



# PUBLIC NOTICE

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

**DA 03-693  
March 7, 2003**

## **COMMENTS INVITED ON GENUITY TELECOM INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 634**

**Comments Due: March 21, 2003**

### **Section 214 Application Applicant: Genuity Telecom Inc.**

On **February 19, 2003**, **Genuity Telecom Inc.** (Genuity or Applicant) located at **225 Presidential Way, Woburn, Massachusetts 01888** 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 certain U.S. domestic interstate telecommunications services in certain geographic areas.

The application states that the Applicant, a provider of interstate telecommunications services, has assigned substantially all of its telecommunications assets and customers to Level 3 Communications, LLC, pursuant to bankruptcy proceedings. As part of its liquidation, Genuity now seeks to discontinue its remaining domestic interstate services by terminating its provision of domestic interstate private line services to business customers in several states. On March 4, 2003, Genuity filed a letter to amend its application and clarify that the planned discontinuance will affect six (6) customers in nine (9) states including Alabama, Arizona, Colorado, Hawaii, Mississippi, Missouri, New Mexico, Oklahoma, and Texas. The application states that Genuity is a non-dominant carrier with respect to the services to be discontinued. According to the application, Genuity sent a letter to all affected customers, on February 19, 2003, notifying them that it proposed to discontinue service on March 22, 2003, or as soon thereafter as any necessary Commission and bankruptcy court 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 (31<sup>st</sup>) day after the release date of this notice, unless the Commission has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), Genuity cannot legally terminate service to its customers until at least the thirty-first day after the release of this Public Notice, in this case, April 7, 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 **March 21, 2003**. Such comments should refer to **Comp. Pol. File No. 634**. 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 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 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), [cweather@fcc.gov](mailto:cweather@fcc.gov), or Darryl Cooper, (202) 418-7131 (voice), [dcooper@fcc.gov](mailto:dcooper@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-**

