



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3759
November 21, 2003

COMMENTS INVITED ON CABLE & WIRELESS USA, INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

Comp. Pol. File No. 663

Comments Due: December 8, 2003

Section 214 Application

Applicant: Cable & Wireless USA, Inc.

On November 18, 2003, Cable & Wireless USA, Inc. (C&W or Applicant) located at 11700 Plaza America Drive, Reston, Virginia 20190 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 U.S. domestic interstate frame relay and asynchronous transfer mode (ATM) services to customers in certain geographic areas. On November 21, 2003, C&W filed a letter to supplement its application.

The application states that the Applicant, a provider of high-performance Internet, data, web hosting and communications services, is restructuring its U.S. business. As part of this restructuring effort, C&W seeks authority to discontinue the provision of certain U.S. domestic interstate frame relay and ATM services in Arizona, California, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin. The application indicates that C&W is non-dominant with respect to these services. C&W states that it plans to discontinue services on January 2, 2004. C&W also indicates that, in accordance with the requirements of section 63.71(a) of the Commission's rules, it notified all affected customers of the proposed discontinuance by sending personalized letters beginning on October 14, 2003 and ending on November 3, 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. In C&W's application, C&W indicates that it will not discontinue service until January 2, 2004. Accordingly, pursuant to section 63.71(c), absent further Commission action, C&W may not terminate service to the customers affected by this application until January 2, 2004. 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 **December 8, 2003**. Such comments should refer to **Comp. Pol. File No. 663**. 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, Natek, 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 Information 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 Rodney McDonald, (202) 418-7513 (voice), rodnev.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.

-FEDERAL COMMUNICATIONS COMMISSION-