



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2688
November 16, 2001

**COMMENTS INVITED ON BROADSLATE NETWORKS OF OHIO, INC.,
BROADSLATE NETWORKS OF KENTUCKY, AND CARDINAL
COMMUNICATIONS OF PENNSYLVANIA, INC. d/b/a BROADSLATE
NETWORKS OF PENNSYLVANIA, INC. APPLICATION TO DISCONTINUE
DOMESTIC TELECOMMUNICATIONS SERVICES**

NSD File No. W-P-D-536

Comments Due: November 30, 2001

Section 214 Application

Applicants: Broadslate Networks of Ohio, Inc.
Broadslate Networks of Kentucky, Inc.
Cardinal Communications of Pennsylvania, Inc. d/b/a/ Broadslate
Networks of Pennsylvania, Inc.

On **October 29, 2001**, **Broadslate Networks of Ohio, Inc.** (Broadslate-OH), **Broadslate Networks of Kentucky, Inc.** (Broadslate-KY), and **Cardinal Communications of Pennsylvania, Inc. d/b/a/ Broadslate Networks of Pennsylvania, Inc.** (Broadslate-PA) (collectively Applicants), all located at **630 Peter Jefferson Parkway, Suite 300, Charlottesville, VA 22911**, 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.

Applicants state that they are wholly-owned subsidiaries of Broadslate Networks, Inc. (Broadslate), and that they provide broadband services to small and medium-sized businesses. They further state that they neither provide voice services nor do they serve any residential customers. Applicants seek to discontinue providing broadband services in the following cities: Cincinnati, OH; Dayton, OH; Lexington, KY; Covington, KY; Florence, KY; Ft. Thomas, KY; Lakeside Park, KY; Allentown, PA; West Philadelphia, PA; and York, PA. According to the application, discontinuance is sought because Applicants have failed to achieve their financial goals due to the current economic

climate.

Applicants state that notification letters were sent to their affected customers on October 23, 2001, via overnight delivery. The application also states that Broadslate-OH and Broadslate-KY have entered into a joint agreement with NuVox Communications, Inc. (NuVox), to transition its customers to NuVox's network.¹ Similarly, the application states that Broadslate-PA has entered into an agreement with Network Access Solutions Corp. (NAS), to transition their customers to NAS' network. Applicants indicate that they will migrate the majority of their customers to either NuVox's or NAS' networks on or before November 30, 2001. Applicants explain that they are actively working with NuVox and NAS to ensure that comparable service is provided to the discontinued customers as expeditiously as possible.

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.² Comments objecting to this application must be filed with the Commission by **November 30, 2001**. Such comments should refer to application file number **W-P-D-536**. 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.

¹Applicants state that seven (7) customers served from the Sprint central offices in Lebanon and Mason, Ohio, are excluded from this agreement.

²See generally 47 C.F.R. §§ 1.1200 - 1.1216.

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>.

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