



# PUBLIC NOTICE

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

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**DA 03-3046**  
**October 3, 2003**

## **COMMENTS INVITED ON QWEST INTERPRISE AMERICA, INC. AND QWEST COMMUNICATIONS CORPORATION APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 662**

**Comments Due: October 17, 2003**

### **Section 214 Application**

**Applicants: Qwest Interprise America, Inc. and Qwest Communications Corporation**

On September 25, 2003, Qwest Interprise America, Inc. (QIA) and Qwest Communications Corporation (QCC) (collectively Qwest or Applicants) located at **1801 California Street, Denver, CO 80202** 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 the provision of its bundled broadband internet access service to customers in Alabama, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington and Wisconsin. On October 1, 2003, Qwest filed a supplemental letter correcting certain deficiencies in its application.

The application indicates that on May 29, 2003, the Commission granted Qwest authority to transfer to Covad control of their Digital Subscriber Line (DSL) customer base consisting of approximately 23,000 small and medium sized businesses. Qwest states that as part of their agreement, Qwest and Covad developed a migration plan allowing 105 days for customers to transition to service with Covad. Qwest indicates that on June 12, 2003, Qwest and Covad notified these customers of the transaction and the planned transition to service with Covad. Qwest states that on August 15, 2003, it again notified remaining customers of the need to make the proper arrangements with Covad or another DSL provider on or before September 18, 2003.

According to Qwest, it still provides service to approximately 5,731 customers that have not transferred to Covad or another DSL provider. In the current application, Qwest seeks authority to discontinue the provision of bundled broadband and internet access that it currently provides

to these remaining customers. Specifically, Qwest states that it seeks authority to discontinue service to approximately 5,181 QIA customers located in California, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio Pennsylvania, Texas and Virginia. Qwest states that it also seeks authority to discontinue service to approximately 550 QCC resale customers located in Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Utah, Virginia, Washington and Wisconsin. Qwest states that it plans to discontinue service to all of these remaining customers on October 27, 2003, or as soon thereafter as the necessary authorizations can be obtained. Qwest indicates that, in accordance with the requirements of section 63.71 of the Commission's rules, it sent written notice of its planned discontinuance to all affected customers on September 23 and September 24, 2003.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31<sup>st</sup>) day after the release date of this notice, unless the Commission has notified the Applicants that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Qwest may not terminate service to the customers affected by this application until November 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 **October 17, 2003**. Such comments should refer to **Comp. Pol. File No. 662**. 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 12<sup>th</sup> 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 12<sup>th</sup> Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. 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 12<sup>th</sup> 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 12<sup>th</sup> 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](mailto:qualexint@aol.com).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [carmell.weathers@fcc.gov](mailto:carmell.weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [rodney.mcdonald@fcc.gov](mailto:rodney.mcdonald@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](http://www.fcc.gov/wcb/cpd/other_adjud).

**-FEDERAL COMMUNICATIONS COMMISSION-**