



PUBLIC NOTICE

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DA 01-1448
June 18, 2001

TIME WARNER TELECOM INC. DISCONTINUANCE OF SERVICE

NSD File No. W-P-D-493

Section 214 Application

Applicant: Time Warner Telecom, Inc.

On May 16, 2001, Time Warner Telecom Inc. (Time Warner) 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 (Commission) rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic services to approximately 500 customers formerly served by GST Telecommunications, Inc. (GST), in Arizona, California, Colorado, Idaho, New Mexico, New York, Ohio, Oregon, Texas, Utah, Virginia, Washington, and Wyoming.

The application states that Time Warner acquired substantially all of the assets of GST on January 10, 2001, pursuant to a sale approved by the United States Bankruptcy Court for the District of Delaware.¹ The application also states that the Bankruptcy Court afforded the parties 120 days to designate which customer connection arrangements and which customer contracts would be assumed by Time Warner and which would be considered to be Excluded Contracts. After Time Warner completed its review of customer contracts, it notified certain former GST customers in writing by letter dated April 2, 2001, in accordance with the notice requirements of section 63.71(a)(5)(i), that it would not be serving those customers and that it would terminate service to those customers on May 12, 2001. Following receipt of the April 2, 2001 notice from Time Warner, some customers contacted the Commission to protest disconnection of their services.²

¹ GST had been granted authority to discontinue service to its customers, effective December 30, 2000. *Comments Invited On Application Of GST Telecommunications, Inc. And Its Subsidiaries To Discontinue Domestic Services*, Public Notice, DA 00-472 (Com. Car. Bur. rel. Nov. 29, 2000).

² In response to Time Warner's April 2, 2001 notice, the Commission's Common Carrier Bureau and Consumer Information Bureau received inquiries and objections from Schaumann Communications Services, Inc. (CA), Vista Voice and Data, Inc. (AZ), Radisson Hotel Santa Barbara (CA), and The Gallery Golf Club (AZ).

The application states that service to customers was not terminated on May 12, 2001, as initially proposed. The application further states that Time Warner will engage in a "soft disconnect" for three days (that is, switches will be programmed not to originate or terminate calls but can be reprogrammed to resume service), that Time Warner commits to working with any additional customers who may report service disruption during the soft disconnect period to provide adequate opportunity to make arrangements for alternative service, and that no customer's ability to obtain service will be impeded by Time Warner. Subsequently, Time Warner provided a contact person for all customers who responded to the April 2, 2001 notice, and those customers have obtained service from an alternative provider or have been assured of continued service by Time Warner until they obtained service from an alternative provider.³

Under section 63.71(c) of the Commission's rules, an application to discontinue service is automatically granted on the 31st day after the release date of this notice without any Commission notification to the applicant, unless prior to that date the Commission has notified the applicant that the grant will not be automatically effective. The application includes a request for waiver of the 31-day requirement. The Commission normally authorizes 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. In this instance, as described above, customers have received more than 40 days advance written notice and have obtained alternative service, and Time Warner is taking additional steps to further assure that service will not be discontinued to any customer. It is apparent that this application would have been automatically granted by now if it had been filed when Time Warner provided written notice to its customers, on April 2, 2001. Accordingly, the applicant is hereby notified that its application is granted, effective on the date of release of this notice.

The application is 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. A copy of 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), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit the Network Services Division web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

-FEDERAL COMMUNICATIONS COMMISSION-

³ Time Warner's counsel has confirmed that Time Warner has attempted to reach all affected customers by telephone, that it has been successful in reaching all but 6 customers, and that only those 6 customers are scheduled for "soft disconnection." All other customers either will remain Time Warner customers and continue to receive service from Time Warner (168 customers), or have received temporary extensions of service from Time Warner for mutually agreed upon durations to afford them additional time to make service arrangements with other carriers (286 customers).