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BINGHAM McCUTCHEN

SECTION BUR.

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FEB 16 2007

Federal Communications Commission  
Office of the Secretary

Danielle Burt  
Direct Phone: (202) 373-6039  
danielle.burt@bingham.com  
Our Ref.: 0000321636

February 16, 2007

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc., Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002



Bingham McCutchen LLP  
2022 K Street NW  
Washington, DC  
20006-1898

Re: RCN Telecom Services, Inc. Section 63.71 Application

Dear Ms. Dortch:

On behalf of RCN Telecom Services, Inc., enclosed please find an original and four (4) copies of the above-referenced Application. Please date-stamp the extra copy of this filing and return it to us. Should you have any questions regarding this filing, please do not hesitate to contact us.

Respectfully submitted,

*Danielle Burt*

Jean L. Kiddoo  
Danielle Burt

cc: Joseph Kahl

Boston  
Bufford  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Seattle  
Washington, DC  
Washington, DC

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

In the Matter of )

Section 63.71 Application of )

RCN Telecom Services, Inc. )

For Authority to Discontinue Telephone Service )  
In Carson and Gardena, California )

Docket No. 06-\_\_\_\_\_

**SECTION 63.71 APPLICATION**

RCN Telecom Services, Inc. ("RCN"), 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 Commission's rules, 47 C.F.R. § 63.71, hereby files this application to discontinue the provision of local exchange, domestic and international long distance, and high-speed data transmission services to customers in the Cities of Carson and Gardena, California. In support of this Application, RCN submits the following information:

**I. Description of Discontinuance**

**1. Name and address of carrier**

RCN Telecom Services, Inc.  
196 Van Buren St., Suite 300  
Herndon, VA 20170

**2. Date of planned service discontinuance**

The anticipated date for the proposed discontinuance of service is May 1, 2007, or as soon thereafter as the necessary state and federal approval can be obtained.

**3. Points of geographic areas of service affected**

The proposed discontinuance of service will affect service provided to the Cities of Carson and Gardena, California.

**4. Brief description of the type of service affected**

RCN proposes to discontinue the provision of local exchange, domestic and international long distance, and high-speed data transmission services in the Cities of Carson and Gardena, California. After the discontinuance, RCN will no longer provide telecommunications services in California.<sup>1</sup>

**5. Brief description of the dates and methods of notice to all affected customers**

Written notice to all affected customers substantially in the form of the sample letter attached as Exhibit A was mailed to customers on February 7, 2007. In addition, since RCN offers a "triple play" bundle of telephone, Internet and cable TV services RCN has also worked with the two other companies that offer such packages in Carson and Gardena to alert them of the discontinuance and assure that they are ready for calls from RCN subscribers who have received discontinuance notices. Specifically, the customer notice letter and its customer service representatives also advised affected customers that AT&T and Echostar, who offer a combined telecommunications/Internet/TV service offering, and Time Warner, who also offers a "triple play" offering, have established toll-free numbers for them to call to obtain information about their services. RCN will work with AT&T/Echostar and Time Warner, and any other alternative carrier(s) selected by customers, to effectuate a seamless transition of the affected customer to

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<sup>1</sup> RCN has obtained Commission approval to sell its network and customer base in Northern California to Astound Broadband, LLC (the "Astound Transaction"). See WC Docket No. 06-209, DA 06-2580 (rel. Dec. 26, 2006) and File No. ITC-ASG-20061106-00504, DA No. 06-2616 (rel. Dec. 29, 2006). The Astound Transaction is expected to close prior to the date of the planned discontinuance of operations in Southern California.

the alternative carrier's network, including release to its customers all pertinent end-user circuit and other service information required to transfer service to another carrier.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

RCN is non-dominant with respect to the services that it proposes to discontinue.

**7. Service**

In accordance with Section 63.71 of the Commission's rules, RCN has mailed a copy of this application to the California Governor, the California Public Utility Commission and the Special Assistant for Telecommunications for the Secretary of Defense.

**8. Additional questions regarding this application may be addressed to the undersigned or:**

Joseph O. Kahl  
Sr. Director, Regulatory and External Affairs  
RCN Telecom Services, Inc.  
196 Van Buren St., Suite 300  
Herndon, VA 20170  
Tel: (610) 438-0119 (Direct Dial)  
Tel: (703) 434-8200 (Corporate Operator)

**II. Circumstances of Discontinuance**

RCN has determined to revise its business plan and to discontinue the provision of its triple play residential services, including the domestic telecommunications services provided as part of that bundle, in Southern California and to refocus the provision of such services in other markets. RCN's discontinuance of services to customers, while regrettable, is necessary and appropriate, and will not adversely affect the public convenience and necessity. The public will not be unduly harmed by RCN's discontinuance of the telecommunications service described above because customers have been given notice that affords them an ample opportunity to transfer to a new carrier. The basic local telephone services that are being discontinued are

readily available from other carriers, and RCN has provided substantially more than the minimum 30-day notice required by the Commission for discontinuance of domestic services. RCN will also continue to undertake a comprehensive customer notification initiative that is aimed at providing affected customers with additional notice and opportunity to select another provider.

**III. Conclusion**

RCN believes that the proposed discontinuance is reasonable and necessary. As outlined herein, RCN will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. Accordingly, RCN respectfully requests that the Commission permit it to discontinue the provision of services to customers in the Cities of Carson and Gardena, California pursuant to Section 63.71.

Respectfully submitted,



Jean L. Kiddoo, Esq.  
Danielle Burt, Esq.  
BINGHAM MCCUTCHEN LLP  
3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007  
(202) 373-6000 (Tel)  
(202) 424-7645 (Fax)  
Jean.Kiddoo@bingham.com  
Danielle.Burt@bingham.com

Counsel to RCN Telecom Services, Inc.

Dated: February 16, 2007

**EXHIBIT A**

**Customer Notice Letter**

\*\*\* NOTICE OF SERVICE DISCONTINUANCE \*\*\*  
\*\*\* DO NOT DISREGARD \*\*\*  
YOU MUST CHOOSE A NEW SERVICE PROVIDER  
BY APRIL 1, 2007 TO AVOID POSSIBLE  
DISCONTINUATION OF SERVICE

February 7, 2007

Customer Name  
Street Address  
City, California Zip

Dear Customer:

We regret to inform you that RCN will no longer provide local, domestic and international long distance, Internet, and cable services in your area as of May 1, 2007, subject to the approval of the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC).

Your immediate action is required! You must select a new telephone provider as quickly as possible but no later than April 1, 2007. If you do not select a new telephone provider on or before April 1, 2007, the CPUC may require that you be assigned to another carrier.

Please do not delay in arranging for a new service provider as some companies may require several weeks to install new services. You can find a list of most telephone service providers in your local telephone directory. In addition, to help you arrange for a new provider, we have made arrangements for other local companies who can offer you the same types of telephone, Internet and Cable TV services as RCN to set up special toll-free numbers for you to call for information about their services.

AT&T/Dish Network	1-800-955-4296 (English)
	1-888-955-8244 (Spanish)
Time Warner	1-877-487-1480

Please do not hesitate to contact them or any other provider you may choose to use. To help avoid service disruption, please check carefully that ALL service types you currently have with RCN (local and long distance telephone, Internet, and/or cable TV) are moved to a new provider. Once you have chosen your new provider, RCN will work with the provider you have selected to assist in the transition of your service. If you are currently an RCN High-Speed Internet or Dial-up service subscriber, as a courtesy RCN will allow you to have your email messages forwarded to your new email provider and allow you to access your RCN email via webmail for three (3) months following the discontinuance date. Even if you choose to utilize this option, you must select a new provider no later than April 1, 2007 to assure that your High-Speed Internet or Dial-up access is not disrupted.

Please be aware that you are responsible for paying all bills rendered to you by RCN during this transition. You may be subject to suspension or termination of your phone service in accordance with CPUC and FCC rules if you fail to pay your telephone bill.

The FCC permits customers to object to discontinuance of their telephone service by an interstate telecommunications provider. As provided in 47 C.F.R. § 63.71:

*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 within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of RCN Telecom Services, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

If you require assistance, please contact RCN at (800) 746-4726. RCN regrets any inconvenience this change may cause you. It has been a privilege to serve you.

Sincerely,

RCN Telecom Services, Inc.  
196 Van Buren St., Suite 300  
Herndon, VA 20170

\*\*\*NOTIFICACION DE DESCONTINUACION DE SERVICIO\*\*\*  
\*\*\*FAVOR DE PRESTAR ATENCION\*\*\*  
DEBE ESCOGER OTRO PROVEEDOR DE SERVICIO  
ANTES DEL 1 DE ABRIL DE 2007 PARA EVITAR DESCONTINUACION DE SERVICIO

Febrero 7 de 2007

Nombre del Cliente  
Dirección  
Ciudad, California Código Postal

Estimado Cliente:

Lamentamos informarle que RCN ya no prestará servicios telefónicos locales, de larga distancia nacional o internacional, Internet o de cable en su área a partir del 1 de Mayo de 2007. Lo anterior sujeto a obtener la aprobación de la California Public Utilities Commission ("CPUC") y de la Federal Communications Commission ("FCC").

Se requiere que actúe inmediatamente! Debe seleccionar un nuevo proveedor de servicio telefónico lo antes posible pero a más tardar antes del 1 de Abril de 2007. Si no selecciona un nuevo proveedor de servicio telefónico antes del 1 de Abril de 2007, la CPUC puede solicitar que se le asigne otro proveedor.

Por favor no demore en conseguir otro proveedor de servicio, ya que algunas compañías pueden requerir varias semanas para instalar servicios nuevos. En su directorio telefónico puede encontrar una lista de la mayoría de los proveedores de servicio telefónico. Además, para facilitarle el contratar un nuevo proveedor, hemos hecho arreglos para que otras compañías que ofrecen los mismos tipos servicios de telefonía, Internet y TV por Cable que RCN, establezcan un número de acceso gratuito para que usted pueda llamarlos y obtener información sobre sus servicios:

AT&T/Dish Network 1-800-955-4296 (Inglés)  
1-888-955-8244 (Español)  
Time Warner 1-877-487-1480

Por favor no dude en contactarlos o a cualquier otro proveedor que usted seleccione. Para evitar interrupción de servicio, por favor verifique cuidadosamente que TODOS los servicios que usted recibe actualmente de RCN (telefonía local, telefonía de larga distancia, Internet y/o televisión por cable) sean mudados a otro proveedor. Una vez que haya seleccionado a su nuevo proveedor, RCN trabajará con el proveedor que usted seleccione para facilitar la transición del servicio. Si actualmente es suscriptor de servicio de Internet de Alta-Velocidad o Dial-Up de RCN, como una cortesía RCN le permitirá reenviar sus mensajes de correo electrónico a su nuevo proveedor de correo electrónico y acceder su correo electrónico de RCN a través de

webmail por un periodo de tres (3) meses desde la fecha de discontinuación. Aún si usted decide utilizar esta opción, usted debe seleccionar un nuevo proveedor a más tardar antes del 1 de Abril de 2007, para asegurarse que su servicio de Alta-Velocidad o Dial-Up no se verá afectado.

Recuerde que usted es responsable de pagar todas las facturas que RCN le presente durante este período de transición. Su servicio telefónico puede suspenderse o terminarse de acuerdo con las reglas de la CPUC o la FCC si usted no paga su recibo telefónico.

Según se establece en la Sección 47 C.F.R. § 63.71, la FCC permite que los clientes se inconformen con la discontinuación de servicio telefónico interestatal:

*La FCC normalmente autorizará la discontinuación de servicio a menos que se demuestre que los clientes no pueden recibir servicio o un sustituto razonable por parte de otro operador, o la necesidad o conveniencia pública se ve afectada de otra manera. Si usted desea objetar, debe enviar sus comentarios dentro de los 15 días de la recepción de esta notificación. Dirija sus comentarios a la Federal Communications Commission, Washington, DC 20554, haciendo referencia a la Solicitud de RCN Telecom Services, Inc. Según la Sección 63.71. Los comentarios deben incluir información específica respecto al impacto que tiene la discontinuación propuesta en usted o en su comunidad, incluyendo la imposibilidad de adquirir un servicio sustituto razonable.*

Si requiere asistencia, por favor contacte a RCN al (800) 746-4726. RCN lamenta cualquier inconveniencia que esto pueda causarle. Ha sido un privilegio servirle.

Atentamente

RCN Telecom Services, Inc.  
196 Van Buren St., Suite 300  
Herndon, VA 20170

**VERIFICATION**

I, Joseph Kahl, state that I am Senior Director Regulatory and External Affairs of RCN Telecom Services, Inc.; that I am authorized to make this Verification on behalf of RCN Telecom Services, Inc.; that the foregoing filing was prepared under my direction and supervision; and that the contents are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of February, 2007.



\_\_\_\_\_  
Joseph Kahl  
Senior Director Regulatory & External Affairs  
RCN Telecom Services, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Section 63.71 Application of RCN Telecom Services, Inc. was served this 16th day of February 2007, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addressed listed below.

Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA 95814

California Public Utility Commission  
State Building  
505 Van Ness Avenue  
Suite 100  
San Francisco, CA 94102

Secretary of Defense  
Attn: Special Asst. for Telecommunications  
The Pentagon  
Washington, D.C. 20301

  
\_\_\_\_\_  
Danielle Burt