

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter Of)
)
Section 63.71 Application of)
) WC Docket No. _____
US LEC Communications, LLC)
US LEC Communications of Florida, LLC)
US LEC Communications of Georgia, LLC)
US LEC Communications of Maryland, LLC)
US LEC Communications of North Carolina, LLC)
US LEC Communications of Pennsylvania, LLC)
US LEC Communications of South Carolina, LLC)
US LEC Communications of Tennessee)
US LEC Communications of Virginia)
)
For Authority Pursuant to Section 214 of)
the Communications Act of 1934, As Amended,)
to Discontinue the Provision of Service)
)

SECTION 63.71 APPLICATION OF WINDSTREAM NORLIGTH, LLC

Windstream Services, LLC on behalf of its affiliates US LEC Communications, LLC, US LEC Communications of Florida, LLC, US LEC Communications of Georgia, LLC, US LEC Communications of Maryland, LLC, US LEC Communications of North Carolina, LLC, US LEC Communications of Pennsylvania, LLC, US LEC Communications of South Carolina, LLC, US LEC Communications of Tennessee, LLC and US LEC Communications of Virginia, LLC (collectively “Windstream”), through its undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and Section 63.71 of the Federal Communications Commission’s (“Commission”) rules, 47 C.F.R. §63.71, hereby files this Application to

discontinue the provision of VoiceEclipse VoIP Service (“Service”) in the states of Arizona, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin. In support of this Application, US LEC submits the following information:

1. Information listed in 47 C.F.R. § 63.71(a)(1)-(4) (47 C.F.R. § 63.71(b)(2)):

a. Name and Address of Carrier (47 C.F.R. § 63.71(a)(1)-(4), (b)(2)):

US LEC Communications, LLC
US LEC Communications of Florida, LLC
US LEC Communications of Georgia, LLC
US LEC Communications of Maryland, LLC
US LEC Communications of North Carolina, LLC
US LEC Communications of Pennsylvania, LLC
US LEC Communications of South Carolina, LLC
US LEC Communications of Tennessee
US LEC Communications of Virginia

4001 North Rodney Parham Rd.
Little Rock, AR 72212

b. Date of Planned Discontinuance (47 C.F.R. § 63.71(a)(2), (b)(2)):

Windstream plans to discontinue service on May 1, 2016.

c. Point of Geographic Areas of Service Affected (47 C.F.R. § 63.71(a)(3), (b)(2)):

Service will be discontinued in the states of Arizona, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin.

d. Brief Description of the Type of Service to be Affected (47 C.F.R. § 63.71(a)(4), (b)(2)):

The Service is a residential VoIP service provided over the customer's high speed Internet service.

2. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71 (b)(3)):

On April 4, 2016, Windstream sent by First Class U.S. Mail notice to all affected customers of the planned discontinuance. A copy of such notice is attached hereto as Attachment 1, which is compliant with, among other things, Section 63.71(a)(5) of the Commission's rules, 47 C.F.R. § 63.71(a)(5).

3. Regulatory Classification of Carrier (47 C.F.R. § 63.71 (a)(4)):

Windstream is nondominant with respect to the services that it proposes to discontinue.

4. Service:

In accordance with Section 63.71(a)(1) of the Commission's rules, 47 C.F.R. § 63.71(a)(1), Windstream is submitting a copy of this Application by First Class U.S. Mail to the public utilities commissions and governors of each state in which discontinuance is proposed and also to the Secretary of Defense (at the address given in 47 C.F.R. § 63.71(a)).

5. Additional Questions Regarding This Application May be Addressed to the Undersigned.

6. Circumstances of Discontinuance.

Windstream provides the Service to 122 customers in Arizona, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin. The Service is provided on platforms that are no longer supported, including the billing software which will prevent Windstream to bill for the Services.

These customers will not be unduly harmed because they are being provided ample notice of the discontinuance and customers have comparable options at comparable rates from other providers serving these states.

7. Conclusion

Windstream believes that the proposed discontinuance is reasonable and necessary. As outlined herein, Windstream will take reasonable steps, to the extent that is able, to assure that the discontinuance of this service is not unduly disruptive to the present or future public convenience and necessity. Accordingly, Windstream respectfully requests that the Commission permit it to discontinue the provision of Services to customers in Arizona, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin pursuant to Section 63.71.

Respectfully Submitted,



Cesar Caballero
Senior Regulatory Counsel
Windstream Services, LLC
4001 N. Rodney Parham Rd.
MS: 1170-B1F03-53A
Little Rock, AR 72112
(501) 748-7142
cesar.caballero@windstream.com

April 4, 2016

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this ___ day of _____2016, by mailing true and correct copies thereof, postage prepaid, to the following persons to the addresses listed below.

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

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Office of Governor Doug Ducey
State Capitol
1700 West Washington
Phoenix, AZ 85007

California Public Utilities Commission
California State Building
505 Van Ness Ave
San Francisco, CA 94102-3298

Office of Governor Edmund Brown
State Capitol
Sacramento, CA 95814

Connecticut Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Office of Governor Dan Malloy
210 Capitol Avenue
Hartford, CT 06106

Florida Public Service Commission
2540 Shumard Oak Boulevard
Gerald Gunter Building
Tallahassee, FL 32399

Office of Governor Rick Scott
PL 05 The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Georgia Public Service Commission
244 Washington Street
Atlanta, GA 30334

Office of Governor Nathan Deal
203 State Capitol
Atlanta, GA 30334

Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, IL 60601

Office of Governor Bruce Rauner
State Capitol
207 Statehouse
Springfield, IL 62706

Indiana Utility Regulatory Commission
PNC Center
101 West Washington Street
Suite 1500 East
Indianapolis, IN 46204

Office of Governor Mike Pence
State House
Room 206
Indianapolis, IN 46204-2797

Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

Office of Governor Sam Brownback
Capitol
300 SW 10th Avenue, Suite 212S
Topeka, KS 66612-1590

Massachusetts Department of Public Utilities
One South Station
Boston, MA 02110

Office of Governor Charlie Baker
State House
Office of the Governor, Room 360
Boston, MA 02133

Maryland Public Service Commission
16th Floor
6 St. Paul Street
Baltimore, MD 21202-6806

Office of Governor Larry Hogan
State House
100 State Circle
Annapolis, MD 21401

Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909

Office of Governor Rick Snyder
P.O. Box 30013
Lansing, MI 48909

Minnesota Public Utilities Commission
121 Seventh Place East
Suite 350
St. Paul, MN 55101-2147
Office of Governor Mark Dayton
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, MN 55155

Missouri Public Service Commission
200 Madison Street
Governor Office Building
Jefferson City, MO 65101

Office of Governor Jeremiah W. (Jay) Nixon
Capitol Building
Room 216, P.O. Box 720
Jefferson City, MO 65102

New Jersey Board of Public Utilities
44 South Clinton Avenue
Post Office Box 350
Trenton, NJ 08625-0350

Office of Governor Chris Christie
The State House
P.O. Box 001
Trenton, NJ 08625

North Carolina Utilities Commission
430 North Salisbury Street
Raleigh, NC 27603-5918

Office of Governor Pat McCrory
Office of the Governor
20301 Mail Service Center

New York State Public Service Commission (est.
1907)
Three Empire State Plaza
Albany, NY 12223-1350

Office of Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105
Tel: (717) 783-6190

Office of Governor Tom Wolf
Room 225
Main Capitol Building
Harrisburg, PA 17120

South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, SC 29201

Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Office of Governor Bill Haslam
Tennessee State Capitol
Nashville, TN 37243-0001

Public Utility Commission of Texas
1701 North Congress Avenue
Austin, TX 78701-3326

Office of Governor Greg Abbott
P.O. Box 12428
Austin, TX 78711

Virginia State Corporation Commission
1300 East Main Street
Richmond, VA 23219

Office of Governor Terry McAuliffe
State Capitol
Third Floor
Richmond, VA 23219

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive
PO Box 47250
Olympia, WA 98504-7250

Office of Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Wisconsin Public Service Commission
610 North Whitney Way
Madison, WI 53705-2729

Office of Governor Scott Walker
115 East State Capitol
Madison, WI 53707



Attachment 1

Customer Notice



April 4th, 2016

Re: Cancellation of VoiceEclipse Services

Dear VoiceEclipse Customer,

This notice is to inform you that Windstream will be discontinuing the VoiceEclipse VoIP service on June 4th, 2016 per section 4.2 of the VoiceEclipse terms of service <http://www.voiceeclipse.com/pdf/tos.pdf>. On that date and thereafter you will no longer be able to receive or send phone calls of any kind using the VoiceEclipse service.

We are providing you this advance notice so that you may prepare ahead of time for an alternative service. The transfer of services will need to complete to your new service provider prior to June 4th, 2016 to prevent service interruption.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) 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 Windstream Services, LLC. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

If you have any questions please reach out to support@voiceeclipse.com. Further notice will be sent via email 30 days prior to disconnection of the service.

Sincerely,

Steven Bonanno
Carrier Sales Support
Windstream Communications