



# PUBLIC NOTICE

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

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**August 6, 2004**

## **COMMENTS INVITED ON APPLICATION OF ICG TELECOM GROUP, INC. AND ICG TELECOM GROUP OF VIRGINIA, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 04-310**  
**Comp. Pol. File No. 689**

**Comments Due: August 20, 2004**

### **Section 214 Application**

**Applicant: ICG Telecom Group, Inc. and ICG Telecom Group of Virginia, Inc.**

On July 28, 2004, ICG Telecom Group, Inc. and ICG Telecom Group of Virginia, Inc. (collectively, ICG or Applicant), located at 161 Inverness Drive West, Englewood, CO 80112, 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 the provision of certain domestic telecommunications services in several states. ICG's application also proposes to discontinue international toll service, for which it will notify the Commission's International Bureau in accordance with 47 C.F.R. § 63.19. In addition, ICG indicates that it is separately seeking Commission approval for a transfer of control involving ICG and its corporate parent. *See Application of MCCC ICG Holdings, LLC, and ICG Communications, Inc., and Its Operating Subsidiaries, For Grant of Authority Pursuant to Section 214 of the Communications Act of 1934 and Sections 63.04 and 63.18 of the Commission's Rules to Complete a Transfer of Control of Authorized International and Domestic Interstate Carriers, WC Docket No. 04-290 (submitted July 21, 2004).*

ICG proposes to discontinue the provision of the following voice and data services, as part of a business plan designed to maintain the companies' long-term profitability: local exchange, domestic and international long distance, primary rate interface (PRI), dedicated Internet access (DIA), special access/private line service provided over ICG facilities, and high-speed data transmission services. ICG indicates that its discontinuance would affect approximately 63 customers receiving service at 67 locations in Illinois, Massachusetts, New Jersey, New York, Utah, Virginia, and Washington. ICG also proposes to discontinue services offered to customers in the District of Columbia and Maryland, but ICG indicates that currently it has no customers residing in those jurisdictions. ICG requests permission to discontinue service on August 31, 2004. ICG says it has notified all affected customers of its proposed discontinuance

and also indicates that, contrary to initial customer notification letters, subsequently corrected, ICG will not discontinue its Signaling System 7 or resold special access/private line services.

In accordance with section 63.71(c) of the Commission's rules, ICG's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies ICG that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, ICG may not terminate service until September 6, 2004. The Commission will normally 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **August 20, 2004**. Such comments should refer to **WC Docket No. 04-310 and Comp. Pol. File No. 689**. 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 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 6-A207, 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) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street,

S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [carmell.weathers@fcc.gov](mailto:carmell.weathers@fcc.gov), or Brad Koerner, (202) 418-0866 (voice), [brad.koerner@fcc.gov](mailto:brad.koerner@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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