



PUBLIC NOTICE

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

**DA 02-571
March 7, 2002**

**COMMENTS INVITED ON ARBROS COMMUNICATIONS, INC. AND ITS
SUBSIDIARIES JOINT APPLICATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

NSD File No. W-P-D-571

Comments Due: March 21, 2002

Section 214 Application

Applicants: ARBROS Communications, Inc. and Its Subsidiaries

On **March 1, 2002**, **ARBROS Communications, Inc.** and its **Subsidiaries** (ARBROS or Applicants), each located at **880 Eldridge Landing Road, Linthicum, MD 21090**, 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 certain of its domestic telecommunications services. On **March 7, 2002**, ARBROS filed a supplement to its application.

The application indicates that ARBROS seeks authority to discontinue providing certain resold services in a number of states. Specifically, Applicants state that they intend to discontinue providing resold local, interLATA long distance, intraLATA long distance, Primary Rate Interface (PRI), Integrated Services Digital Network (ISDN), Voice Mail, and Private Line Transport services in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, New Mexico, North Carolina, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Applicants explain that they have made a necessary business decision to focus on providing only PRI, Internet Access, and Private Line Transport in Delaware, the District of Columbia,

Maryland, New Jersey, New York, Pennsylvania, and Virginia. The application states that ARBROS plans to discontinue service on March 16, 2002, and includes a request for waiver of the Commission's notice rule, which requires applicants to wait at least thirty-one (31)

days from the Commission's release of public notice of the application before discontinuing service.¹

Applicants explain that although they offer service in the states listed above, they only have customers in California, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and Washington. ARBROS states that between February 12 and February 14, 2002, it sent customers in these affected areas written notice of the proposed discontinuance, in conformance with the Commission's notice rules.² This notice states that discontinuance is scheduled for March 4, 2002, and that customers may contact ARBROS at 888-4-ARBROS if they need assistance in transitioning to a new provider.

During the week of February 25, 2002, some ARBROS customers contacted the Commission complaining that ARBROS' notice confused them because the proposed discontinuance date did not conform with Commission rules. Some customers also complained about their inability to contact the company using the telephone number listed in the letter.³ In response to these complaints, ARBROS subsequently filed a supplement to its application on March 7, 2002. In this supplement, ARBROS states that it will send its customers revised notice of its proposed discontinuance of service, a copy of which is attached to the supplement. The revised notice states that ARBROS plans to discontinue service on March 16, 2002, and that it does not intend to discontinue service to any remaining customer that notifies ARBROS that it has been unable to secure alternative service. The revised notice also indicates that ARBROS has requested that the Commission waive the thirty-one (31) day notice period. In addition, the revised notice states that ARBROS' phones are operational, and explains that if customers have difficulty reaching a representative, they can either leave a message or send a fax to (410) 865-6671, and a customer service representative from ARBROS will return the call within twenty-four (24) hours.

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.

¹ See 47 C.F.R. § 63.71(c). Absent waiver of this rule, any discontinuance of service by ARBROS on March 16, 2002, would constitute a violation of federal law (47 U.S.C § 214(c)) and agency regulation (47 C.F.R. § 63.71(c)).

² See 47 C.F.R. § 63.71(a)(5)(i).

³ Letter from Valerie M. Lilly of J&R Roofing Co., Inc. to the Federal Communications Commission (February 25, 2002); E-mail from Bruce C. Ensor of Nittany Link, Inc. to the Federal Communications Commission (February 26, 2002); and Letter from Suniti Ponshe of Adventist HealthCare (February 27, 2002).

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ Comments objecting to this application or the waiver request must be filed with the Commission by **March 21, 2002**. Such comments should refer to application file number **W-P-D-571**. 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 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

⁴ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

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-