



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 09-1321
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**COMMENTS INVITED ON APPLICATION OF TALK AMERICA INC.
D/B/A CAVALIER TELEPHONE, ALSO D/B/A CAVALIER BUSINESS
COMMUNICATIONS, ALSO D/B/A CAVALIER TELEPHONE AND TV, TO
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

WC Docket No. 09-99
Comp. Pol. File No. 907

Comments Due: June 29, 2009

Section 214 Application

**Applicant: Talk America Inc. d/b/a Cavalier Telephone, also d/b/a Cavalier Business
Communications, also d/b/a Cavalier Telephone and TV**

On May 29, 2009, Talk America Inc. d/b/a Cavalier Telephone, also d/b/a Cavalier Business Communications, also d/b/a Cavalier Telephone and TV (Talk America or Applicant), located at 2134 West Laburnum Avenue, Richmond, VA 23227, 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 Arkansas, Idaho, Iowa, Kansas, Maine, Nebraska, New Mexico, North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming. By an amendment filed June 5, 2009, Talk America corrected certain deficiencies in its initial application and updated the record regarding notice to the states and to customers. Accordingly, Talk America's application is deemed complete as of June 5, 2009.

Talk America indicates that it currently provides local and long distance services (interstate, intrastate and international) to customers in Arkansas, Kansas, and Oklahoma. Talk America states that it also currently provides long distance services (interstate, intrastate, and international) in Idaho, Iowa, Maine, Nebraska, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming. Talk America indicates that it currently serves a very limited number of customers in these states and that it intends to discontinue its provision of these services in the above-referenced geographic areas, except Iowa, on or about July 15, 2009.¹ According to Talk America, the date of planned service discontinuance for Iowa customers is September 15, 2009. Talk America indicates that it informed customers of the planned discontinuance with notices mailed on May 27, 2009, and that it subsequently mailed revised notice letters in accordance with the requirements of section 63.71(a) of the Commission's rules on June 3, 2009. Talk America asserts that it will continue to provide telecommunications services in a number of other states not affected by this application, and that it is considered non-dominant with respect to all of its services, including those affected by the proposed discontinuance.

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

In accordance with section 63.71(c) of the Commission's rules, Talk America'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 Talk America that the grant will not be automatically effective. In Talk America's application, Talk America indicates that it anticipates discontinuing service in the affected states on or after July 15, 2009, with the exception of Iowa, which will be on or after September 15, 2009. Accordingly, pursuant to section 63.71(c) and the terms of Talk America's application, absent further Commission action, Talk America may terminate the affected services on or after **July 15, 2009** to its customers in Arkansas, Idaho, Kansas, Maine, Nebraska, New Mexico, North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming, and on or after **September 15, 2009** to its customers in Iowa. 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 29, 2009**. Such comments should refer to **WC Docket No. 09-99 and Comp. Pol. File No. 907**. 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, 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 Michelle Sclater, (202) 418-0388 (voice), 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.

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