



# PUBLIC NOTICE

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

**DA 03-609  
February 28, 2003**

**COMMENTS INVITED ON TXU COMMUNICATIONS TELECOM SERVICES  
COMPANY D/B/A TXU COMMUNICATIONS AND FORT BEND LONG  
DISTANCE COMPANY D/B/A TXU COMMUNICATIONS APPLICATION TO  
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 630**

**Comments Due: March 14, 2003**

**Section 214 Application**

**Applicants: TXU Communications Telecom Services Company d/b/a TXU  
Communications and Fort Bend Long Distance Company d/b/a TXU Communications**

On **January 21, 2003**, **TXU Communications Telecom Services d/b/a TXU Communications (OCN 7470) and Fort Bend Long Distance Company d/b/a TXU Communications (OCN 6090)** (TXU Communications) (together Applicants) located at **300 Decker Drive, Irving, Texas 75062** 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 certain interstate telecommunications services.

The application indicates that the Applicants are Texas corporations that provide local exchange services, domestic and international long distance services, high-speed Internet access, and enhanced data services to more than 20,000 customers in Texas. Applicants state that on January 16, 2003, they entered into an Asset Purchase Agreement with Grande Communications Networks, Inc. (Grande Communications), pursuant to which TXU intends to transfer to Grande Communications certain of its assets including the majority of its customer base. In order to implement this agreement, the parties separately filed a partial transfer of control application with the Commission. In this application, TXU Communications requests authority to discontinue service to certain business customers in Houston, Texas who will not be transferred

to Grande Communications under the agreement.

The application indicates that TXU Communications is a competitive local exchange carrier and that it is non-dominant with respect to the interstate communications services it seeks to discontinue, including: (a) end user access line service associated with the local business customers' accounts; and (b) interstate switched access services provided to interexchange carriers. The Applicants state that they plan to discontinue service on or after April 1, 2003, and that they provided written customer notice of this planned discontinuance on January 17, 2003, in the form of letters sent by first-class mail.

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 Applicants that the grant will not be automatically effective. 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.<sup>1</sup> Comments objecting to this application must be filed with the Commission on or before **March 14, 2003**. Such comments should refer to **Comp. Pol. File No. 630**. 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.

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<sup>1</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.

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**.

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

**-FEDERAL COMMUNICATIONS COMMISSION-**

