



PUBLIC NOTICE

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

**DA 03-838
March 21, 2003**

**COMMENTS INVITED ON BELLSOUTH TELECOMMUNICATIONS, INC.
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

Comp. Pol. File No. 640

Comments Due: April 4, 2003

Section 214 Application

Applicant: BellSouth Telecommunications, Inc.

On **March 7, 2003, BellSouth Telecommunications, Inc.** (BellSouth or Applicant) located at **675 West Peachtree Street, Atlanta, GA 30375-0001** 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 domestic telecommunications services to selected customers in Apopka, Florida.

In its application, BellSouth seeks to discontinue the provision of retail local exchange services to the residents and the property management office of the Willow Lakes Apartment Complex in Apopka, Florida. In addition, BellSouth seeks to discontinue the wholesale resale service it provides to two competitive local exchange carriers that serve a total of three customers in the same apartment complex. BellSouth states that it provided notice to its retail customers by letters sent on March 1, 2003, and that additional notice to these customers will occur when BellSouth sends letters on April 15, 2003, and when BellSouth calls any remaining customers on May 15, 2003. BellSouth indicates that it also plans to conduct two onsite meetings at the complex along with a representative from the Florida Public Service Commission, to address questions from customers concerning the transition to another provider. According to BellSouth, its wholesale customers were notified during the first week of March 2003 by written notices dated March 3, 2003. On March 18, 2003,

BellSouth filed a letter with the Commission amending its application and clarifying that it served notice of the planned discontinuance on the Secretary of Defense on March 18, 2003.

The application indicates that BellSouth is a non-dominant carrier with respect to the services it proposes to discontinue. BellSouth states that the Florida Public Service Commission has authorized BellSouth to operate as a competitive local exchange carrier (CLEC) (referred to in Florida as an alternative local exchange company (ALEC)). BellSouth further states that Sprint Telecommunications (Sprint) is the incumbent local exchange carrier in the Apopka, Florida area. BellSouth states that initially it was the only telecommunications carrier with facilities at the apartment complex, but that Sprint has installed facilities to serve the complex due to the proposed service discontinuance. BellSouth indicates that, if the Commission grants the requested application, it plans to discontinue service on June 1, 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 BellSouth's notice to its customers, BellSouth indicated that it would not discontinue service until June 1, 2003. Accordingly, pursuant to section 63.71(c), absent further Commission action, BellSouth may not terminate service to the customers affected by this application until June 1, 2003, at the earliest. 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 **April 4, 2003**. Such comments should refer to **Comp. Pol. File No. 640**. 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 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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