



PUBLIC NOTICE

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

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
TTY 202 / 418-2555

DA 01-1061
April 24, 2001

COMMENTS INVITED ON GST TELECOMMUNICATIONS, INC. APPLICATION TO DISCONTINUE DOMESTIC SERVICES IN NEW MEXICO

NSD File No. W-P-D-489

Section 214 Application

Applicant: GST Telecommunications, Inc. and its Subsidiaries

On March 20, 2001, 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 the provision of certain U.S. domestic telecommunications services with respect to its customers and assets acquired by Comcast Cablevision of New Mexico, Inc. ("Comcast").

The application states that, on May 17, 2000, GST filed for protection under Chapter 11 of the U.S. Bankruptcy Code in the U.S. District Court for the District of Delaware ("Bankruptcy Court"). GST received Bankruptcy Court approval to proceed with an open bidding procedure for the auction of substantially all of GST's assets. The auction was conducted between August 22 and 25, 2000, and Time Warner Telecom Inc.'s ("TWT") bid to acquire most of GST's assets was successful. On August 25, 2000, at the completion of the auction process, GST appeared before the Bankruptcy Court and received approval to proceed with a sale of assets to TWT. TWT acquired certain assets associated with GST's telecommunications operations, including telecommunications equipment, portions of GST's customer base, and Federal and certain State certifications. TWT, however, did not acquire all of GST's assets and customer accounts, including some in New Mexico.

The application states that on February 22, 2001, the Bankruptcy Court approved an Asset Purchase Agreement between GST and Comcast for the sale of GST's New Mexico telecommunications business. Pursuant to the Agreement, among other things, Comcast will acquire certain assets associated with GST's telecommunications operations, including telecommunications equipment, and portions of GST's customer base in New Mexico. The application states, however, that Comcast does not plan to take over all of GST's assets and customer accounts in New Mexico. Comcast will not provide local or long distance telephone service. Accordingly, GST has advised its New Mexico customers that they need to arrange to have local and long distance telephone services transferred to another service provider.

The Application states that GST seeks authority to discontinue providing telecommunications services to the former GST customers in New Mexico on or about April 9, 2001, the parties anticipated closing date, to enable a quick transition of GST's business and customers to Comcast and an expeditious resolution of the GST bankruptcy proceeding. The application states that the Applicant provided its affected customers notification letters on March 8, 2001.

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 **May 8, 2001**. Comments should refer to application file number **W-P-D-489**. 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 20th 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, or Marty Schwimmer (202) 418-2320 (voice), or mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on Section 214s please visit our web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

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