



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 01-1617
July 9, 2001

COMMENTS INVITED ON CABLE & WIRELESS USA, INC. APPLICATION TO DISCONTINUE DOMESTIC SERVICES

NSD File No. W-P-D-499
Comments Due: July 23, 2001

Section 214 Application

Applicant: Cable & Wireless USA, Inc.

On June 1, 2001, Cable & Wireless USA, Inc. (Cable & Wireless or Applicant), located at 8219 Leesburg Pike, Vienna, VA 22192, 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 providing resold local exchange services in the states of California, Connecticut and New York.

The application indicates that Cable & Wireless is a global telecommunications carrier focused on providing global, high-performance Internet Protocol (IP) and data services to business customers. Applicant has customers in over seventy (70) countries, offering a full range of telecommunications services. Applicant states that it received state authority to provide local exchange services in California, Connecticut and New York on February 23, 1996, November 29, 1995, and February 27, 1995, respectively. Since receiving authority, Applicant has served predominantly small and medium-sized business customers. Currently, Cable & Wireless provides resold local exchange service to customers in these states. All local resold services are provided according to Applicant's intrastate tariffs.

Applicant states that it intends to continue providing interexchange and intraLATA long distance services to both existing and new customers in California, Connecticut and New York, once it is authorized to discontinue providing local exchange services. Applicant asserts that it is in a strong financial position to ensure that its current customers are seamlessly transitioned to another local service provider. Specifically, Cable & Wireless states that it is committed to actively supervising the transition of its local resale customers to another provider of their choice.

Towards this end, Applicant explains that it has developed a comprehensive, three-step customer notification plan. Cable & Wireless states that it provided its customers initial written notice concurrently with its filing of this application, on June 1, 2001. This first notice informs the customers of the proposed discontinuance, as required by section 63.71. Moreover, Cable &

Wireless states that it does not intend to sell its customer base to any particular local service provider, and that customers have the freedom to select their own new service provider. According to the application, customers will be provided access to applicant's toll-free, customer assistance number for purposes of addressing any questions or concerns.

The application states that the follow-up notifications will be timed to continually remind customers of the upcoming discontinuance. The second notification will be sent to customers thirty (30) days after the initial letter. The third letter will be sent two (2) weeks before the discontinuance as a final reminder. One (1) week before the discontinuance, Cable & Wireless states that it will follow-up verbally with individual customers who have not chosen a new local service provider in order to personally assist in the transition.¹

The application also states that Cable & Wireless intends to discontinue providing local resale service to customers in California, Connecticut and New York, as soon as it has satisfied the requisite regulatory procedures established by those states' regulatory agencies. Based on the states' discontinuance requirements, Cable & Wireless estimates that it will receive authority to discontinue local service in these states by August 17, 2001.

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 23, 2001**. Such comments should refer to application file number **W-P-D-499**. 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 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 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

¹ The commendable efforts which Cable & Wireless plans to undergo to provide its customers notice and assistance conforms with what the Commission had hoped would occur after it issued the Public Notice in DA 01-1257, wherein it directed "carriers, and the industry as a whole, to develop systematic and effective approaches for ensuring that customers are given sufficient notice before their service is scheduled to be discontinued in the future. Adequate notice is necessary for customers to obtain the same or comparable services from alternate sources." *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.

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/ceb/nsd/documents/214.html>.

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