



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
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DA 05-3314
December 23, 2005

COMMENTS INVITED ON APPLICATION OF ADVANCED TEL, INC. - CONSOLIDATED TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-351
Comp. Pol. File No. 734

Comments Due: January 13, 2006

Section 214 Application

Applicant: Advanced Tel, Inc. - Consolidated

On November XX, 2005, Advanced Tel, Inc. - Consolidated (Advanced Tel or Applicant), located at 913 South Burnside Avenue, Gonzales, Louisiana 70737-4258, 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 to a segment of customers located in Louisiana and Mississippi. By a letter filed November 23, 2005, Advanced provided additional information regarding its efforts to provide notice to customers possibly displaced by Hurricanes Katrina and Rita (November 23, 2005 Letter).

Advanced Tel states that it is a competitive local exchange carrier in Louisiana and Mississippi, and that it provides local exchange, digital subscriber line (DSL), long distance, and Internet service provider (ISP) services. Advanced Tel seeks to discontinue providing facilities-based competitive local exchange service, local exchange service provided through the resale of BellSouth's services, and DSL service to the remaining customers in Louisiana affected by this application no later than February 14, 2006 and no later than January 31, 2005 for those customers located in Mississippi.¹ Advanced Tel indicates, however, that it intends to continue to provide long distance service to customers in both states, and serve as an ISP for individuals who access the Internet through dial-up service in Louisiana. Advanced Tel states that the customers affected by the discontinuance proposed in this application are

¹ Advanced Tel previously filed a separate application to discontinue service to specified customers in Louisiana. See *Petition of Advanced Tel, Inc. - Consolidated To Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 05-344, DA-05-3193, (rel. December 14, 2005) (December 14, 2005 Notice). Advanced Tel further indicates that its subsidiary, TLX Communications, Inc., is also filing a separate application to discontinue service to certain other local exchange customers in Louisiana.

located in the following parishes in Louisiana: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Catahoula, Claiborne, Concordia, De Soto East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Sabine, Saint Bernard, Saint Charles, Saint James, Saint Landry, Saint Martin, Saint Tammany, St. John the Baptist, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, and West Feliciana. Advanced Tel further states that the customers affected by the second discontinuance proposed in this application are located in the following counties in Mississippi: Adams, Alcorn, Amite, Attala, Bolivar, Claiborne, Coahoma, Copiah, Desoto, Forrest, Franklin, Hancock, Harrison, Lowndes, Madison, Marion, Oktibbeha, Pearl River, Pike, Pontotoc, Rankin, Stone, Union, Walthall, Warren, Washington, Wilkinson, Winston, and Yalobusha. Advanced Tel asserts that it is a non-dominant carrier with respect to the services that it proposes to discontinue, and that the services are competitive in nature.

Advanced Tel states that, on October 11, October 13, October 20, and October 27, 2005, it provided written notification of the proposed discontinuance to customers in Louisiana, in accordance with the requirements of section 63.71(a) of the Commission's rules. In these notices, Advanced Tel informed customers of its intent to discontinue service on November 30, 2005. Advanced Tel further states that, on October 21, 2005, it provided written notification of the proposed discontinuance to customers in Mississippi, consistent with 63.71(a) of the Commission's rules. In the October 21, 2005 notices, Advanced Tel informed the customers in Mississippi of its intent to discontinue service on December 30, 2005. In the November 23, 2005 Letter, Advanced Tel also indicates, however, that it has taken additional steps to ensure adequate notice to all customers due to the effects of Hurricanes Katrina and Rita. Advanced Tel asserts that the U.S. Postal Service has established procedures to deliver mail to persons displaced by the hurricanes. Advanced Tel indicates that it sent notices informing affected customers that Advanced Tel's service is dependent upon BellSouth's downed facilities, and urging these customers to seek alternative carriers when they are able to return. Advanced Tel also states that it provided additional notice to hospitals, schools, and government agencies by U.S. Postal Service Priority Mail with Delivery Confirmation. Advanced Tel indicates that, as of November 21, 2005, it had received confirmation from all of these customers except for three medical facilities, two law enforcement facilities, and one school, and that a second letter was sent to these remaining customers via regular mail.² To the extent that these measures are deemed inadequate, Advanced Tel seeks a waiver of the notification requirement. Finally, Advanced Tel states that it has extended its planned discontinuance dates to February 14, 2006 for customers in Louisiana and January 31, 2006 for customers in Mississippi, in order to allow for a transition to alternative services.

We seek comment on Advanced Tel's proposed discontinuance of service, to the extent necessary, including the steps it has taken to notify and protect consumers unable to receive regular U.S. Mail service, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, Advanced Tel'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 Advanced Tel that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Advanced Tel may terminate service on **February 14, 2006** for those customers in Louisiana and **January 31, 2006** for

² These figures apply to both customers affected by the instant application and customers affected by the December 14, 2005 Notice.

those customers in Mississippi. 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 **January 13, 2006**. Such comments should refer to **WC Docket No. 05- 351 Comp. Pol. File No. 734**. 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 filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>.~~ Filers should follow the instructions provided on the website 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 may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

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 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor 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, and Priority mail should be addressed to 445 12th Street, S.W., 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 12th Street, S.W., Room 5-C327, 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.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th 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 duplicating contractor, Best Copy and Printing, Inc., 445 12th 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. 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 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, or John Adams, (202) 418-0394 (voice), john.adams@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.

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