



# PUBLIC NOTICE

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

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

**DA 09-10**  
**Released: January 6, 2009**

**COMMENTS INVITED ON APPLICATION OF ENHANCED COMMUNICATIONS OF  
NORTHERN NEW ENGLAND INC. D/B/A FAIRPOINT LONG DISTANCE - NNE AND  
FAIRPOINT LONG DISTANCE TO DISCONTINUE DOMESTIC  
TELECOMMUNICATIONS SERVICES**

**WC Docket No. 09-1**  
**Comp. Pol. File No. 894**

**Comments Due: January 21, 2009**  
**Reply Comments Due: January 26, 2009**

## **Section 214 Application**

**Applicant: Enhanced Communications of Northern New England Inc. d/b/a FairPoint Long Distance-NNE and FairPoint Long Distance**

On December 12, 2008, Enhanced Communications of Northern New England Inc. d/b/a FairPoint Long Distance – NNE (in Maine and New Hampshire) and FairPoint Long Distance (in Vermont) (FairPoint or Applicant), located at 1 Davis Farm Road, South Portland, ME 04103, 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 telecommunications services in Maine, New Hampshire, and Vermont.<sup>1</sup>

FairPoint indicates that it currently provides Personal Toll Free Service (PTFS), a U.S. domestic interexchange telecommunications service sometimes referred to as Residential Toll Free Service or Residential Personal Toll Free Number, throughout its service territory in Maine, New Hampshire, and Vermont (the service areas). FairPoint explains that customers receiving PTFS are assigned a toll-free number with a private authorization code and that this toll-free number terminates to an exchange access line. FairPoint states that PTFS previously had been offered in the service areas at issue by several subsidiaries of Verizon Communications Inc. prior to the acquisition of these exchanges by FairPoint’s parent company, FairPoint Communications, Inc. FairPoint asserts, however, that as a technical matter this service can only be supported by Verizon’s network, and that a cutover from Verizon’s network to FairPoint’s network is scheduled to occur on or about January 30, 2009. FairPoint therefore maintains that it plans to discontinue PTFS in the service areas on or about January 30, 2009, as it will not be able to support the service on or after that date. FairPoint states that it notified all affected customers of the proposed discontinuance by letters sent via U.S. mail on December 11, 2008. FairPoint maintains that it offers alternative toll-free calling services and that comparable toll-free calling plans are offered by other

---

<sup>1</sup> This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on December 18, 2008.

carriers in the affected service areas at competitive prices. FairPoint asserts that it is considered non-dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, such applications for authority to discontinue services are normally deemed to be granted automatically on the 31st day after the release date of the public notice, unless the Commission notifies the applicant that the grant will not be automatically effective. In FairPoint's application, FairPoint indicates that it plans to discontinue service on or after January 30, 2009, but with this public notice an automatic grant of the application is not scheduled to occur until February 5, 2009. Given the particular circumstances in this case, in addition to seeking comment on the application in general, we seek comment on whether FairPoint should receive authority to discontinue service prior to completion of the normal 31-day automatic grant period. FairPoint'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 FairPoint that the grant will not be automatically effective, or provides notice that FairPoint may discontinue services at a sooner time. Accordingly, pursuant to section 63.71(c) and the terms of FairPoint's application, absent further Commission action, FairPoint may terminate its Personal Toll Free Service in Maine, New Hampshire, and Vermont on or after **February 5, 2009**. 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 **January 21, 2009** and reply comments should be filed on or before **January 26, 2009**. Such comments and reply comments should refer to **WC Docket No. 09-1 and Comp. Pol. File No. 894**. 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 Rodney McDonald, (202) 418-7513 (voice), [rodney.mcdonald@fcc.gov](mailto:rodney.mcdonald@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).

– FCC –