



PUBLIC NOTICE

Federal Communications Commission
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July 5, 2001

COMMENTS INVITED ON THE APPLICATION OF PATHNET, INC AND PATHNET OPERATING, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

NSD File No. W-P-D-503

Comments Due: July 29, 2001

Section 214 Application

Applicants: Pathnet, Inc.
Pathnet Operating, Inc.

On June 29, 2001, Pathnet, Inc. and Pathnet Operating, Inc. (Pathnet or Applicants), each located at 11720 Sunrise Valley Drive, Reston, Virginia 20191, collectively 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 their domestic telecommunications services.

The application indicates that Pathnet, Inc. is a Delaware corporation formed on August 25, 1995. Applicants explain that Pathnet, Inc. provides wholesale telecommunications services by utilizing a high-capacity, digital, microwave network. Applicants explain further that Pathnet Operating, Inc. was formed on April 6, 2000, to facilitate vendor financing arrangements and to add fiber optic routes to Pathnet Inc's network. Applicants state that they provide competitive, non-dominant, common carrier services. More specifically, they provide on a wholesale basis, both dedicated private line services and primary rate ISDN dial-up services to other carriers, telecommunications service providers, and Internet service providers. Applicants seek to discontinue these services in the following states: Colorado, Idaho, Illinois, Indiana, Iowa, Louisiana, Missouri, Montana, Nebraska, New Mexico, Ohio, Oregon, South Dakota, Texas, and Wyoming.

The application provides that on April 2, 2001, Applicants parent company, Pathnet Telecommunications, Inc., and four of its subsidiaries (including Pathnet, Inc. and Pathnet Operating, Inc.) filed for Chapter 11 Bankruptcy protection. The application states that subsequent to the bankruptcy filing, these Pathnet companies continued to operate their

business and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The application states that Pathnet filed for Chapter 11 protection because, despite its diligent efforts, it was unable to obtain sufficient capital to while it completed its network and introduced new services. The application further states that during the bankruptcy proceeding, it became clear that the Pathnet's only viable option was to sell the company; however, negotiations with a potential purchaser broke down. As a result, Pathnet had no choice but to shut down its network.

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 notifies Applicants 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 26, 2001**. Such comments should refer to application file number **W-P-D-503**. 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, 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 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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