



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2637
November 9, 2001

COMMENTS INVITED ON INTERNET COMMERCE AND COMMUNICATIONS, INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

NSD File No. W-P-D-538

Comments Due: November 23, 2001

Section 214 Application

Applicant: Internet Commerce and Communications, Inc.

On **November 9, 2001**, **Internet Commerce and Communications, Inc.** (ICC or Applicant), located at **7100 East Belleview, Greenwood Village, CO 80111**, 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.

The application indicates that ICC seeks to discontinue providing telecommunications services, namely frame relay and dedicated internet access services, in all states in which it serves customers, namely Alabama, Arizona, Colorado, Florida, Illinois, Iowa, Kansas, Michigan, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. ICC states that on July 31, 2001, it filed for Chapter 11 bankruptcy protection, and that it entered into a bankruptcy court-approved asset purchase agreement (Agreement) on October 30, 2001, with an unaffiliated company, ICC Speed Cell, LLC (ICC Speed Cell). According to the application, the Agreement provides that ICC Speed Cell would acquire certain assets of ICC, including part, but not all, of ICC's customer base. ICC explains that on November 8, 2001, it provided notice via email to the customers identified in Attachment A to the application. Applicant also states that written notice of the discontinuance was sent to those customers on November 9, 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 **November 23, 2001**. Such comments should refer to application file number **W-P-D-538**. 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.