



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 02-254
February 1, 2002

**COMMENTS INVITED ON BROADSLATE NETWORKS, INC. AND ITS
WHOLLY-OWNED SUBSIDIARIES APPLICATION TO DISCONTINUE
DOMESTIC TELECOMMUNICATIONS SERVICES**

NSD File No. W-P-D-560

Comments Due: February 15, 2002

Section 214 Application

Applicants: Broadslate Networks, Inc.

Broadslate Networks of Florida, Inc.

Broadslate Networks of Georgia, Inc.

Broadslate Networks of North Carolina, Inc.

**Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks
of Pennsylvania, Inc.**

Broadslate Networks of South Carolina, Inc.

Broadslate Networks of Tennessee, Inc.

Broadslate Networks of Virginia

On January 31, 2001, Broadslate Networks, Inc., Broadslate Networks of Florida, Inc., Broadslate Networks of Georgia, Inc., Broadslate Networks of North Carolina, Inc., Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc., Broadslate Networks of South Carolina, Inc., Broadslate Networks of Tennessee, Inc., and Broadslate Networks of Virginia (Applicants), all principally located at **630 Peter Jefferson Parkway, Suite 300, Charlottesville, VA 22911**, collectively 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 Applicants provide broadband data services to approximately two thousand three hundred eighty-six (2,386) business customers in Florida, Georgia, North Carolina, Pennsylvania, South Carolina, Tennessee and Virginia.

According to the application, Applicants provide neither voice services nor do they serve residential customers. Applicants state that they seek discontinuance authority because their collective efforts have failed to achieve their financial goals in light of the current economic climate. Applicants explain that they have been unsuccessful in obtaining the necessary financing to stay in business, and that the September 11th terrorist acts have negatively impacted sales operations.

The application states that Applicants entered into an agreement with DSL.net to transition approximately one thousand one hundred fifty-eight (1,158) customers to DSL.net's network on or before March 15, 2002. Applicants explain that the remaining customers will need to find other service providers by March 15th. Applicants assert that they are working with other carriers to ensure that comparable service is made available as expeditiously as possible.

Applicants state that on January 29, 2002, they mailed via overnight delivery notification letters about the proposed discontinuance to all affected customers not subject to the DSL.net agreement. On January 30, 2002, Applicants state that they overnight delivered notice of the proposed action to the customers subject to the DSL.net agreement. The application includes samples of these letters, both of which contain the notice language required by Commission rules.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 Applicants 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 **February 15, 2002**. Such comments should refer to application file number **W-P-D-560**. 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. Comments should also be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Jon Minkoff.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only

¹ See 47 CFR § 63.71(a)(5)(i).

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

receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW 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. 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-