



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 05-2927
November 4, 2005

COMMENTS INVITED ON APPLICATION OF KMC TELECOM V, INC. AND KMC TELECOM OF VIRGINIA, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-309
Comp. Pol. File No. 729

Comments Due: November 18, 2005

Section 214 Application

Applicants: KMC Telecom V, Inc., KMC Telecom of Virginia, Inc.

On October 27, 2005, KMC Telecom V, Inc. (KMC Telecom V) and KMC Telecom of Virginia, Inc. (KMC Telecom of VA) (collectively, KMC or Applicants), located at 1545 Route 206, Suite 300, Bedminster, NJ 07921, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority to the extent necessary, 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 Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

KMC indicates that KMC Telecom V and KMC Telecom of Virginia are wholly owned subsidiaries of KMC Telecom Holdings, Inc. According to KMC, KMC Telecom V provides enhanced origination service, enhanced termination service, dial access service and PRI services in all of the above-mentioned states, and KMC Telecom of Virginia provides these services in Virginia. KMC specifies that its enhanced origination service involves the provisioning of telephone numbers to customers in order to enable them to complete calls to their enhanced services and/or voice over Internet Protocol (VoIP) end users, and its enhanced termination service enables the hand-off of VoIP and/or enhanced services calls, generated by the customers' end users, to KMC's network. KMC further clarifies that its dial access service is an end-to-end service enabling customers to outsource their dial-up network management to KMC, and its PRI services include both 1-way and 2-way circuits.

KMC asserts that it did not intend to discontinue these services, but that it now does not have funding sufficient to pay its underlying network providers. KMC states that it thus cannot maintain the

provisioning of these services and that it must discontinue service to its customers in the affected states. KMC indicates that there are a total of approximately twenty-four (24) customers affected by its proposed discontinuance of service, and that they are all carrier customers. KMC proposes to discontinue its provision of enhanced origination service, enhanced termination service, dial access service and PRI services in all of the above-mentioned states as soon as the necessary regulatory approvals are obtained. KMC indicates that it provided all affected customers with written notification of its planned discontinuance by overnight delivery on October 26, 2005, and that all of these carrier customers were also notified by telephone. KMC asserts that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, KMC'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 KMC that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, KMC may not terminate service to its affected carrier customer until **December 5, 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 **November 18, 2005**. Such comments should refer to **WC Docket No. 05-309 and Comp. Pol. File No. 729**. 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 Applicants. 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.

-FEDERAL COMMUNICATIONS COMMISSION-