



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2196
September 19, 2001

**BROADRIVER COMMUNICATIONS COMPANY AND ITS WHOLLY OWNED
SUBSIDIARIES APPLICATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

NSD File No. W-P-D-524

COMMENTS DUE: October 3, 2001

Section 214 Application

**Applicant: BroadRiver Communications Company and Its Wholly Owned
Subsidiaries**

On **September 13, 2001**, **BroadRiver Communications Company** (BroadRiver or Applicant) and its wholly owned subsidiaries, located at **13000 Deerfield Parkway, Suite 210, Alpharetta, GA 30004**, jointly filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its domestic telecommunications services. Specifically, Applicant seeks authority to discontinue providing local, long distance, and international service in the states of Tennessee, Georgia, and Florida.

The application indicates that Applicant seeks discontinuance authority due to its inability to obtain financing. BroadRiver explains that by the middle of July, it had expended its "raised funds," and that for approximately one month, it has subsisted on short-term investor loans. As of August 21, 2001, however, BroadRiver states that its investors have refused to provide it any more capital.

Applicant states that on July 13, 2001, it provided its Florida customers notice of its proposed discontinuance, effective August 13, 2001. Applicant states that on July 31, 2001, it provided its Tennessee customers notice of its proposed discontinuance, effective August 31, 2001. Applicant states further, that on August 3, 2001, it provided its Georgia customers notice that on or before September 1, 2001, it was transferring their service to Cbeyond Communications, LLC. BroadRiver explains, however, that on August 22, 2001, Cbeyond informed BroadRiver that it would not accept any of the Georgia customer transfers. According to the application, Applicant then notified its Georgia customers on

August 24, 2001 that they would lose their service on August 31, 2001. Applicant states that it provided written notice, pursuant to section 63.71(a)(5)(i), to their affected customers on August 28, 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.¹ Comments objecting to this application must be filed with the Commission by **October 3, 2001**. Such comments should refer to application file number **W-P-D-524**. 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. Comments should also be served upon 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, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@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-

¹ See generally 47 C.F.R. §§ 1.1200 - 1.1216.