



PUBLIC NOTICE

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

**DA 03-1060
April 1, 2003**

**COMMENTS INVITED ON XSPEDIUS MANAGEMENT CO. SWITCHED
SERVICES, LLC APPLICATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

Comp. Pol. File No. 643

Comments Due: April 15, 2003

Section 214 Application

Applicant: Xspedius Management Co. Switched Services, LLC

On **March 24, 2003**, **Xspedius Management Co. Switched Services, LLC** (Xspedius or Applicant) located at **5555 Wing Haven Blvd., Suite 300, O'Fallon, MO 63366** 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, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its provision of domestic telecommunications services to certain customers in Texas.

The application states that Xspedius is acquiring Mpower Communications Corp.'s (Mpower) assets and its customer base of approximately 6,500 customers in Texas. Xspedius states, however, that it is not feasible for Xspedius to support the payphone services, Centrex service, or certain Centrex features that Mpower provided to its Texas customers. Thus, Xspedius indicates that it will discontinue service to the six (6) payphone customers affected by the transfer. According to Xspedius, there are also eleven (11) Centrex service customers and ninety-six (96) Centrex features customers that will be affected by a discontinuance of service. Xspedius states that although it does not offer the Centrex services and features that these customers currently receive, it is offering to provide other substitute products and services.

The application states that Xspedius sent notices by U.S. mail, postage prepaid, to most customers with Centrex service on March 12, 2003 and that additional customers were notified on March 20, 2003. Xspedius indicates that it provided written notice to customers receiving payphone service by letters dated February 7, 2003. Xspedius states that it plans to discontinue these services as soon as the necessary regulatory approvals are obtained.

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 the Applicant that the grant will not be automatically effective. Xspedius indicated in its notice to customers that it would not discontinue service until the necessary governmental approvals were obtained, and in its application Xspedius acknowledges that the application will not be automatically granted until 31 days after public notice of its filing. Accordingly, pursuant to section 63.71(c), absent further Commission action, Xspedius may not terminate service to the customers affected by this application until May 2, 2003. 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, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **April 15, 2003**. Such comments should refer to **Comp. Pol. File No. 643**. 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, S.W., Room TW-A325, Washington, D.C. 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, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

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 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, S.W., 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, S.W., Room CY-A257, Washington, D.C. 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, S.W., Room CY-B402, Washington, D.C. 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 Rodney McDonald, (202) 418-7513 (voice), rlmcdona@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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