



PUBLIC NOTICE

Federal Communications Commission
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DA 03-2781
September 2, 2003

COMMENTS INVITED ON ESSEX ACQUISITION CORPORATION APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

Comp. Pol. File No. 660

Comments Due: September 16, 2003

Section 214 Application

Applicant: Essex Acquisition Corporation

On **August 6, 2003**, **Essex Acquisition Corporation** (EAC or Applicant), located at **180 North Wacker Drive, Suite 3, Chicago, IL 60606**, submitted 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 the provision of domestic telecommunications services in Colorado. By an amendment filed August 26, 2003, EAC corrected certain deficiencies in its initial application. Accordingly, the application is deemed complete and officially filed with the Commission on August 26, 2003.

The application indicates that EAC currently provides local, as well as intraLATA and/or interLATA toll services to approximately 80 customers in Colorado. EAC states that it plans to discontinue providing these services on September 7, 2003, or as soon thereafter as all necessary governmental approvals can be obtained. EAC indicates that it provided notice of this planned discontinuance of services to all affected customers by mail postmarked August 11, 2003, and to the Colorado Public Utilities Commission, the Governor of the State of Colorado, and the Special Assistant for Telecommunications at the Department of Defense on August 13, 2003.

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. Accordingly, absent further Commission action, EAC may not terminate service to the customers affected by this application until October 3, 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 **September 16, 2003**. Such comments should refer to **Comp. Pol. File No. 660**. 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, Vistrionx, 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), Carmell.Weathers@fcc.gov, or Brad Koerner, (202) 418-0866 (voice), Brad.Koerner@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.

-FEDERAL COMMUNICATIONS COMMISSION-