



PUBLIC NOTICE

Federal Communications Commission
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DA 10-2317
Released: December 7, 2010

COMMENTS INVITED ON APPLICATION OF ATX LICENSING, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 10-245
Comp. Pol. File No. 962

Comments Due: December 22, 2010

MAILED

DEC 16 2010

FCC Mail Room

Section 214 Application
Applicant: ATX Licensing, Inc.

On November 23, 2010, ATX Licensing, Inc. (ATX or Applicant), located at 800 Westchester Avenue, Suite N-501, Rye Brook, NY 10573, 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 Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin (collectively Service Areas).

ATX indicates that it currently offers intrastate and interexchange telecommunications services throughout the Service Areas. ATX states, however, that a significant portion of its customer base has been consolidated into the operations of ATX's sister corporation, Broadview Networks, Inc. ATX explains that during the consolidation its customers had the option of participating in the consolidation, transitioning to new providers, or remaining with ATX. ATX indicates that over time the few customers that chose to remain with ATX have decreased to zero. ATX states that it, therefore, plans to discontinue all affected intrastate and interexchange services in the Service Areas subject to regulatory approval 31 days after the release of the Commission's public notice, on or about December 31, 2010. ATX maintains that the public convenience and necessity will not be adversely affected by the proposed discontinuance because currently there are no customers for the services in the Service Areas. In addition, ATX asserts that consumers in the affected states have a wide range of alternative telecommunications services from which to choose. ATX states that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, ATX's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies ATX that the grant will not be automatically effective. In its application, ATX indicates that it anticipates discontinuing services subject to regulatory approval 31 days after the release of the Commission's public notice, on or about December 31, 2010. Accordingly, pursuant to section 63.71(c) and the terms of ATX's application, absent further Commission action, ATX may terminate all

affected services in the Service Areas on or after **January 7, 2011**. The Commission normally will 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 **December 22, 2010**. Such comments should refer to **WC Docket No. 10-245 and Comp. Pol. File No. 962**. 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 Web site 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 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. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. **Effective December 28, 2009, the Commission’s contractor will only receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at the FCC Headquarters building, located at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554.** The filing hours are Monday through Friday, 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 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-C140, 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) 418-1413, 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 Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@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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