



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 08-2025**  
**Released: August 29, 2008**

**COMMENTS INVITED ON APPLICATION OF ONVOY, INC.**  
**D/B/A ONVOY VOICE SERVICES TO DISCONTINUE DOMESTIC**  
**TELECOMMUNICATIONS SERVICES**

**WC Docket No. 08-173**  
**Comp. Pol. File No. 881**

**Comments Due: September 15, 2008**

**Section 214 Application**

**Applicant: Onvoy, Inc. d/b/a Onvoy Voice Services**

On **August 8, 2008**, **Onvoy, Inc. d/b/a Onvoy Voice Services** (Onvoy or Applicant), located at **300 South Highway 169, Suite 700, Minneapolis, MN 55426**, 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 communities in Indiana, Michigan, and Ohio. By amendments filed August 20, 2008 and August 27, 2008, Onvoy corrected certain deficiencies in its initial application and updated the record regarding the affected communities and notice to customers. Accordingly, Onvoy's application is deemed complete as of August 27, 2008.

Onvoy indicates that it currently provides local exchange and (interstate and intrastate) interexchange services over plain old telephone service lines, and DS0 T1 channel and T1 services to customers in Fort Wayne, Indiana; Ann Arbor, Grand Rapids and Lansing, Michigan; and Akron and Toledo, Ohio. Onvoy states that, in addition to voice services, certain of these customers also receive high-speed bandwidth services over the T1 facilities.<sup>1</sup> Onvoy explains that the customers in the above communities were part of a recent acquisition of certain assets and customers of CenturyTel Acquisition LLC by Onvoy and its affiliates.<sup>2</sup> Onvoy states that a letter was sent to these customers as part of the acquisition process to inform them that Onvoy might discontinue service following the transfer and the required regulatory approvals. Onvoy indicates that its parent company, Zayo Group, LLC has since determined that continuation of service to certain acquired customers is not economically sustainable. Consequently, Onvoy states that it now intends to discontinue its provision of these services in the above-

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<sup>1</sup> Onvoy also states that its affiliate, Zayo Managed Services, LLC d/b/a Zayo Managed Services (ZMS), provides non-telecommunications services to these customers in conjunction with the telecommunications services provided by Onvoy.

<sup>2</sup> See *Notice of Domestic Section 214 Authorizations Granted*, Public Notice, WC Docket Nos. 08-69 and 08-75, DA 08-1534 (rel. June 30, 2008).

referenced geographic areas on or about September 30, 2008, subject to regulatory approval. Onvoy asserts that affected customers should be able to find alternative services because the services are readily available from other carriers, and customers have received sufficient notice to make other arrangements. Onvoy indicates that, on August 4, 2008, Onvoy and ZMS jointly mailed letters in accordance with the requirements of section 63.71(a) of the Commission's rules to inform affected customers in Indiana of the proposed discontinuance. Onvoy states that, on August 7, 2008, letters also were mailed to affected customers in Michigan and Ohio. Onvoy asserts that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, Onvoy's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Onvoy that the grant will not be automatically effective. In Onvoy's application, Onvoy indicates that it anticipates discontinuing service on or after September 30, 2008. Accordingly, pursuant to section 63.71(c) and the terms of Onvoy's application, absent further Commission action, Onvoy may terminate the affected services to its customers in Fort Wayne, Indiana; Ann Arbor, Grand Rapids and Lansing, Michigan; and Akron and Toledo, Ohio on or after **September 30, 2008**. The Commission normally will 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 **September 15, 2008**. Such comments should refer to **WC Docket No. 08-173 and Comp. Pol. File No. 881**. 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 Web site 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 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 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-C140, 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](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 Michelle Sclater, (202) 418-0388 (voice), [michelle.sclater@fcc.gov](mailto:michelle.sclater@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).

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