



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1917
August 10, 2001

COMMENTS INVITED ON ONSITE ACCESS LOCAL, LLC APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

NSD File No. W-P-D-513

Comments Due: August 24, 2001

Section 214 Application

Applicant: OnSite Access Local, LLC

On July 18, 2001, OnSite Access Local, LLC (OnSite or Applicant), located at 1372 Broadway, Second Floor, New York, NY 10018, 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 U.S. domestic telecommunications services. Specifically, OnSite seeks to terminate its local, long distance, intrastate toll, and data services in the following states: Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Utah, Virginia, and Washington.

The application indicates that due to financial distress, Applicant has filed for bankruptcy protection. According to the application, OnSite intends to transfer its customers to Focal Communications, Inc. (Focal) and eLink Communications, Inc. (eLink), or another such carrier as approved by the Bankruptcy Court. OnSite states that it entered into a letter of intent wherein eLink proposes to purchase substantially all of OnSite's contract rights, customer lists and equipment located in the state of New York, and a portion of similar assets in the District of Columbia, Maryland, and Virginia. Similarly, Applicant explains that it is presently in negotiations with Focal to transfer all remaining voice customers not included with eLink's proposal.¹

The application states that at the conclusion of the auction, OnSite will sell substantially

¹ The application reports that the Bankruptcy Court ordered that the auction be held on July 9, 2001, and that at a hearing held on July 12, 2001, the Court approved Focal and eLink as the winning bidders of the auction. Applicant notes, however, that an appeal by another bidder may be filed to reopen the auction process.

all of its contracts, customers and operations to successful bidders. Applicant explains that successful bidders will be required to sign an asset purchase agreement and related agreements to ensure the continued provision of services to OnSite customers, the completion of the transaction, and the seamless transition of its customers to the purchaser.

The application further states that OnSite is undertaking a comprehensive customer notification initiative that is aimed at providing its customers with sufficient notice and opportunity to select another provider and minimize service interruptions. Applicant states that it recognizes that some of its customers may fail to select a new carrier by its planned withdrawal date. Applicant explains that in such situations, it will enter into discussions with its underlying carriers to transition these customers from OnSite to avoid having subscribers unnecessarily disconnected.

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 **August 24, 2001**. Such comments should refer to application file number **W-P-D-513**. 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: Carmell Weathers. Commenters are also requested to provide one (1) copy to the Applicant.

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 Carmell Weathers, (202) 418-2325 (voice), cweathers@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>.

-FEDERAL COMMUNICATIONS COMMISSION-