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August 26, 2013

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: WC Docket No. 13-192, Comp. Pol. File No. 1119; Section 63.71  
Application of RMVDDS, LLC d/b/a OMGFAST to Discontinue  
Interconnected VoIP Services

Dear Ms. Dortch:

RMVDDS, LLC d/b/a OMGFAST (“RMVDDS”), by its attorneys, writes to supplement the record in the above-referenced proceeding dealing with its application pursuant to Section 63.71 of the Commission’s rules seeking authority to discontinue interconnected voice over Internet Protocol (“VoIP”) service in all of its service areas.<sup>1</sup> In particular, RMVDDS responds with respect to the three letters filed by RMVDDS customers concerning the discontinuance application.

### SUMMARY

In compliance with the Commission’s rules,<sup>2</sup> RMVDDS sent all of its over 2200 broadband Internet and VoIP subscribers (of which approximately 460 were active VoIP customers) written notice of its intent to discontinue voice service, via first class mail. Only three out of these 2200 customers wrote to the Commission with concerns about the discontinuance; and of these two, only one addressed the VoIP service that is the subject of this application. For the two timely-filed comments, RMVDDS has contacted both commenters individually to offer information and assistance regarding finding alternative service prior to the discontinuance. RMVDDS has not contacted the filer of the late-filed comment, however it notes

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<sup>1</sup> Although RMVDDS will be discontinuing both voice and broadband Internet services, the instant proceeding relates only to its request for authorization to discontinue its VoIP services. *See IP-Enabled Services*, WC Docket No. 04-36, Report and Order, 24 FCC Rcd 6039 (2009) (“*VoIP Discontinuance Order*”) (Making VoIP services subject to the Section 63.71 discontinuance procedures). RMVDDS does not require prior approval to terminate its non-common carrier broadband Internet access services. *See* 47 C.F.R. § 101.305 (Requiring non-common carrier licensees to notify the Commission within seven days after discontinuing service).

<sup>2</sup> 47 C.F.R. § 63.71.

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that this comment did not address the VoIP services that are the subject of this application. Moreover, in the case of the one letter related to VoIP services, RMVDDS understands that the customer has begun the process of porting her number to another service provider. Therefore, RMVDDS respectfully submits that the Commission should permit its application to be automatically granted on September 1, as set out in the public notice.<sup>3</sup>

### **RMVDDS RESPONSE TO COMMENTERS**

Three RMVDDS customers contacted the Commission with concerns regarding the discontinuance of RMVDDS's services in South Florida. In a letter filed July 31, 2013, RMVDDS VoIP customer Marilyn Kneeland, raised concerns about having sufficient time to find replacement service—and potentially losing her phone number, as a result.<sup>4</sup> Ms. Kneeland served RMVDDS with a copy of her letter, and RMVDDS contacted her directly upon receiving the letter. RMVDDS discussed with Ms. Kneeland her concerns regarding the discontinuance of voice service and provided her with information about contacting and requesting service from an alternate voice provider. RMVDDS understands from conversations with its VoIP platform vendor that Ms. Kneeland has contacted the local exchange carrier in her area to have her number ported. Because Ms. Kneeland is taking advantage of one of the ample opportunities for alternative service, her concerns about the discontinuance should be considered resolved and should not delay grant of the instant application.

Ms. Kneeland also questioned whether RMVDDS provided adequate notice to its customers. As explained in RMVDDS's application, RMVDDS complied fully with the Commission's rules with respect to notice.<sup>5</sup> RMVDDS sent written notice via First Class Mail to the address of record for each customer. Aside from Ms. Kneeland's conjecture, RMVDDS has heard no complaints of subscribers failing to

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<sup>3</sup> See *Comments Invited On Application Of RMVDDS, LLC D/B/A OMGFAST To Discontinue Interconnected VoIP Services*, WC Docket No. 13-192, Public Notice, DA 13-1693 (rel. Aug. 1, 2013).

<sup>4</sup> Comments of Marilyn Kneeland, WC Docket No. 13-192 (filed Aug. 5, 2013).

<sup>5</sup> See Section 63.71 Application of RMVDDS, LLC (dba OMGFAST) at 2-3, WC Docket No. 13-192 (filed July 26, 2013).

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receive notice of the service termination.<sup>6</sup> The Commission has made clear that “[t]ypically, written notice by postal mail to the customer’s billing address satisfies the Commission’s notice requirements under section 63.71 of the Commission’s rules.”<sup>7</sup> Because RMVDDS complied with this guidance, the Commission should find that sufficient notice was given to subscribers in this case, and grant of the application should not be delayed.

Another letter was filed on July 22, 2013, by Annessa Griffith, raising concerns about the discontinuance of her Internet access services.<sup>8</sup> RMVDDS notes that Ms. Griffith did not raise any concerns regarding the discontinuance of VoIP service. Indeed, Ms. Griffith was not a subscriber to the VoIP service offered by RMVDDS (the subject of this application), and therefore her letter should provide no basis for a delay in grant of RMVDDS’s application to suspend voice service. Further, unlike Ms. Kneeland, Ms. Griffith did not serve a copy of her letter on RMVDDS or otherwise contact the company directly about her concerns and the company was not aware of her letter until informed by the Commission. Nevertheless, RMVDDS contacted Ms. Griffith upon learning of her letter and addressed Ms. Griffith’s concerns by informing her of alternative Internet access service provider options in her area.

A third letter was submitted by John B. Lowell and received by the Commission on August 26, 2013.<sup>9</sup> Mr. Lowell received timely notice of the planned discontinuance. RMVDDS has not contacted Mr. Lowell, however it notes that, like Ms. Griffith, Mr. Lowell is not a subscriber to the RMVDDS VoIP service. Mr. Lowell’s letter only addresses the broadband Internet service provided by RMVDDS. As his letter is not related to the subject of this application, and Mr. Lowell will experience no loss of voice service as a result of the discontinuance of RMVDDS’s VoIP service, his letter should not delay the grant of this application.

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<sup>6</sup> RMVDDS notes that seven letters sent to VoIP subscribers were returned as undeliverable. Of these, one letter was resent to the correct address, one subscriber voluntarily cancelled prior to the letter being sent, and the remaining five are offline and have disconnected all devices from the network.

<sup>7</sup> *VoIP Discontinuance Order* at n.53.

<sup>8</sup> See Comments of Annessa Griffith, WC Docket No. 13-192 (filed July 30, 2013).

<sup>9</sup> See Comments of John B. Lowell, WC Docket No. 13-192 (filed Aug. 26, 2013).



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The Commission normally will authorize a discontinuance of voice 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.<sup>10</sup> Here, there are ample alternatives for affected customers—including voice and broadband service from multiple facilities-based providers as well as over the top VoIP services—and RMVDDS has taken active steps to assist customers that raised timely concerns regarding the discontinuance of service. As such, RMVDDS respectfully submits that the application should be automatically granted and RMVDDS be permitted to discontinue service on or after September 1, 2013, consistent with the timeline set out by the Commission.<sup>11</sup>

Best regards,

/s/ Wayne D. Johnsen

Wayne D. Johnsen  
M. Ethan Lucarelli  
Wiley Rein LLP  
*Counsel to RMVDDS, LLC*

cc: Rodney McDonald, Wireline Competition Bureau  
Carmell Weathers, Wireline Competition Bureau

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<sup>10</sup> 47 C.F.R. § 63.71.

<sup>11</sup> See *Comments Invited On Application Of RMVDDS, LLC D/B/A OMGFAST To Discontinue Interconnected VoIP Services*, WC Docket No. 13-192, Public Notice, DA 13-1693 (rel. Aug. 1, 2013).