpenBand equipment to the OpenBand customer service office within the Potomac Club. Hours of operation are Monday – Friday (9 am to 1 pm and 2 pm to 6 pm).

### **What fees are applicable for lost/unreturned OpenBand video equipment?**

The fees, per device, for lost, damaged or unreturned video equipment are:

|                                       |           |
|---------------------------------------|-----------|
| Standard Definition (SD) Set Top..... | \$ 225.00 |
| High Definition (HD) Set Top.....     | \$ 300.00 |
| HD DVR Set Top.....                   | \$ 425.00 |
| TiVo Premier DVR .....                | \$ 325.00 |
| TiVo Preview HD Set Top.....          | \$ 200.00 |
| CableCard .....                       | \$ 70.00  |
| Digital Terminal Adaptor (DTA).....   | \$ 55.00  |



**Will OpenBand continue to invoice me?**

OpenBand customers are responsible for all applicable service charges up until the date of service termination. OpenBand will continue to invoice the customer until the account balance is paid in full or sent to collections. Late fees will apply per OpenBand's Terms of Service.

Once your OpenBand account is paid in full, please be sure to cancel any future/scheduled auto-draft payments you may have set up with your bank.

**Will OpenBand prorate my service fees for a partial month of service?**

Customers will only be charged for active services. OpenBand service accounts will receive a prorated credit of any prepaid service fees for days following service termination.

**How will I receive any applicable OpenBand credit?**

Any applicable credit for prorated service fees will be applied to a customer's account upon service termination and appear on the following month's account statement. Refund payments for negative account balances will be paid to customers within approximately ninety (90) days from service termination. Refund payments will be applied to the credit/debit card on record for auto-pay accounts and paid by check for other accounts.

**How long will OpenBand occupy the community customer service office at the Potomac Club?**

For residents' convenience in returning OpenBand equipment, OpenBand has requested occupancy within the Potomac Club through October 31, 2018. OpenBand will keep customers advised, via Customer Service Email, of any changes to this offices' hours or availability.

**Once I transition to Comcast services, what happens to the OpenBand network interface device (NID) enclosure within my home?**

Each home's structured cabling systems for voice, video and data are homerun to the OpenBand NID location. As Comcast will utilize this existing infrastructure, Comcast's installation technicians will likely use this same central location for distribution equipment. Existing distribution equipment will be replaced with Comcast distribution equipment. Customers own the existing data distribution (e.g. router) equipment within the NID.

**Will OpenBand continue to occupy its Central Office facility in Lansdowne?**

Though it is discontinuing service distribution in Lansdowne on the Potomac, OpenBand will still serve other (outside) communities. Thus, OpenBand will continue to operate its Central Office facilities located within Lansdowne on the Potomac.