



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF QWEST CORPORATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-62
Comp. Pol. File No. 900

Comments Due: June 16, 2009

Section 214 Application **Applicant: Qwest Corporation**

On **April 24, 2009**, **Qwest Corporation (Qwest or Applicant)**, located at **1801 California Street, Denver, CO 80202**, 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 Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming (collectively Service Areas). On April 27, 2009 and May 18, 2009, Qwest filed amendments to its application to correct certain deficiencies. Accordingly, Qwest's application is deemed complete as of May 18, 2009.

Qwest indicates that it currently provides Local Area Network Switching Service (LSS) in the Service Areas.¹ Qwest explains that LSS is a transport service designed to interconnect local area network interfaces between customer-designated premises. Qwest indicates that LSS provides a specific amount of bandwidth over the Qwest network and supports both point-to-point and multiple connectivity between customer-designated locations. Qwest states, however, that its vendor has discontinued manufacturing the equipment necessary for the provision of LSS, so Qwest plans to discontinue its provision of LSS and to grandfather the service to current users with unexpired agreements. Qwest indicates that it plans to discontinue its provision of LSS in the Service Areas on or after May 25, 2009, subject to regulatory approval. Qwest explains that customers will not be able to submit new orders for LSS after it is grandfathered. Qwest further explains that existing customers will be able to retain their LSS service as it is currently being provided following the proposed discontinuance, but that they will not be able to move or change their service or upgrade to a higher speed. In addition, Qwest states that existing fixed period rate plans may not be renewed, but that the service will be provided on a month-to-month basis upon completion of the existing term plan. Qwest maintains that it will work with its current customers to find substitute service if necessary, and asserts that Qwest Metro Optical Ethernet, known as QMOE, may serve as a suitable substitute. Qwest indicates that it sent notice to all affected customers via

¹ Qwest states that LSS is listed in Qwest's Rates and Services Schedule Interstate No. 1, Section 8, Advanced Communications Networks, Section 8.6.1, *et seq.*

U.S. Mail on April 2, 2009, and that it sent a second corrected notice to customers on May 15, 2009.² Qwest states that it is considered non-dominant with respect to the service to be discontinued.

We seek comment on Qwest's proposed discontinuance of service including the notice provided to its customers 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, Qwest'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 Qwest that the grant will not be automatically effective. In its application, Qwest indicates that it anticipates discontinuing service on or after May 25, 2009, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of Qwest's application, absent further Commission action, Qwest may terminate its provision of LSS services in the affected Service Areas on or after **July 2, 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 **June 16, 2009**. Such comments should refer to **WC Docket No. 09-62 and Comp. Pol. File No. 900**. 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

² Qwest's May 15, 2009 customer notice makes reference to the notice period prescribed for dominant carriers under section 63.71(a) of the Commission's rules and suggests that customers will have 30 days from release of this public notice to file comments. However, Qwest has filed as a non-dominant provider with respect to the services to be discontinued, so customers must file comments no later than 15 days after release of this public notice. *See* 47 C.F.R. § 63.71(a).

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. 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 Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@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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