



# PUBLIC NOTICE

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

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**DA 01-2917**  
**December 14, 2001**

**COMMENTS INVITED ON TELERGY NETWORK SERVICES, INC., TELERGY METRO, LLC, AND TELERGY CENTRAL, LLC JOINT APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**NSD File No. W-P-D-547**

**Comments Due: December 28, 2001**

**Section 214 Application**

**Applicants: Telergy Network Services, Inc., Telergy Metro, LLC, and Telergy Central, LLC**

On **December 11, 2001**, **Telergy Network Services, Inc., Telergy Metro, LLC, and Telergy Central, LLC**, (Telergy carriers or Applicants) located at **One Telergy Parkway, East Syracuse, NY 13057**, 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.

The application indicates that the Telergy carriers seek authority to discontinue providing local, long distance, international, switched access, DSL, private line, and Internet access services. Applicants explain that due to financial and other constraints caused by current telecommunications market conditions, they decided in September to re-focus their business plan. The application states that despite these efforts, Applicants' financial condition continued to deteriorate, and, consequently, the Telergy carriers and their parent companies (Telergy Operating, Inc. and Telergy, Inc.) filed for bankruptcy protection on October 26, 2001, in the U.S. Bankruptcy Court for the Northern District of New York.

Applicants state that approximately four thousand five hundred (4,500) business customers will be affected by their proposed discontinuance. Although the application indicates that most of their customers are located in the state of New York, Applicants explain that they also have customers of their resold long distance service in the states of Connecticut, Florida, Illinois, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode

Island, and Texas.<sup>1</sup> The Telergy carriers also state that they have approximately six (6) carrier customers that purchase finished services, nineteen (19) carrier and twelve (12) non-carrier dark fiber customers, and four (4) non-carrier private line customers.

Applicants state that they are providing affected customers with a contact phone number, and with information about the discontinuance and the need to elect another local and/or long distance service provider, as well as verbal communications for customers who fail to elect a service provider within the designated time frame. The application also indicates that Applicants are providing written notice to their customers, as required by Commission rules.<sup>2</sup>

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.<sup>3</sup> Comments objecting to this application must be filed with the Commission by **December 31, 2001**. Such comments should refer to application file number **W-P-D-547**. 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. 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 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, Qualex International, Portals II, 445 12<sup>th</sup> 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](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

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<sup>1</sup> The application states that the Telergy carriers are authorized to provide local and long distance intrastate services on either a resale or facilities-based basis in forty-six (46) states.

<sup>2</sup> See 47 C.F.R. § 63.71(a)(5)(i).

<sup>3</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.

Division web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**