



PUBLIC NOTICE

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

**DA 03-694
March 7, 2003**

**COMMENTS INVITED ON FOCAL COMMUNICATIONS CORPORATION
AND FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

Comp. Pol. File No. 635

Comments Due: March 21, 2003

Section 214 Application

Applicants: Focal Communications Corporation and Focal Communications Corporation of Illinois

On February 21, 2003, Focal Communications Corporation and Focal Communications Corporation of Illinois (together Focal or Applicants) located at **200 North LaSalle Street, Chicago, Illinois 60601** 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 on December 19, 2002, Focal Communications Corporation and its subsidiaries filed a voluntary, pre-arranged Chapter 11 bankruptcy petition with the United States Bankruptcy Court for the District of Delaware. In connection with the bankruptcy petition, Focal seeks authority from the Commission to discontinue the provision of certain DSL services and voice services to customers served out of particular facilities in Illinois. Focal states that it plans to make its operations more economically efficient, so that it can emerge from bankruptcy with operations that assure its long term viability as a competitor. Focal also plans to file a motion requesting that the Bankruptcy Court approve the rejection of Focal's agreements with customers receiving these DSL and voice services.

Focal proposes to discontinue the provision of DSL (access only services); DirectLink (DSL access with Internet (IP)); DSL with Voice (data access with a single residential voice line); VoDSL (data access with multiple (8-24) business voice lines); and Voice Only users service from DSL collocation facilities in Illinois. The application indicates that Focal is non-dominant with respect to these services. Focal states that it notified all affected customers by sending letters via overnight delivery on January 31, 2003. In addition, Focal sent a second notice, dated February 7, 2003, to customers receiving voice only service from the DSL collocation facilities, to clarify that their voice service also would be discontinued. In its notices to its customers, Focal stated that it intends to discontinue service on March 31, 2003, or as soon thereafter as the necessary government approval can be obtained.

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 Applicants that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), Focal 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. 635**. 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, 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 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), cweather@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), 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.

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