PUBLIC NOTICE

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

MAILED
DEC 27 2010

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

DOCKET FILE COPY ORIGINAL
FCC Mail Room

DA 10-2400
Released: December 22, 2010

COMMENTS INVITED ON APPLICATION OF CYPRESS COMMUNICATIONS OPERATING COMPANY, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 10-256
Comp. Pol. File No. 965

Comments Due: January 6, 2011

Section 214 Application
Applicant: Cypress Communications Operating Company, LLC

On **December 2, 2010, Cypress Communications Operating Company, LLC** (Cypress or Applicant), located at **4 Piedmont Center, Suite 600, 3565 Piedmont Road, Atlanta, Georgia 30305**, 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 and Washington.

Cypress indicates that it currently provides bundled telecommunications services to small and medium-sized businesses located in multi-tenant commercial office buildings in major metropolitan markets in the U.S. Cypress explains that its integrated service bundles include local, long distance, and international telecommunications services; high-speed Internet connectivity; e-mail services; fully-managed firewall services; web hosting; virtual private networks; feature-rich digital desktop stations; calling cards; audio and web conferencing; and digital business television. Cypress indicates that it has identified customer sites in Alabama and Washington where revenue has been declining for some time. Accordingly, Cypress states that it plans to discontinue all of the above-mentioned services that it provides at these sites in an effort to maintain its operating network in the most efficient manner.[1] Specifically, Cypress indicates that it plans to discontinue service to two customers in Birmingham, Alabama and two customers in Seattle, Washington (collectively Service Areas). Cypress states that it plans to discontinue service on February 1, 2011, subject to regulatory approval. Cypress, however, maintains that the proposed discontinuance will not result in harm to affected customers because customers will have the opportunity to select another telecommunications provider, and numerous CLECs and ILECs in the affected areas continue to offer some or all of the services customers have been receiving from Cypress. Cypress indicates that it mailed notice of the proposed discontinuance to all affected customers in accordance with the requirements of section 63.71(a) of the Commission's rules on December 1, 2010. Cypress states that it is considered non-dominant with respect to the services to be discontinued.

[1] Discontinuance of international service is governed by 47 C.F.R. § 63.19.

In accordance with section 63.71(c) of the Commission's rules, Cypress'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 Cypress that the grant will not be automatically effective. In its application and notice to customers, Cypress indicates that it anticipates discontinuing service on February 1, 2011, subject to regulatory approval. Accordingly, pursuant to section 63.71(c), absent further Commission action, Cypress may terminate the affected services in the Service Areas on or after **February 1, 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 **January 6, 2011**. Such comments should refer to **WC Docket No. 10-256 and Comp. Pol. File No. 965**. 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 Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@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**.

– FCC –