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**James N. Moskowitz**  
Admitted in the District of Columbia

October 17, 2012

FILED/ACCEPTED

**Via Hand Delivery**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

OCT 17 2012

Federal Communications Commission  
Office of the Secretary

**RECEIVED**

NOV 01 2012

**Attention: Wireline Competition Bureau**

FCC-Competition Policy Division

**Re: Application of The Golden Rain Foundation for Authority Pursuant to Section 214(a) of the Communications Act to Discontinue Telecommunications Services**

Dear Ms. Dortch:

Enclosed please find the original and six (6) copies of the Application of The Golden Rain Foundation for authority to discontinue the provision of certain telecommunications services on or after November 30, 2012.

I have enclosed an extra copy of this filing. Please stamp this extra copy with the Commission's acknowledgement of receipt and return to our messenger.

Sincerely,



James Moskowitz  
Counsel for The Golden Rain Foundation

cc: Special Assistant for Telecommunications, Secretary of Defense, U.S. Dept. of Defense, Pentagon, Washington, DC 20301  
The Honorable Jerry Brown, Governor of the State of California  
Public Utilities Commission of California

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

FILED/ACCEPTED

OCT 17 2012

Federal Communications Commission  
Office of the Secretary

In the Matter of Section 63.71 Application     )  
of:   )  
  )  
The Golden Rain Foundation                     )  
  )  
for Authority Pursuant to Section 214 of the     )  
Communications Act to Discontinue            )  
Telecommunications Services                    )

WC Doc. No. \_\_\_\_\_

File No. \_\_\_\_\_

**SECTION 63.71 APPLICATION TO DISCONTINUE SERVICE**

Pursuant to Section 63.71 of the Commission's rules,<sup>1</sup> The Golden Rain Foundation of Laguna Woods ("GRF"), through undersigned counsel, respectfully requests authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended,<sup>2</sup> to discontinue providing local and long distance interconnected Voice over Internet Protocol ("VoIP") services to the community of Laguna Woods Village, located in the city of Laguna Woods, Orange County, California ("Laguna Woods Village"). GRF requests authorization to discontinue services on or after November 30, 2012.

**I. BACKGROUND**

GRF is a California non-profit Mutual Benefit Corporation that oversees the management and maintenance of the facilities and services within Laguna Woods Village. GRF holds a cable television franchise for Laguna Woods and

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<sup>1</sup> 47 C.F.R. § 63.71.

<sup>2</sup> 47 U.S.C. § 214(a).

owns the cable television system ("System") that serves Laguna Woods Village. Laguna Woods Village is a resort style living community for ages 55 and older.

GRF had traditionally managed the System to provide video services. In December 2009, GRF entered into a Cable System Management Agreement with Capital Infrastructure, LLC d/b/a Connexion Technologies ("Connexion") whereby Connexion would provide various management services for the System. As part of this arrangement Connexion was allowed to offer VoIP services through the System.

Following the consummation of the Cable System Management Agreement, Connexion, through a wholly owned affiliate, Beyond Communications ("Beyond"), began offering VoIP services through the System. The VoIP service that GRF seeks to discontinue is the service previously provided to customers in Laguna Woods Village by Beyond. We explain further below.

In April 2012, Connexion and various affiliates, including Beyond, filed for Chapter 11 bankruptcy protection. Shortly thereafter, Connexion and Beyond auctioned off their assets through the bankruptcy court and closed their doors. As part of the bankruptcy court auction, GRF purchased the Cable System Management Agreement allowing it to regain total control of the System.

In obtaining the Cable System Management Agreement, GRF also worked out an arrangement with third party facility vendors to enable VoIP services to continue to be available to customers in Laguna Woods Village during a

transition period. GRF did this to ensure that no customer would experience a sudden loss of service because of the bankruptcy.

During the transition period, GRF has worked diligently to find a permanent telephone provider to replace Beyond. GRF has been unable to find a permanent solution for the continued provision of the VoIP service to the existing customers using the System. As a result, GRF has decided to notify customers that the VoIP service currently provided over the System will no longer be available.

The impact on the public of the planned discontinuance will be minimal because it only affects approximately 3,000 customers. The community, including all areas served by the System, is served by AT&T, the incumbent local carrier and many residents on the System continue to rely on AT&T for their voice service. In addition, broadband services will still be provided over the System and thus non-facilities based providers, such as Vonage, are available.

## **II. INFORMATION REQUIRED BY 47 C.F.R. § 63.71(a)(1) – (a)(4)**

In support of this Application, GRF provides the following information:

### **1. Name and Address of Service Provider.**

The Golden Rain Foundation  
Attn: Russ Ridgeway  
24351 El Toro Road  
Laguna Woods, CA 92637

### **2. Date of Planned Service Discontinuance.**

GFR plans to discontinue VoIP services to customers in Laguna Woods Village on or after November 30, 2012.

### **3. Points of Geographic Areas of Service Affected.**

GRF is discontinuing VoIP service, as described above, to the development known as Laguna Woods Village, located in Laguna Woods, Orange County, California.

### **4. Description of Type of Service Affected.**

As described above, GRF is discontinuing the provision of local and long distance interconnected VoIP services to Laguna Woods Village.

## **III. NOTICE TO CUSTOMERS**

In accordance with 47 C.F.R. § 63.71(a), GRF has notified the affected customers of the planned discontinuance of service. In addition to contacting customers in the Community by telephone, GRF sent notification letters via U.S. Mail to affected customers from October 12, 2012, through October 15, 2012, depending on when the phone notification was made. The notice included all of the information required by 47 C.F.R. § 63.71(a)(1) - (a)(4), as well as the statement applicable to non-dominant carriers set forth in 47 C.F.R. § 63.71(a)(5)(i). A copy of the notice is attached to this Application as Exhibit A.<sup>3</sup>

## **IV. NOTICE TO STATE PUC AND SECRETARY OF DEFENSE**

In accordance with 47 C.F.R. 63.71(a), GRF has mailed a copy of this Application to the California Public Utilities Commission and the Governor of the State of California, as well as to the Secretary of Defense of the United States.

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<sup>3</sup> The proposed termination date in the initial letter was November 15 to emphasize the need for customers to move off the service. GRF plans to terminate the service on or after November 30, 2012. Follow-up notices and phone calls are being made to encourage customers to take action to switch service prior to November 30, 2012.

**V. DESIGNATED CONTACT**

Correspondences regarding this Application should be directed to:

Bruce E. Beard  
Cinnamon Mueller  
1714 Deer Tracks Trail, Suite 215  
St Louis, MO 63131  
(314) 394-1535  
[bbeard@cm-chi.com](mailto:bbeard@cm-chi.com)

**IV. CONCLUSION**

For the reasons set forth above, GRF respectfully requests that the Commission authorize the discontinuance of the interconnected VoIP services to customers in Laguna Woods Village on or after November 30, 2012.

Respectfully submitted,



Bruce E. Beard  
Cinnamon Mueller  
1714 Deer Tracks Trail, Ste 215  
St Louis, MO 63131

(314) 394-1535

Counsel for The Golden Rain  
Foundation

October 17, 2012

**EXHIBIT A**

GOLDEN RAIN  
*Foundation*  
of LAGUNA WOODS

October 11, 2012

«First\_Name» «Last\_Name»  
«Bldg\_» «Street\_Name» «Unit\_»  
Laguna Woods, CA 92637

RE: Your Digital Phone Service

Dear Former Beyond Communications customer,

This letter is a follow up to the conversation held with you on October 8, 2012.

Connexion Technologies, parent company of Beyond Communications filed for Chapter 11 bankruptcy protection and closed its doors on June 21, 2012. Connexion Technologies, through Beyond Communications, provided digital phone service to Laguna Woods Village.

In an effort to maintain telephone services for its residents after Connexion Technologies went out of business, the Golden Rain Foundation (GRF), with the assistance of West Coast Internet, took over servicing existing customers. GRF has worked diligently to find a permanent telephone provider to replace Beyond Communications but was unable to find a solution at a reasonable quality and price.

As a result, GRF has decided to terminate the digital phone service currently provided over the Community's network and allow each resident to work directly with any of the telephone service providers. Enclosed is a list of telephone providers currently providing service to Laguna Woods Village.

Please contact one of these providers immediately in order to ensure that you will have uninterrupted telephone service. **Your services will be discontinued by November 15, 2012.**

GRF will be filing an Application regarding the discontinuance of service at the Federal Communications Commission ("FCC"). 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 as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission,

Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Golden Rain Foundation. 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.

GRF apologizes for any inconvenience this unfortunate set of circumstances has created for you. If you have further questions, please don't hesitate to contact our special digital phone service transfer hotline at (949) 268-2448.

Sincerely,

GRF Broadband Services

