



PUBLIC NOTICE

Federal Communications Commission
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DA 01-569
March 5, 2001

COMMENTS INVITED ON APPLICATION OF GST TELECOMMUNICATIONS, INC. AND ITS SUBSIDIARIES TO DISCONTINUE DOMESTIC SERVICES

NSD File No. W-P-D-484

Section 214 Application

Applicant: GST Telecommunications, Inc. and its Subsidiaries

On January 31, 2001, GST Telecommunications, Inc. and its subsidiaries¹ ("GST" or "Applicant") filed an application requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Federal Communications Commission's rules, 47 C.F.R. § 63.71, to discontinue providing the following U.S. domestic telecommunications services on the following dates: GST Home (cable, long distance and local services) in Arizona and Utah on or about February 26, 2001; Centrex (local service and enhanced business features) and Centrex Resale in Idaho, New Mexico and Oregon on or about March 13, 2001, and in California and Washington on or about March 19, 2001; Hospitality (operator and long distance service) on or about February 26, 2001; and dedicated long distance service on or about March 8, 2001.

The application states that on May 17, 2000, GST filed for protection under Chapter 11 of the U.S. Bankruptcy Laws in the U.S. Bankruptcy Court for the District of Delaware. GST received Bankruptcy Court approval to proceed with an open bidding procedure for the auction of substantially all of GST's assets. The auction was conducted between August 22 and 25, 2000, and Time Warner Telecom Inc.'s ("TWT") bid to acquire most of GST's assets was successful. On August 25, 2000, at the completion of the auction process, GST appeared before the Bankruptcy Court and received approval to proceed toward a sale of said assets to TWT. TWT acquired certain assets associated with GST's telecommunications operations, including telecommunications equipment, portions of GST's customer base, and Federal and certain State certifications authorizing those operations.² The application states, however, that TWT did not

¹ GST Call America, Inc.; GST Net, Inc.; ICON Communications Corp.; KLP, Inc. d/b/a Call America Phoenix; Totalnet Communications, Inc.; GST Telecom Inc.; GST Pacific Lightwave, Inc.; GST Telecom California, Inc.; GST Tuscon Lightwave, Inc.; GST Telecom New Mexico, Inc.; GST Telecom New Mexico, Inc.; GST Telecom Texas, Inc.; GST Telecom Nevada, Inc.; GST Telecom Idaho, Inc.; GST Telecom Washington, Inc.; GST Net Arizona, Inc.; GST Telecom Utah, Inc.; GST Telecom Oregon, Inc.; GST Telecom Arizona, Inc.; GST Net (AZ), Inc.; and Fibernet LLC.

² See Comments Invited on Application of GST Telecommunications, Inc. and its Subsidiaries for Authority to Discontinue Domestic Services, *Public Notice*, NSD File No. W-P-D 472, DA 00-2693 (rel. Nov. 29, 2000).

acquire all of GST's assets and customer accounts. GST continues to hold certain assets in Hawaii, Oregon, Idaho, Washington, Arizona, New Mexico, California and Utah. The application states that no buyer has been secured to take over most of the accounts and assets to be discontinued.

The application states that GST has provided its affected customers notification letters. The letters have been distributed to all affected GST customers between January 12 and January 22, 2001. GST certifies that concurrent with the filing of its Application, GST submitted a copy of the Application to the public utility commissions and governors of the states listed above and to the Secretary of Defense as required by Section 63.71(a) of the Federal Communications Commission's Rules. The application also states that GST is regulated as a non-dominant carrier with respect to each domestic telecommunications service for which it seeks authority to discontinue.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the 31st day after the release date of this notice without any Commission notification to the applicant, unless the Commission has notified the 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.

Comments objecting to this application must be filed with the Commission by **March 15, 2001**. Such comments should refer to application file number **W-P-D-484**. 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 copies of the comments should also be sent to the Network Services Division, 445 12th Street, SW, Room 6-A207, Washington, DC 20554.

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. The application may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20TH Street, NW, Washington, DC 20036, telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or Marty Schwimmer (202) 418-2320 (voice), or mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on Section 214s please visit our web site at: <http://www.fcc.gov/ceb/nsd/documents/214.html>.

-FEDERAL COMMUNICATIONS COMMISSION-