



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2895
December 13, 2001

COMMENTS INVITED ON LIGHTYEAR COMMUNICATIONS, INC.
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES

NSD File No. W-P-D-541

Comments Due: December 27, 2001

Section 214 Application

Applicant: Lightyear Communications, Inc.

On **November 6, 2001**, **Lightyear Communications, Inc.** (Lightyear or Applicant), located at **1901 Eastpoint Parkway, Louisville, KY 40223**, 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 Lightyear seeks authority to discontinue providing its SmartStream service. Applicant explains that SmartStream provides integrated communications services packages over a single T-1 access line, and that the service was designed for use by business customers. Lightyear states that SmartStream service includes long distance, Internet access, web hosting, and e-mail. Lightyear also explains that it seeks to discontinue this service because it is currently realigning its business operations to assure efficiency and profitability.

Lightyear states that the proposed discontinuance will affect less than one percent (1%) of its customer base (approximately 300 business customers). According to Applicant, the following areas will be affected by the proposed discontinuance: Arizona, California, Colorado, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and Washington.

Lightyear states that it has developed a customer notification and transfer plan that is intended to provide the greatest opportunity for customer awareness and the informed exercise of customer choice with no disruption in service. Applicant explains

that its affected customers will receive adequate written notices, and that it will inform them of the need to elect either a new service provider or an alternative Lightyear product. Lightyear also warrants that in compliance with Commission rules, it will provide its affected customers with the required notice.¹

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 **December 27, 2001**. Such comments should refer to application file number **W-P-D-541**. 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. All comments should also be faxed to the FCC at (202) 418-2345, Attention: Jon Minkoff. Comments should 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 47 C.F.R. § 63.71(a)(5)(i).

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