

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

In the Matter of)	
)	
Notice of Discontinuance of Certain)	CC Docket Nos. 02-33, <i>et al.</i>
Broadband Internet Access Transmission)	
Services of)	
GC Pivotal LLC d/b/a Global Capacity)	

**Notice of Discontinuance of Common Carrier Broadband Internet
Access Transmission Service**

GC Pivotal, LLC d/b/a Global Capacity (“Global Capacity”) hereby provides notice pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, Section 63.71 of the Commission’s Rules, 47 C.F.R. § 63.71, and the *Wireline Broadband Order*¹ of its intention to discontinue the provision of interstate high speed data and Internet access services to a *limited* portion of its customers in Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and Wisconsin.

Global Capacity, through the use of its “One Marketplace” platform, is a broadband connectivity aggregator. It efficiently provides competitive alternatives to business locations to ensure that its retail customers and partners obtain the most cost-effective connections for data connectivity. Global Capacity provides Connectivity Made Simple in all 50 states, including the

¹ See Report and Order and Notice of Proposed Rulemaking, ¶¶ 100-101, CC Docket No. 02-33, *et al.* (rel. Sept. 23, 2005) (“*Wireline Broadband Order*”).

twenty largest markets in the country, and owns the largest ADSL nationwide network in the country. Global Capacity's One Marketplace and provision of connectivity is technology agnostic. Global Capacity is authorized by the Federal Communications Commission to provide interstate services.

In an effort to maintain its nationwide broadband network in the most efficient manner possible, Global Capacity has identified 257 central offices in its network of 2,027 central offices that will be shut down. These 257 central offices have been stagnant in growth and revenue for some time. The identified central offices support 418 direct end user customers of Global Capacity, 152 wholesale partners, and 4,239 wholesale partner end user customers. A total of 4,657 circuits provisioned through the wholesale carriers will be affected by the proposed discontinuance. The discontinuance will not result in harm to the affected customers because the customers will have the opportunity to select either another service provider or, for some customers, alternative arrangements offered by Global Capacity for their broadband needs. In the 257 central offices where it plans to discontinue service, Global Capacity competes with both CLECs and ILEC(s) that offer high speed data and Internet access services. Global Capacity provides the following information pursuant to Section 63.71 of the Commission's Rules and the *Wireline Broadband Order*:

1. *Name and Address of the Carrier*: GC Pivotal LLC d/b/a Global Capacity's primary business address is 265 Winter Street, Waltham, Massachusetts 02451.
2. *Date of Planned Service Discontinuance, Reduction or Impairment*: Global Capacity plans to discontinue interstate special access high speed DSL service to the affected customers in a limited number of central offices listed as early as May 22, 2016 for wholesale

partners and June 3, 2016 for direct Global Capacity customers, or as soon advance contractual notice is provided to affected customers.

3. Points of Geographic Areas of Service Affected: Global Capacity proposes to discontinue interstate special access high speed DSL service to customers served by the 257 affected central offices located in the states of Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and Wisconsin.

4. Brief Description of Type of Service Affected: The services to be discontinued are interstate special access high speed broadband services (*i.e.*, broadband DSL Internet access).

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: In late February and early March 2016, Global Capacity provided notification to all affected Global Capacity direct customers via written notification. The communication informed the customers that, due to changes in Global Capacity's network coverage, it would no longer be able to provide broadband Internet service to the customer's particular location as of June 3, 2016 via the central office-based services, but advised each customer to contact Global Capacity to determine if there were potential alternatives offered by Global Capacity via One Marketplace. The written notice provided a toll-free number for customers to call either to disconnect their service or to investigate other service alternatives using other Global Capacity or third party service providers. Likewise, in February 2016, Global Capacity's wholesale partners were contacted via e-mail notification and outbound calling campaign informing them that certain central offices would be shut down on May 22, 2016. Additionally, each wholesale partner

received a list of its circuits impacted by the planned closures and was encouraged to work with their respective end users to find a new provider for their Internet services. This method of communication to Global Capacity's customers (retail and wholesale) is standard and the accepted method of notice to the customers under the applicable contracts and practice, as opposed to notice via standard postal mail. In all cases, Global Capacity provided the affected customers with its name and address, the date of the planned discontinuance, the geographic areas where service will be discontinued, and a brief description of the service to be discontinued, consistent with the requirements of the *Wireline Broadband Order*.

Global Capacity's notice to the commercial and wholesale customers conforms to the requirements of Section 63.71(a) of the Commission's Rules, informing its customers again of the respective disconnect dates. Copies of the form of the direct customer and wholesale partner notices are appended hereto as Exhibit A.

6. *Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired:* Global Capacity is considered non-dominant with respect to the affected services.

In accordance with Section 63.71 of the Commission's Rules, a copy of this filing is being mailed to the Governors and public services commissions of the states of Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and Wisconsin and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrently with the filing of this notice.

Additional questions regarding this filing may be addressed to the undersigned.

Respectfully submitted,

GC Pivotal LLC d/b/a Global Capacity

By:  _____

Katherine K. Mudge
Executive Vice President & General Counsel
3415 Greystone Dr., Ste. 300
Austin, Texas 78731
(303) 290-7676 (telephone)
(408) 351-4951 (efax)

Dated: April 26, 2016

CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing was served this 26th day of April, 2016, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense
ATTN: Special Assistant for Telecommunications
Pentagon
Washington, DC 20301

Secretary
Alabama Public Service Commission
100 N. Union St., #850
Montgomery, AL 36104

The Honorable Robert Bentley
Governor of Alabama
State Capitol Building
Montgomery, AL 36103

Secretary
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007-2996

The Honorable Doug Ducey
Governor of Arizona
1700 W. Washington
Phoenix, AZ 85007

Secretary
California Public Utility Commission
505 Van Ness Avenue
San Francisco, CA 94102

The Honorable Jerry Brown
Governor of California
State Capitol Building, Suite 1173
Sacramento, CA 95814

Secretary
Colorado Public Utilities Commission
1560 Broadway #250
Denver, CO 80202

The Honorable John Hickenlooper
Governor of Colorado
136 State Capitol
Denver, CO 80203-1792

Secretary
State of Connecticut
Department of Public Utility Control
Ten Franklin Square
New Britain, CT 06051

The Honorable Dannel P. Malloy
Governor of Connecticut
Executive Office of the Governor
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Secretary
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

The Honorable Rick Scott
Governor of Florida
The Capitol
Tallahassee, FL 32399-0001

Secretary
Georgia Public Services Commission
244 Washington St. SW
Atlanta, GA 30334

The Honorable Nathan Deal
Governor of Georgia
State Capitol
Room 111
Atlanta, GA 30334

Chief Clerk
Illinois Commerce Commission
Public Utility Division
527 East Capitol Avenue
Springfield, IL 62701

The Honorable Bruce Rauner
Governor of Illinois
207 State House
Springfield, IL 62706

Secretary
Indiana Utility Regulatory Commission
PNC Center
101 West Washington St., Ste. 1500E
Indianapolis, IN 46204

The Honorable Mike Pence
Governor of Indiana
State Capitol Building
Indianapolis, IN 46204

Secretary
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

The Honorable Sam Brownback
Governor of Kansas
State Capitol
Second Floor
Topeka, KS 66612-1590

Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602-8294

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, KY 40601

Secretary
Louisiana Public Service Commission
Post Office Box 91154
Baton Rouge, Louisiana 70821-9154

The Honorable John Bel Edwards
Governor of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804

Secretary
Maryland Public Service Commission
6 St Paul St., # 1600
Baltimore, MD 21202

The Honorable Larry Hogan
Governor of Maryland
State Capitol Building
Annapolis, MD 21401

Secretary
Massachusetts Department of
Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500

Honorable Charlie Backer
Governor of Massachusetts
Office of the Governor
Room 360
Boston, MA 02133

Secretary
Michigan Public Service Commission
P.O. Box 30221
Lansing, MI 48909

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, MI 48909

Secretary
Minnesota Public Utilities Commission
121 7th Pl. E, Ste. 350
St. Paul, MN 55101

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Constitution Avenue
St. Paul, MN 55155

Secretary
Missouri Public Service Commission
Public Information Office
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360

The Honorable Jeremiah Nixon
Governor of Missouri
Office of the Governor
P.O. Box 720
Jefferson City, MO 65102

The Honorable Chris Christie
Office of the Governor
P.O. Box 0041
Trenton, NJ 08625

Secretary
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

The Honorable Pat McCrory
Governor of North Carolina
116 West Jones St.
Raleigh, NC 27603

Secretary
New Mexico Public Regulation Commission
1120 Paseo De Peralta #413
Santa Fe, NM 87501

The Honorable Susana Martinez
Governor of New Mexico
State Capitol Building
Santa Fe, NM 87503

Secretary
Nevada Public Utilities Commission
1150 E. William Street
Carson City, NV 89701-3109

The Honorable Brian Sandoval
Governor of Nevada
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Kristi Izzo
Secretary of the Board
New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

Kathleen H. Burgess
Secretary to the Commission
New York State
Department of Public Service
Empire State Plaza, Agency Bldg. 3
Albany, NY 12223-1350

The Honorable Andrew Cuomo
Governor of New York
NYS State Capitol Bldg.
Albany, NY 12224

Secretary
Public Utilities Commission of Ohio
180 E Broad St.
Columbus, OH 43215

The Honorable John Kasich
Governor of Ohio
77 South High St., 30th Floor
Columbus, OH 43215

Secretary
Oregon Public Utility Commission
201 High St. SE #100
Salem, OR 97301

The Honorable Kate Brown
Governor of Oregon
State Capitol Building
Salem, OR 97310

Secretary
Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120

The Honorable Tom Wolf
Governor of Pennsylvania
225 Main Capitol
Harrisburg, PA 17120

Secretary
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

The Honorable Gina Raimondo
Governor of Rhode Island
222 State House
Providence, RI 02903-1196

Secretary
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Secretary
Utah Public Service Commission
160 East 300 South
Salt Lake City, UT 84111

The Honorable Gary Richard Herbert
Governor of Utah
210 State Capitol
Sal Lake City, UT 84114

Secretary
State Corporation Commission
Communications Division
P.O. Box 1197
Richmond, VA 23218

The Honorable Terry McAuliffe
Governor of Virginia
State Capitol Building, 3rd Floor
Richmond, VA 23219

Secretary
Washington Utilities & Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, WA 98504-0002

Secretary
Wisconsin Public Service Commission
610 N. Whitney Way
Madison, WI 53705

The Honorable Scott Walker
Governor of Wisconsin
P. O. Box 7863
Madison, WI 53707



Katherine K. Mudge

EXHIBIT A



180 North LaSalle Street, Suite 2430
Chicago, IL 60601

Important Notice Regarding Your Global Capacity Services

Company Name
Attention
Address
City, State, ZIP

Notification Date: March 8, 2016
Account Number: ID
Subject: Discontinuation of Your Internet Service

Dear Global Capacity Business Customer,

Global Capacity strives to increase its value to its customers and proactively takes steps to ensure performance, scale and an ease of doing business. Unfortunately, occasionally it is necessary for us to discontinue services due to the closing of network facilities.

Regretfully, as part of network modifications, this letter is to inform you that your internet service to the following address will be **discontinued, as of June 3, 2016**.

Service	Service Address	City	State	ZIP
Service Name and Speed	103 Address	City	MA	02126

We apologize for any inconvenience this may cause. Please be assured that your satisfaction is very important to us. Your Account Manager will work with you to determine what service alternatives you have with Global Capacity. Global Capacity is committed to providing you with a robust, reliable [portfolio of Business Internet services](#) where available. If you would like to speak with a Global Capacity representative immediately, contact your account management team at 1-844-250-3081. While the decision to discontinue this internet service is due to a difficult operational assessment, we want to do everything possible to make your transition to a new service as simple as possible.

The FCC usually will authorize a carrier's request to discontinue unless customers are unable to receive similar services or a reasonable substitute from another provider. If you wish to object

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The information contained in this communication, including any attachments, is confidential and intended only for use by the recipient(s) expressly named, and may be legally privileged. If you are not the intended recipient, any dissemination, distribution or copying of this communication by you is strictly prohibited. If you have received this communication in error, please delete it from your systems.

Service is not available in all areas and is provided subject to Global Capacity's standard Terms and Conditions
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180 North LaSalle Street, Suite 2430
Chicago, IL 60601

to this discontinuation of service, you have the right to file your objections or other comments with the Federal Communications Commission (FCC) in response to its Public Notice announcing the proposed discontinuance. The Public Notice will state the applicable deadline and procedures for filing such comments. You can file your complaint by writing to: Federal Communications Commission, Consumer and Governmental Affairs Bureau, Consumer Inquiries and Complaints Division, 445 12th Street, SW, Washington, DC 20554 and include in your comments a reference to the §63.71 Application of Global Capacity.

It is imperative for you to talk with a Global Capacity Service Expert no later than **April 8, 2016** in order for you to determine what service alternatives you have with Global Capacity or if you need to seek service from another provider. In the event, that we cannot provide you with a reasonable substitute service, unfortunately, this service disconnection will take place and your service to the address noted above will be **disconnected as of June 3, 2016**.

Thank you for your business and loyalty throughout the years and we apologize for any inconvenience. Your account team is available to work with you and answer question at 1-844-250-3081.

Thank you,
Mike Doyle
Vice President Network Planning

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Chicago, IL 60601

Important Notice Regarding Your Global Capacity Services

COMPANY
COMPANY ADDRESS
COMPANY CITY, COMPANY STATE COMPANY ZIP

Notification Date: February 22, 2016
Account Number: Account ID
Subject: Discontinuation of Services in Select Central Offices

Dear Global Capacity Wholesale Customer,

Global Capacity strives to increase its value to its customers and proactively takes steps to ensure performance, scale and an ease of doing business. Unfortunately, occasionally it is necessary for us to discontinue services due to the decommissioning of network facilities that have a low volume of business.

This letter is to inform you that we will be decommissioning a select number of Central Offices (COs) and discontinuing all access services in these COs. Orders for new services in these COs are no longer being accepted. Attached is a list of your circuits that will be affected by the decommissioning of these COs. These circuits will be disconnected **as of May 22, 2016** and will need your attention to identify alternative arrangements. Early termination fees will not apply to these circuits.

We apologize for any inconvenience this may cause. Please be assured that your satisfaction is very important to us. Global Capacity is committed to providing you with a robust, reliable [nationwide portfolio of data connectivity services](#). Service specialists are available to discuss what service alternatives you have with Global Capacity or if you need to seek service from another provider. Contact your Sales Support Manager or Account Manager to answer any questions and for assistance you may need in the transition. It is imperative for you to talk with your account manager as soon as possible to determine what service alternatives you may or

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Chicago, IL 60601

may not have with Global Capacity. In the event that we cannot provide you with a reasonable substitute service, unfortunately, the circuits will be disconnected as of **May 22, 2016**.

If you wish to object to Global Capacity's plan to discontinue service in the identified COs, you have the right to file your objections or other comments with the Federal Communications Commission (FCC) in response to its Public Notice announcing the proposed discontinuance. The Public Notice will state the applicable deadline and procedures for filing such comments. The FCC usually will authorize a carrier's request to discontinue unless customers are unable to receive similar services or a reasonable substitute from another provider. You can file your complaint by writing to: Federal Communications Commission, Consumer Inquiries and Complaints Division, 445 12th Street, SW, Washington, DC 20554 and include in your comments a reference to the §63.71 Application of GC Pivotal, LLC d/b/a Global Capacity.

Global Capacity will continue to invest in our network, systems and processes and appreciates the opportunity to add value to your business. We continue to research new Central Office locations to add to our network that will be of greater value to you and welcome your input on this process. If you have any questions regarding the service discontinuation, or need any assistance, please contact your Sales Support Manager or Account Manager.

Thank you,

Mike Doyle
Vice President Network Planning

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Important Notice Regarding Your Global Capacity Services

Notification Date: February 22, 2016

Account Number: Account ID

Subject: Discontinuation of Services in Select Central Offices

Central Office CLLI	Circuit ID	Service Company Name	Service Address	Service City	State	ZIP
[S1_CO_CLLI]	[S1_CIRCUIT_ID]	[S1_Service_Company]	[S1_SITE_ADDRESS]	[S1_SITE_CITY]	[S1_SITE_STATE]	[S1_SITE_ZIP]
[S2_CO_CLLI]	S2_CID	[S2_Service_Company]	S2_address	S2_city	S2_ST	S2_zip
[S3_CO_CLLI]	S3_CID	[S3_Service_Company]	S3_address	S3_city	S3_ST	S3_zip
[S4_CO_CLLI]	S4_CID	[S4_Service_Company]	S4_address	S4_city	S4_ST	S4_zip
[Sn_CO_CLLI]	Sn_CID	[Sn_Service_Company]	Sn_address	Sn_city	Sn_ST	Sn_zip

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