



PUBLIC NOTICE

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

**DA 02-1369
June 11, 2002**

**COMMENTS INVITED ON E.SPIRE COMMUNICATIONS, INC. AND ITS
OPERATING AFFILIATES APPLICATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

Comp. Pol. File No. 589

Comments Due: June 25, 2002

Section 214 Application

Applicant: e.spire Communications, Inc. and Its Operating Affiliates

On **June 7, 2002**, **e.spire Communications, Inc.**, and its operating affiliates¹ (e.spire or

¹ ACSI Advanced Technologies, Inc.; ACSI Local Switched Services, Inc. American Communication Services of Birmingham, Inc.; American Communication Services of Mobile, Inc.; American Communication Services of

Applicant) located at **12975 Worldgate Drive, Herndon, VA 20170**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,² to discontinue its domestic telecommunications services.

According to the application, e.spire states that it seeks authority to discontinue providing integrated local, long distance, international, data and Internet services to its small

Montgomery, Inc.; American Communication Services of Little Rock, Inc.; American Communication Services of Pima County, Inc.; American Communication Services of Colorado Springs, Inc.; American Communication Services of D.C., Inc.; American Communication Services of Jacksonville, Inc.; American Communication Services of Atlanta Inc.; American Communication Services of Kansas City, Inc.; American Communication Services of Louisville, Inc.; American Communication Services of Lexington, Inc.; American Communication Services of Shreveport, Inc.; American Communication Services of Louisiana, Inc.; American Communication Services of Baton Rouge, Inc.; American Communication Services of Maryland, Inc.; American Communication Services of Las Vegas, Inc.; American Communication Services of Albuquerque, Inc.; American Communication Services of Tulsa, Inc.; American Communication Services of Spartanburg, Inc.; American Communication Services of Charleston, Inc.; American Communication Services of Columbia, Inc.; American Communication Services of Greenville, Inc.; American Communication Services of Chattanooga, Inc.; American Communication Services of Knoxville, Inc.; American Communication Services of Amarillo, Inc.; American Communication Services of El Paso, Inc.; American Communication Services of Fort Worth, Inc.; American Communication Services of Irving, Inc.; American Communication Services of Virginia, Inc.; and ACSI Local Switched Services of Virginia, Inc.

² 47 U.S.C. § 214(a). *See also* 47 C.F.R. § 63.71.

and mid-sized business customers in the following states: Alabama, Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Missouri, New Mexico, Nevada, Oklahoma, South Carolina, Tennessee, Texas and Virginia. Applicant states that either Xspedius or another provider will provide these customers with service, pursuant to the terms of a Bankruptcy Court-approved agreement dated June 5, 2002, between e.spire, Thermo Telecom Partners LLC and Xspedius Management Co., LLC.

Applicant states that on June 7, 2002, it mailed notice to its affected customers, which contained the language required by Commission's Rules.³ Accordingly, pursuant to section 63.71(c), e.spire cannot legally terminate service to its customers until at least July 12, 2002.⁴ Accordingly, pursuant to the attached copy of the notice, e.spire advised its customers of the proposed discontinuance of service, as well as the proposed continuation of such services by Xspedius or another provider of the customers' choice. The notice also states that the anticipated date to transfer service is July 8, 2002.

In accordance with section 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.⁵ The Commission 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 would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁶ Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **June 25, 2002**. Such comments should refer to **Comp. Pol. File No. 588**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the 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 Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1196, Attention: John Adams

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience

³ See 47 CFR § 63.71(a)(5)(i).

⁴ 47 C.F.R. § 63.71(c).

⁵ 47 C.F.R. § 63.71(c).

⁶ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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 John Adams (202) 418-0394 (voice), jadams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud

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