



PUBLIC NOTICE

Federal Communications Commission
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DA 06-141
January 24, 2006

**COMMENTS INVITED ON APPLICATION OF NETWORK TELEPHONE
CORPORATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES (SEABROOK CENTRAL OFFICE)**

WC Docket No. 06-28
Comp. Pol. File No. 746

Comments Due: February 7, 2006

Section 214 Application

Applicant: Network Telephone Corporation

On January 17, 2006, Network Telephone Corporation (NTC or Applicant), located at 3300 N. Pace Boulevard, Pensacola, Florida 32505, 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 certain domestic telecommunications services to a segment of customers located in Louisiana.

NTC states that it is a facilities-based competitive local exchange carrier that provides telephone and Internet services including local and long distance telephone, high speed Internet access, web hosting, data backup and virtual private network service to over 16,500 small business customers in eight states in the Southeastern United States. NTC asserts that after Hurricane Katrina, it determined it is no longer feasible to continue to serve customers from certain central offices in New Orleans, Louisiana. Accordingly, NTC seeks to discontinue providing local and long distance voice services and data services to approximately 38 customers served by the Seabrook central office in New Orleans as of February 24, 2006.¹ NTC specifically states that this discontinuance affects customers with the following NPA-NXX combinations: 504-240, 504-241, 504-242, 504-243, 504-244, 504-245, 504-246 and 504-248. NTC further represents that it will continue to provide web hosting, data backup and Remote Call Forwarding to customers served by the Seabrook central office, and that customer telephone numbers will be reserved and available for porting should an affected customer select an alternative provider prior to August 29, 2006. NTC asserts that it is a non-dominant carrier with respect to the services that it proposes to discontinue.

¹ On January 17, 2006, NTC filed three other similar discontinuance applications with respect to customers served through certain other central offices in Louisiana.

NTC states that to the best of its knowledge all affected customers have been out of service since the hurricane, as a result of flooding and severe damage to the central office. However, NTC indicates that it has verified that the U.S. Postal Service is delivering mail to the affected zip codes. NTC states that on November 1, 2005, it sent a notice informing customers of the sever disruption to its facilities due to the hurricane, and requested that they contact the company to discuss service needs. NTC represents that it did not receive a response requesting the reinstatement of service from any customer served by the Seabrook central office. NTC states that on January 6, 2006, it provided written notification of its proposed discontinuance of service to all affected customers by first class mail, in accordance with the requirements of section 63.71(a) of the Commission's rules. In this notice, NTC informed customers of its intent to discontinue service on February 24, 2006. NTC indicates that effective January 10, 2006 it also placed a notice on its website (www.networktelephone.net) linking customers to its January 6, 2006 notice.

We seek comment on NTC's proposed discontinuance of service, including the steps it has taken to notify customers, in light 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, NTC'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 NTC that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, NTC may terminate service on **February 24, 2006**. 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 **February 7, 2006**. Such comments should refer to **WC Docket No. 06-28 Comp. Pol. File No. 746**. 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 Dennis Johnson, (202) 418-0809 (voice), dennis.johnson@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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