



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2971
December 19, 2001

COMMENTS INVITED ON NET2000 COMMUNICATIONS SERVICES, INC.
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES

NSD File No. W-P-D-550

Comments Due: January 4, 2002

Section 214 Application

Applicant: Net2000 Communications Services, Inc.

On **December 6, 2001**, **Net2000 Communications Services, Inc.** (Net2000 or Applicant), located at **2180 Fox Mill Road, Herndon, VA 20171**, 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. On **December 17, 2001**, Applicant filed a supplement.

According to the application, Applicant seeks to discontinue service to its customers in Virginia, Maryland, the District of Columbia, New York, New Jersey, Massachusetts, and Rhode Island. However, Net2000 explains that it provided notice of the proposed discontinuance only to its customers in Virginia, Maryland, and the District of Columbia. Accordingly, the Commission's public notice about the discontinuance application was effective as to only the customers who actually received notice.¹ On December 17, 2001, Applicant filed a supplement, wherein it certified that it had provided the Commission's required notice² to its customers in New York, New Jersey, Massachusetts, and Rhode Island.

The application indicates that Net2000 seeks authority to discontinue providing facilities-based and resold local and long distance telecommunications services, as well as data, interactive video and Internet services. In its application, Net2000 explains that on

¹ See *Comments Invited on Net2000 Communications Services, Inc. Application to Discontinue Domestic Telecommunications Services*, Public Notice, DA 01-2897, NSD File No. W-P-D-545 (rel. December 13, 2001).

² See 47 C.F.R. § 63.71(a)(5)(i).

November 16, 2001, its parent corporation, Net2000 Communications, Inc., filed a petition pursuant to Chapter 11 of the U.S. Bankruptcy Code, seeking the protection of the U.S. Bankruptcy Court for Delaware. Applicant states that pursuant to the terms of an asset purchase agreement, Cavalier Telephone, LLC (Cavalier) would acquire substantially all the assets of Net2000 used in providing telecommunications services, including all of its customer accounts. Applicant also states that this transaction, subject to approval by the bankruptcy Court and various regulatory bodies, would allow a Net2000's customers to seamlessly become Cavalier customers. Net2000 explains that although approval of the asset purchase agreement is anticipated it remains possible that Net2000's assets could be awarded to an alternate bidder or that such assets will be sold on a piecemeal basis.

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.³ Comments objecting to this application must be filed with the Commission by **January 4, 2002**. Such comments should refer to application file number **W-P-D-550**. 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-

³ See generally 47 C.F.R. §§ 1.1200 - 1.1216.