



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 05-999
April 4, 2005

COMMENTS INVITED ON APPLICATION OF TRANSCOMMUNICATIONS INCORPORATED TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-161
Comp. Pol. File No. 703

Comments Due: April 18, 2005

Section 214 Application

Applicant: Transcommunications Incorporated

On **March 14, 2005**, **Transcommunications Incorporated** (Transcommunications or Applicant), located at **6025 Lee Highway, 402 Executive Park, Chattanooga, TN 37421**, 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 at various locations throughout the U.S.

Transcommunications indicates that it provides prepaid resold domestic interstate interexchange and international telecommunications services to a very limited group of commercial end users throughout the U.S., in every state except Alaska and Ohio. Specifically, Transcommunications states that it sells prepaid calling card services to long haul truck drivers, primarily through card distribution arrangements with trucking companies that supply cards to their drivers. Transcommunications indicates that it has never served residential subscribers, and that it does not sell its prepaid calling card services through retail outlets. Transcommunications states that, in 2003, it made a business decision to discontinue its prepaid domestic interstate and international telecommunications services.¹ In its application, Transcommunications proposes to discontinue these services immediately upon receiving authority. Transcommunications indicates that it is non-dominant with respect to the services it seeks to discontinue.

Transcommunications states that it does not know the identity and address of the end users of its calling cards because it does not sell its prepaid calling cards directly to end users, but instead sells them

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

to companies who then distribute the cards to their employees. Consequently, Transcommunications submits that it would be impractical and effectively impossible to provide 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. According to Transcommunications, users are informed at the time of purchase and account activation that service will only be available through the one year anniversary of account activation, or until the minutes of use in the account have been depleted, whichever occurs first. Transcommunications states that when end users access Transcommunications' network and enter their account identification number, they are also informed of the estimated number of minutes of use that remain on their calling card accounts. Transcommunications further submits that it has entered into a management agreement with Innovative Processing Solutions, LLC, a Nevada limited liability company, to continue providing service to the few user accounts that may remain active for a limited period of time after Transcommunications has discontinued services. According to Transcommunications, services will continue under this agreement until the remaining user account balances are depleted, or until the one year anniversary of card account activation. The application indicates that Transcommunications currently serves less than 10,000 active card accounts, and that it ceased making additional prepaid calling cards available on November 8, 2004.

Given Transcommunications' stated inability to provide conventional notification to its customers, we seek comment on Transcommunications' 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, Transcommunications' 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 Transcommunications that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Transcommunications may not terminate service until May 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 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 **April 18, 2005**. Such comments should refer to **WC Docket No. 05-161 and Comp. Pol. File No. 703**. 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 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-