



# PUBLIC NOTICE

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

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**DA 00-2693**

**November 29, 2000**

## **COMMENTS INVITED ON APPLICATION OF GST TELECOMMUNICATIONS, INC. AND ITS SUBSIDIARIES TO DISCONTINUE DOMESTIC SERVICES**

**NSD File No. W-P-D-472**

### **Section 214 Application**

**Applicant: GST TELECOMMUNICATIONS, INC.**

On November 14, 2000, GST Telecommunications, Inc. and its subsidiaries ("GST" or "Applicant") filed an application requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Federal Communications Commission's rules, 47 C.F.R. § 63.71, to discontinue provision of certain U.S. domestic telecommunications services with respect to its customers and assets acquired by Time Warner Telecom Inc. ("Time Warner Telecom") on or about December 15, 2000 ("Application").

GST's application states that on May 17, 2000, GST filed for protection under Chapter 11 of the U.S. Bankruptcy Laws in the U.S. Bankruptcy Court for the District of Delaware and received approval to proceed with open bidding for the auction of substantially all of GST's assets. The auction was conducted between August 22 – 25, 2000, and Time Warner Telecom's bid to acquire most of GST's assets was successful. At the completion of the auction process, GST received approval to proceed toward a sale of the assets to Time Warner Telecom. GST and Time Warner Telecom have entered into an Asset Purchase Agreement (the "Agreement"), which was approved by the Bankruptcy Court. Pursuant to the Agreement, Time Warner Telecom will acquire certain assets associated with GST's telecommunications operations, including telecommunications equipment, portions of GST's customer base, and the federal and state certifications authorizing those operations.

Accordingly, GST seeks authority to discontinue providing U.S. domestic local, long distance and data/Internet services on or about December 15, 2000, to the former GST customers Time Warner Telecom will serve. In addition, GST seeks authority to discontinue providing Frame Relay, ISDN, DSL, Conference Calling and Basic Business Line services (with monthly billing less than \$400) to the GST customers being transferred to Time Warner Telecom, and notes that these services will not be provided by Time Warner telecom.

The application states that Time Warner Telecom does not plan to take over all of GST's assets and customer accounts. GST will continue to hold certain assets in Hawaii. In addition, GST will continue to provide the following services to the customers not acquired by Time Warner Telecom until it can find a buyer to purchase these customer accounts: stand alone long distance, Centrex, Centrex resale, business line resale, GST Home (bundled cable/telephony), paging, CPE Maintenance, stand alone calling card service, tandem services, hospitality (operator services) and customer agreement with awareness.<sup>1</sup>

The application states that, in letters distributed November 3 and November 6-10, 2000, GST provided the notice to affected customers required by section 63.71(a) of the Commission's regulation, 47 C.F.R. § 63.71(a). GST certifies that, concurrent with the filing of this Application, GST is submitting a copy of its Application to the Secretary of Defense and the Governor and Public Utilities Commission of each state in which the discontinuance is proposed, in accordance with section 214(b) of the Act, 47 U.S.C. § 214(b), and section 63.71(a) of the Commission's regulation, 47 C.F.R. § 63.71(a). The application also states that GST is regulated as a non-dominant carrier with respect to each domestic telecommunications service for which it seeks discontinuance authority.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the 31st day after the release date of this notice without any Commission notification to the applicant, unless the Commission has notified the applicant that the grant will not be automatically effective. The FCC will normally 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 is otherwise adversely affected.

Comments objecting to this application must be filed with the Commission by **December 6, 2000**. Such comments should refer to application file number **W-P-D-472**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two copies of the comments should also be sent to the Network Services Division, 445 12th Street, SW, Room 6-A207, Washington, DC 20554.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. The application may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20<sup>TH</sup> Street, NW, Washington, DC 20036, telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [cweather@fcc.gov](mailto:cweather@fcc.gov), or Marty Schwimmer, (202) 418-2320 (voice), [mschwimm@fcc.gov](mailto:mschwimm@fcc.gov), of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

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<sup>1</sup> The application states that, if GST cannot find a buyer, it may be forced to discontinue these services as well. Once GST secures a buyer to take over its other active customer accounts, or determines that no buyer will be forthcoming, GST will file another application Commission to discontinue providing domestic telecommunications services with respect to those services.

For further information on Section 214s please visit our web site at:  
<http://www.fcc.gov/ccb/nsd/documents/214.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**