



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1586
July 5, 2001

COMMENTS INVITED ON TELIGENT, INC., AND ITS DOMESTIC SUBSIDIARIES' APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

NSD File No. W-P-D-502

Comments Due: July 18, 2001

Section 214 Application

Applicant: Teligent, Inc., and Its Domestic Subsidiaries

On June 15, 2001, Teligent, Inc., and its domestic subsidiaries (Teligent or Applicant), located at 8065 Leesburg Pike, Suite 400, Vienna, VA 22182, 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 (FCC or Commission) rules, 47 C.F.R. § 63.71, to discontinue its domestic telecommunications services to some of its markets.¹ On June 27, 2001, Applicant sent its affected customers written notice, as required under section 63.71(a)(5)(i).² This Public Notice pertains to only those customers who received the June 27th notice.

¹ On June 26 and June 29, 2001, Applicant filed supplements to the application, requesting two (2) separate Public Notices for its Section 63.71 Application. Applicant states that on June 27, 2001, it only provided notice to those customers to whom it knew it would no longer be able to provide service. As for the remaining, potentially affected customers, Teligent indicates that it will provide them notice no later than July 25, 2001. Applicant has been notified that it must submit further certification that it has sent written notice to all of its customers in accordance with section 63.71(a)(5)(i) before the application may be deemed complete as to the potentially affected customers.

² Applicant explains that it would have also included section 63.71(a)(5)(i)'s required language in several earlier notices, but it failed to realize that the Commission's jurisdiction applied. Teligent states that it has sent affected customers four notification letters. The application indicates that on or about May 21, 2001, Teligent sent written notice to its customers that it had filed for Chapter 11 bankruptcy, stating that if any of its services would be subsequently affected, Teligent would provide customers with at least thirty (30) days notice in order to give them adequate time to find another service provider. Teligent states that on or about May 23, 2001, it sent the affected customers notice via Federal Express that it would be terminating their service. Teligent states that on June 7, 2001, it sent a follow up letter urging these same customers to make arrangements for finding an alternative service provider. On June 13, 2001, Teligent explains that it sent a final reminder that it intended to discontinue service.

The application indicates that the financial market's recent economic downturn caused Teligent to restructure its operations and workforce, and ultimately to file for protection under Chapter 11 of the U.S. Bankruptcy Code. On May 21, 2001, Applicant explains that it filed for this protection in the U.S. Bankruptcy Court for the Southern District of New York. Applicant also explains these recent developments have affected Teligent's ability to maintain facilities in certain customer buildings. Teligent notes that when it initially began providing local service approximately three (3) years ago, it recognized the need for landlord acquiescence, among other things, for its continued ability to place facilities on/in buildings. As a result, Teligent explains that it includes, among other things, a provision in each of its state and federal tariffs indicating that its provision of service is subject to the availability of necessary facilities, including the consent of the building owner. Teligent also explains that it includes this language in each of its Customer Service Agreements that all Teligent Customers sign prior to ordering any services, even those pursuant to tariff. *See e.g.*, Teligent Services, Inc. Tariff FCC No. 2, Page 14, Section 3.2.1; Teligent Services, Inc. Florida Price List No. 1, Sheet 14, Section 2.3.1.

Furthermore, Applicant states that it has been diligently working with affected customers to help them transition to new service providers. It explains that it has been working with other carriers to expediate order provisioning for its customers where necessary. Teligent indicates that it has been willing to honor, whenever possible, requests for an extension of the disconnection date in order to avoid service interruption. For example, it explains in its June 26th supplement, it has extended the disconnect deadline to July 19, 2001, in order to accommodate customers needing more time to transition their service.³

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified 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 **July 18, 2001**. Such comments should refer to application file number **W-P-D-502**. 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 (2) copies of the comments should also be sent to the Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554; Attention: Al McCloud.

The application will be available for review and copying during regular business hours at

³ Teligent's responsible action conforms with what the Commission had hoped would occur after it issued the Public Notice in DA 01-1257, wherein it directed "ILECs, CLECs and IXC's [to] develop and communicate to all affected parties clearly stated policies on how to quickly and efficiently handle customer transfers in a manner that is minimally disruptive to end users." *Requirements for Carriers to Obtain Authority Before Discontinuing Service in Emergencies and Northpoint Communications, Inc. Authority to Discontinue Service*, NDS File No. W-P-D-488, DA 01-1257, May 22, 2001.

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 Al McCloud, (202) 418-2499 (voice), amccloud@fcc.gov, or Jon Minkoff (202) 418-2353 (voice), jminkoff@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>.

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