



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2597
August 20, 2004

COMMENTS INVITED ON APPLICATION OF ICG TELECOM GROUP, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 04-322
Comp. Pol. File No. 690

Comments Due: September 3, 2004

Section 214 Application

Applicant: ICG Telecom Group, Inc.

On August 16, 2004, ICG Telecom Group, Inc. (ICG or Applicant), located at 161 Inverness Drive West, Englewood, CO 80112, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of long distance services to one customer in Illinois. ICG indicates that it previously filed a discontinuance application related to its present plans to discontinue service, but that in the present application it seeks authority to discontinue service to one additional customer. *See Section 63.71 Application of ICG Telecom Group, Inc. and ICG Telecom Group of Virginia, Inc., for Authority to Discontinue Service in Certain States*, WC Docket No. 04-310 (submitted July 28, 2004). ICG further indicates that it is separately seeking Commission approval for a transfer of control involving ICG and its corporate parent. *See Application of MCCC ICG Holdings, LLC, and ICG Communications, Inc., and Its Operating Subsidiaries, for Grant of Authority Pursuant to Section 214 of the Communications Act of 1934 and Sections 63.04 and 63.18 of the Commission's Rules to Complete a Transfer of Control of Authorized International and Domestic Interstate Carriers*, WC Docket No. 04-290 (submitted July 21, 2004).

ICG proposes to discontinue the provision of long distance service to one customer located in Illinois, as part of a business plan designed to maintain the companies' long-term profitability. ICG indicates that the affected customer was inadvertently excluded from ICG's previous section 63.71 application because ICG had not yet provided the customer with notice of the proposed discontinuance. ICG states that it has since notified the affected customer of the proposed discontinuance by sending written notice on August 13, 2004. ICG requests permission to discontinue service to this customer on September 13, 2004, or as soon thereafter as regulatory approval has been obtained.

In accordance with section 63.71(c) of the Commission's rules, ICG's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies ICG that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, ICG may not terminate service until September 20, 2004. 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 **September 3, 2004**. Such comments should refer to **WC Docket No. 04-322 and Comp. Pol. File No. 690**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments 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, Natek, 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, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodnev.mcdonald@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-