



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 01-2009**  
**August 24, 2001**

## **COMMENTS INVITED ON RHYTHMS LINKS INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**NSD File No. W-P-D-517**

**Comments Due: September 7, 2001**

### **Section 214 Application** **Applicant: Rhythms Links Inc.**

On August 10, 2001, **Rhythms Links Inc.** (Rhythms Links or Applicant), located at **9100 East Mineral Circle, Englewood, CO 80112**, 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 in all fifty (50) states.

The application indicates that Rhythms Links is a wholly-owned subsidiary of Rhythms NetConnections Inc. (Rhythms). Applicant explains that Rhythms provides high-speed broadband services, primarily using Digital Subscriber Line (DSL) technology, and that telecommunications services for Rhythms is provided by Rhythms Links.

The application states that Rhythms' ability to provide service became strained primarily due to its reduced access to capital. On August 2, 2001, Rhythms states that it publicly announced that it had filed for reorganization under Chapter 11 of the U.S. Bankruptcy Code in the Southern District of New York. Rhythms explains that in a press release published nationwide and posted on its website, it clearly outlined its intent to discontinue service in the event that reorganization was not possible. Rhythms states that it has diligently pursued alternative means to develop long-term business solutions, but despite these efforts, it must cease providing service. The application indicates on August 9, 2001, Rhythms Links sent overnight-delivery notice of the proposed discontinuance to its affected customers. Applicant further states that on August 10, 2001, it issued a national press release, notifying the public of its proposed discontinuance.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be

automatically granted on the thirty-first (31<sup>st</sup>) 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.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200 - 1.1206. Comments objecting to this application must be filed with the Commission by **September 7, 2001**. Such comments should refer to application file number **W-P-D-517**. 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 12<sup>th</sup> 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 12<sup>th</sup> Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. One (1) copy should also be provided to Applicant.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> 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 20<sup>th</sup> 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](mailto:cweather@fcc.gov), or Jon Minkoff (202) 418-2353 (voice), [jminkoff@fcc.gov](mailto: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-**