



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 08-791
Released: April 2, 2008

COMMENTS INVITED ON APPLICATION OF CAPITAL TELECOMMUNICATIONS, INC. AND STARVOX COMMUNICATIONS, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 08-48
Comp. Pol. File No. 860

Comments Due: April 17, 2008

Section 214 Application

Applicants: Capital Telecommunications, Inc. and Starvox Communications, Inc.

On **March 19, 2008**, **Capital Telecommunications, Inc. (CTI)**, located at **200 West Market Street, York, Pennsylvania 17401**, and **Starvox Communications, Inc. (Starvox)**, located at **2728 Orchard Parkway, San Jose, CA 95134** (collectively Applicants), 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 in California, Connecticut, Delaware, D.C., Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia and Washington.

Applicants indicate that CTI is a direct, wholly owned subsidiary of Starvox. Applicants state that Starvox is authorized to provide switched and dedicated intrastate, interstate, and international long distance message toll telecommunications services to business, enterprise (multi-location businesses), and carrier customers on a retail and wholesale basis. Applicants explain that Starvox currently provides retail long distance services to customers in California, D.C., Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia and Washington. Applicants indicate that CTI is authorized to provide traditional local, long distance, international and data services primarily to small and medium-sized businesses in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Texas. The Applicants state, however, that they have filed for Chapter 7 bankruptcy protection before the U.S. Bankruptcy Court for the Northern District of California, San Jose Division, and that they do not have funding sufficient to maintain the provisioning of service to their customers.¹ Applicants maintain that they plan to

¹ Applicants also state that they previously filed for authority to transfer their assets and customers to bComm, Inc. pursuant to a purchase agreement. See *Domestic Section 214 Applications Filed for the Acquisition of Certain Assets of Starvox Communications, Inc. and Capital Telecommunications, Inc. by bComm, Inc.*, Public Notice, WC Docket No. 08-28, DA 08-456 (rel. Feb. 25, 2008). Applicants explain, however, that the purchase agreement was terminated and that they consequently filed a request to withdraw their transfer of control applications.

discontinue service to customers as soon as Commission approval is obtained.² Applicants indicate that they sent letters dated February 12, 2008 and March 17, 2008 by U.S. mail to inform all affected customers of the proposed discontinuance. Finally, the Applicants assert that they are non-dominant with respect to the services they propose to discontinue.

We seek comment on Applicant's proposed discontinuance of service, including the steps taken to notify customers, given the particular circumstances in this case and 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, the application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies the Applicants that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, the Applicants may terminate service on or after **May 3, 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 **April 17, 2008**. Such comments should refer to **WC Docket No. 08-48 and Comp. Pol. File No. 860**. 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, 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,

² Discontinuance of international service is governed by 47 C.F.R. § 63.19.

Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. 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 Denise Coca, (202) 418-0574 (voice), denise.coca@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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