



PUBLIC NOTICE

Federal Communications Commission
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DA 07-3417
July 26, 2007

COMMENTS INVITED ON APPLICATION OF PAC-WEST TELECOMM, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 07-156
Comp. Pol. File No. 812

Comments Due: August 10, 2007

Section 214 Application **Applicant: Pac-West Telecomm, Inc.**

On **July 24, 2007, Pac-West Telecomm, Inc.** (Pac-West or Applicant), located at **4210 Coronado Avenue, Stockton, CA 95204**, 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 its provision of certain domestic telecommunications services in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and Wisconsin (collectively, the Exit Markets).

Pac-West indicates that it provides domestic interstate telecommunications services pursuant to blanket domestic 214 authority granted by the Commission. Pac-West further states that it is authorized to provide local exchange and interexchange service in 34 states and the District of Columbia, and that its subsidiary, Pac-West Telecomm of Virginia, Inc., is authorized to provide local exchange and interexchange service in Virginia. Pac-West represents, however, that on April 30, 2007, it filed for protection under Chapter 11 of the U.S. Bankruptcy Laws in the U.S. Bankruptcy Court for the District of Delaware (Case No. 07-10562). Pac-West states that the markets served by its eastern network are likely to operate at a substantial loss for the foreseeable future and that these losses are unsustainable. Pac-West further states that if it continues to try to provide service to both its eastern and western regions, it will be unable to successfully reorganize and emerge from bankruptcy, and could thus risk discontinuance of service to all of its customers. Consequently, Pac-West asserts that, as a result of its bankruptcy filing, it now must seek authority from the Commission to discontinue all telecommunications services to its customers in the Exit Markets on or about August 23, 2007. Pac-West maintains that the proposed discontinuance will affect approximately 72 service provider customers that receive various telecommunications services from Pac-West, including but not limited to inbound and outbound customer public switched telephone network access, collocation, foreign exchange, and managed modem services. Pac-West asserts that the affected service provider customers consist of

Internet service providers, enhanced service providers and Voice over Internet Protocol (VoIP) providers that all tend to use multiple and redundant underlying carriers for their telecommunications services. Pac-West also states that, at this time, it intends to continue operating in states unaffected by this application. Pac-West indicates that it notified all affected customers of its proposed discontinuance by letters mailed on July 24, 2007. Finally, Pac-West 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, Pac-West'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 Pac-West that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Pac-West may terminate service to its affected customers on **August 26, 2007**. 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 **August 10, 2007**. Such comments should refer to **WC Docket No. 07-156 and Comp. Pol. File No. 812**. 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. 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) 418-1413, 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 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.