



PUBLIC NOTICE

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
TTY 202 / 418-2555

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

**DA 03-799
March 14, 2003**

**COMMENTS INVITED ON KMC TELECOM III, LLC AND KMC TELECOM V,
INC. APPLICATIONS TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

Comp. Pol. File Nos. 637, 638, 639

Comments Due: March 28, 2003

Section 214 Applications

Applicants: KMC Telecom III, LLC and KMC Telecom V, Inc.

On **March 3, 2003**, **KMC Telecom III, LLC and KMC Telecom V, Inc.** (collectively KMC or Applicants) located at **1545 Route 206, Suite 300, Bedminster, New Jersey 07921** filed three applications 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 domestic telecommunications services to selected customers in several states and the District of Columbia.

In one application (Comp. Pol. File No. 638), KMC Telecom III, LLC seeks to discontinue the provision of domestic telecommunications service to customers in Arkansas, Kentucky, Missouri, Nevada, New Hampshire, Oklahoma, and West Virginia. The application indicates that KMC provides only resold long distance and toll free services to the following number of customers in these states: Arkansas – 8; Kentucky – 2; Missouri – 20; Nevada – 2; New Hampshire – 4; Oklahoma – 2; and West Virginia – 7. KMC states that, on March 3, 2003, it provided these customers with notice of its planned discontinuance via direct mail.

In a second application (Comp. Pol. File No. 639), KMC Telecom III, LLC seeks to discontinue the provision of domestic telecommunications service to certain customers in Indiana, North Carolina and Wisconsin. The application indicates that, in these three states,

KMC currently provides long distance and toll free services via switched or dedicated facilities, on either a “Standalone” basis to customers who purchase only long distance or toll free service from KMC, or in conjunction with KMC’s local service. KMC states that it intends to discontinue the “Standalone” service it provides to 114 customers in Indiana, 290 customers in North Carolina and 29 customers in Wisconsin. According to KMC, customers who purchase long distance or toll free services in addition to, or in conjunction with, local service from KMC will not be affected. KMC states that, on March 3, 2003, it mailed notices of its planned discontinuance of services to all affected customers.

In a third application (Comp. Pol. File No. 637), KMC Telecom V, Inc., seeks to discontinue the provision of domestic telecommunications service to customers in California, Colorado, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Vermont, and Washington, D.C. The application indicates that KMC provides only resold long distance and toll free services to the following number of customers in these states: California – 8; Colorado – 3; Connecticut – 3; Delaware – 1; Illinois – 8; Iowa – 1; Maine – 3; Massachusetts – 2; New Jersey – 3; New York – 4; Oregon – 1; Pennsylvania – 16; South Dakota – 3; Vermont – 3; and Washington, D.C. – 1. KMC states that, on March 3, 2003, it provided these customers with notice of its planned discontinuance via direct mail. On March 12, 2003, KMC filed a letter with the Commission amending its application and clarifying that it served notice of the planned discontinuance on the District of Columbia Public Service Commission, on March 10, 2003. In all three of KMC’s applications, KMC indicates that it plans to discontinue service on or after April 6, 2003.

In accordance with 47 C.F.R. § 63.71(c), the applications 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), KMC 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 14, 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 these applications must be filed with the Commission on or before **March 28, 2003**. Such comments should refer to **Comp. Pol. File No. 637, 638 or 639**. Comments should include specific information about the impact of the 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 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 applications 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 applications 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.

-FEDERAL COMMUNICATIONS COMMISSION-