



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 05-1917**  
**June 30, 2005**

## COMMENTS INVITED ON APPLICATION OF DATA-TELECOM CORP. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

**WC Docket No. 05-224**  
**Comp. Pol. File No. 717**

**Comments Due: July 14, 2005**

### **Section 214 Application**

**Applicant: Data-Telecom Corp.**

On **June 29, 2005**, **Data-Telecom Corp.** (Data-Telecom or Applicant), located at **9 Perry Street, P.O. Box 369, Wapakoneta, OH 45896**, 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 its provision of certain domestic services in the state of Ohio.

Data-Telecom indicates that it provides resold local exchange and interexchange telecommunications services to residential and business customers in the state of Ohio. Data-Telecom states, however, that due to severe financial difficulties, it has filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Northern District of Ohio (Case No. 04-32270). Data-Telecom further states that it subsequently became necessary for it to convert its Chapter 11 filing to a Chapter 7 bankruptcy filing. According to Data-Telecom, it now must discontinue service to its Ohio customers by July 31, 2005, in order to satisfy its corporate law obligations and its duties to its creditors.

Data-Telecom states that it intends to provide the greatest opportunity for customer awareness and the informed exercise of customer choice with no service disruption. Data-Telecom indicates that its customers, identified by the following Numbering Plan Area (NPA) and NXX codes in the following exchanges, will be affected by the planned discontinuance of service (*e.g.*, NPA-NXX (Exchange)): 419-757 (Alger); 419-281 (Ashland); 740-569 (Bremen); 330-889 (Bristolville); 419-641 (Cairo); 419-584 (Celina); 419-586 (Celina); 419-678 (Coldwater); 419-749 (Convoy); 419-782 (Defiance); 419-784 (Defiance); 419-692 (Delphos); 419-695 (Delphos); 937-666 (East Liberty); 419-375 (Ft Recovery); 937-316 (Greenville); 937-596 (Jackson Center); 740-967 (Johnstown); 419-221 (Lima); 419-991 (Lima); 419-222 (Lima); 419-224 (Lima); 419-994 (Loudonville); 419-268 (Maria Stein); 419-925 (Maria Stein); 937-642 (Marysville); 419-795 (Mendon); 419-628 (Minster); 419-629 (New Bremen); 330-872 (Newton Falls); 419-336 (North Star); 419-965 (Ohio City); 419-523 (Ottowa); 740-927 (Pataskala); 740-943 (Richwood); 419-363 (Rockford); 937-338 (Rossburg); 937-843 (Russels Point); 419-622 (Scott);

937-492 (Sidney); 937-497 (Sidney); 419-647 (Spencerville); 419-394 (St Marys); 419-825 (Swanton); 937-332 (Troy); 419-232 (Van Wert); 419-238 (Van Wert); 419-667 (Venedocia); 937-678 (West Manchester); 419-495 (Wilshire-Wren); 330-264 (Wooster); and 419-582 (Yorkshire). Data-Telecom also indicates that it has provided written notice informing its customers of the planned discontinuance by letters dated June 28, 2005. Data-Telecom asserts that it is non-dominant and certified in Ohio as a competitive local exchange carrier.

In accordance with section 63.71(c) of the Commission's rules, Data-Telecom's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies Data-Telecom that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Data-Telecom may not terminate service until **July 31, 2005**. 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 **July 14, 2005**. Such comments should refer to **WC Docket No. 05-224 and Comp. Pol. File No. 717**. 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](mailto: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 5-C327, 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](mailto:FCC@BCPIWEB.COM).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [carmell.weathers@fcc.gov](mailto:carmell.weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [rodney.mcdonald@fcc.gov](mailto:rodney.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](http://www.fcc.gov/wcb/cpd/other_adjud).

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