



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 06-195**  
**January 27, 2006**

## **COMMENTS INVITED ON APPLICATION OF MADISON RIVER COMMUNICATIONS, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 06-32**  
**Comp. Pol. File No. 737**

**Comments Due: February 10, 2006**

### **Section 214 Application**

**Applicant: Madison River Communications, LLC.**

On December 2, 2005, Madison River Communications, LLC (Madison River or Applicant), located at 103 South Fifth Street, PO box 430, Mebane, NC 27302, 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 and international telecommunications services to customers in Louisiana and Mississippi. By an amendment filed January 25, 2006, Madison River corrected certain deficiencies in its initial application and updated the record regarding notice to customers. Accordingly, Madison River's application is deemed complete as of January 25, 2006.

Madison River states that its operations in Louisiana and Mississippi have been irreparably harmed by Hurricane Katrina. As a result Madison River states that it has determined to discontinue certain services in these states, including certain commercial retail facilities-based services that are currently provided using Madison River's switch located in Louisiana. Madison River indicates that it seeks to discontinue presubscribed local, domestic and international long distance services and toll free services in the above mentioned states.<sup>1</sup> Madison River further represents that it plans to discontinue the provision of Internet services to these customers, but that its wholesale customers who receive point to point fiber services in Louisiana will remain unaffected by this application. Madison River states that it wishes to discontinue service on February 28, 2006 or as soon thereafter as the necessary state and federal regulatory approvals have been obtained. Madison River indicates that it is non-dominant with respect to the services it proposes to discontinue.

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<sup>1</sup> Discontinuance of international service is governed by 47 C.F.R. § 63.19.

Madison River asserts that on December 2, 2005 it provided notice in accordance with section 63.71(a) of the Commission's rules to certain customers initially identified as being affected by the discontinuance. Madison River states that it sent notifications to each of these 275 affected customers (except 17 customers for whom only a post office box was available) via overnight delivery service. Madison River indicates that the 17 customers for whom a physical address was not available were sent notification via US mail, return confirmation requested. After receipt of only 240 confirmations, Madison River reports that it took additional steps to notify these customers by sending additional notices via US mail and facsimile. According to Madison River, these efforts resulted in confirmation of receipt by an additional 30 customers. Madison River states that additional efforts were, and continue to be, taken to notify the remaining five customers including additional US mail attempts and facsimiles. In its January 25, 2006 amendment Madison River indicates that three additional customers were not included in its original mailing lists. According to Madison River, initial notifications were sent to these customers on January 4, 2006, and Madison River asserts that it has confirmed that each of these customers have received the required notice of the discontinuance. Madison River further represents that an alert regarding the discontinuance was included in all billings sent out in December and January. Finally, Madison River asserts that 115 of its total 278 affected customers have already changed carriers as of January 20, 2006.

We seek comment on Madison River's proposed discontinuance of service including the steps it has taken to notify and protect consumers, 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, Madison River'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 Madison River that the grant will not be automatically effective. In Madison River's application and notice to its customers Madison River indicates that it anticipates discontinuing service on February 28, 2006. Accordingly, pursuant to section 63.71(c) and the terms of Madison River's application, absent further Commission action, Madison River may terminate service on **February 28, 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 10, 2006**. Such comments should refer to **WC Docket No. 06-32 and Comp. Pol. File No. 737**. 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](mailto: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](mailto: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](mailto: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](mailto:carmell.weathers@fcc.gov), or John Adams, (202) 418-0394 (voice), [john.adams@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

-FEDERAL COMMUNICATIONS COMMISSION-