



PUBLIC NOTICE

Federal Communications Commission
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DA 05-2286
August 12, 2005

COMMENTS INVITED ON APPLICATION OF TMC OF VIRGINIA, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-257
Comp. Pol. File No. 722

Comments Due: August 26, 2005

Section 214 Application

Applicant: TMC of Virginia, Inc.

On **August 5, 2005**, **TMC of Virginia, Inc.** (TMC or Applicant), located at **One Washingtonian Center, 9801 Washingtonian Blvd, Suite 510, Gaithersburg, MD 20878**, 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 telecommunications services in the state of Virginia. By an amendment filed August 11, 2005, TMC corrected certain deficiencies in its initial application. Accordingly, the application is deemed complete and officially filed with the Commission on August 11, 2005.

TMC indicates that it provides resold local exchange and long distance services to business customers in the state of Virginia. TMC asserts that its underlying carrier, Verizon Virginia Inc. (Verizon), may terminate service to TMC and its customers as a result of a dispute between TMC and Verizon. TMC states that it has placed orders to migrate nearly all of its affected client accounts to other carriers, but TMC indicates that not all of the affected TMC client locations can be served by TMC's other underlying providers. As a result, TMC indicates that it must discontinue service to approximately 350 customer accounts that it will no longer be able to serve. According to TMC, Verizon has indicated that it may terminate service to TMC and its customers on September 12, 2005. TMC asserts that it sent written notice of its planned discontinuance and reduction in service to all affected customers on or before August 5, 2005. TMC further explains that on or before August 5, 2005, it provided written clarification to affected customers regarding a typo contained in the original notice to customers. TMC states that it is a non-dominant carrier with respect to the services it seeks authority to discontinue.

In accordance with section 63.71(c) of the Commission's rules, TMC'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 TMC that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, TMC may not terminate

service until **September 12, 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 **August 26, 2005**. Such comments should refer to **WC Docket No. 05-257 and Comp. Pol. File No. 722**. 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 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.

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. 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). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. The Commission’s contractor 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, and Priority mail should be addressed to 445 12th Street, S.W., 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.

The application will be available for public inspection 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 duplicating 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. People with Disabilities: To request materials in accessible formats for people

with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

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

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