



PUBLIC NOTICE

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

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**COMMENTS INVITED ON APPLICATION OF MCLEODUSA
TELECOMMUNICATIONS SERVICES, INC. D/B/A PAETEC BUSINESS SERVICES
TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

WC Docket No. 09-107
Comp. Pol. File No. 909

Comments Due: July 7, 2009

Section 214 Application

Applicant: McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services

On **June 11, 2009**, **McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services** (PAETEC or Applicant), located at **One PAETEC Plaza, 600 WillowBrook Office Park, Fairport, New York 14450**, 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 within the Omaha, Nebraska metropolitan area.¹

PAETEC indicates that it currently provides local exchange, interstate access, interstate special access DSL and long distance services to customers in Nebraska. PAETEC states, however, that it plans to discontinue local exchange, interstate access and interstate special access DSL services to customers in the Omaha, Nebraska metropolitan area.² PAETEC further states that it does not plan to discontinue interstate long distance services at this time, but that customers who do not obtain a new local service provider prior to the discontinuance of PAETEC's local exchange services will lose continued access to PAETEC's long distance services as well. PAETEC maintains that customers who choose to do so may retain PAETEC as their long distance carrier after they migrate their local services to a new local carrier. PAETEC explains that the proposed discontinuance will affect approximately 244 customers within the rate centers designated by the following CLLI codes: OMAHNENW, OMAHNE90, OMAHNE84 (La Vista), OMAHNEOS, OMAHNEIZ, OMAHNECE, OMAHNEBE (Bellevue), OMAHNEFO, OMAHNEHA, and OMAHNE78. PAETEC indicates that it intends to discontinue the above mentioned services on July 11, 2009, or as soon thereafter as any necessary regulatory approvals are obtained.

¹ This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on June 16, 2009.

² PAETEC indicates that it sought and received authority from the Nebraska Public Services Commission to discontinue local exchange telecommunications services. PAETEC further indicates that it is separately filing a Notice of Discontinuance of Common Carrier Broadband Internet Access Transmission Service with the Commission in CC Docket No. 02-33 with respect to its discontinuance of interstate special access DSL services.

PAETEC states that on May 26, 2009 it provided written notice to all affected customers in accordance with the requirements of section 63.71 of the Commission's rules. Specifically, PAETEC indicates that it mailed notice to all affected customers and informed them that PAETEC no longer plans to offer or provide local phone service to small business customers in the affected areas as of June 30, 2009, and that a failure by customers to move to a new provider by July 15, 2009 would result in a telephone number reassignment and a disconnection of service. PAETEC asserts that it is non-dominant with respect to the interstate access telecommunications service that it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, PAETEC'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 PAETEC that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, PAETEC may terminate its provision of the affected services in Omaha, Nebraska on or after **July 23, 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 **July 7, 2009**. Such comments should refer to **WC Docket No. 09-107 and Comp. Pol. File No. 909**. 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 Rodney McDonald, (202) 418-7513 (voice), 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.

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