



PUBLIC NOTICE

Federal Communications Commission
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DA 05-515
February 28, 2005

**COMMENTS INVITED ON APPLICATION OF
PLDT RETAIL, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

WC Docket No. 05-73
Comp. Pol. File No. 697

Comments Due: March 14, 2005

Section 214 Application
Applicant: PLDT Retail, Inc.

On **January 28, 2005**, **PLDT Retail, Inc. (PLDT)**, located at **624 S. Grand Avenue, Suite 901F, Los Angeles, CA 90017**, 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 domestic telecommunications services provided with prepaid calling cards used for placing calls throughout the U.S.

PLDT, a subsidiary of PLDT (US) Ltd, states that its prepaid calling cards, including physical cards sold at retail outlets and virtual cards sold on the Internet, are sold in denominations of \$5, \$10, and \$20. PLDT indicates that its cards can be used to place phone calls to all domestic points, and that they can also be used to place calls internationally.¹ According to PLDT, the holder of a calling card accesses PLDT's system by calling an 800 number or a local access number and entering his or her identification number, followed by the number to be called. PLDT states that the cost of the call is then deducted from the amount that the purchaser of the calling card has prepaid. In its application, PLDT proposes to discontinue providing this service to cardholders on March 31, 2005. PLDT further states that it is non-dominant with respect to the service it seeks to discontinue.

PLDT notes that it has no direct relationship with the end users of its calling cards because it does not sell its prepaid calling cards directly to end users, but instead sells them through third party distributors. Consequently, PLDT submits that it has no means for providing written notice of the proposed discontinuance of service to each affected cardholder in accordance with the requirements of section 63.71(a) of the Commission's rules. PLDT states, however, that it has ceased providing cards to retailers, and has requested that retailers return all unsold cards to PLDT. PLDT also submits that, in the case of cards previously sold, there should not be any remaining customers for its prepaid calling card services as

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19. PLDT states that it is applying separately for authority to discontinue the international component of its calling card service in accordance with section 63.19.

of the proposed discontinuance date, based on the cards' expiration dates and PLDT's observance of past usage patterns. Moreover, PLDT states that it has provided some notice in the form of a computer generated message that all users will hear when they activate their cards, alerting them as to the last date that the cards may be used given the planned discontinuance. According to PLDT, customers who are dissatisfied with the proposed discontinuance date may contact customer service and be directed on how to return the card and receive a full refund in lieu of using their cards.

Given the extenuating circumstances involving PLDT's stated inability to provide conventional notification to its customers, we seek comment on PLDT's proposed discontinuance of service and the steps it has taken to notify and protect consumers in lieu of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, PLDT'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 PLDT that the grant will not be automatically effective. In its application, PLDT indicates that it plans to discontinue services as of March 31, 2005. Accordingly, pursuant to section 63.71(c), absent further Commission action, PLDT may not terminate service until March 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 otherwise be 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 **March 14, 2005**. Such comments should refer to **WC Docket No. 05-73 and Comp. Pol. File No. 697**. 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 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.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or John Adams, (202) 418-0394 (voice), john.adams@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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