



PUBLIC NOTICE

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

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

DA 09-1491
Released: June 30, 2009

COMMENTS INVITED ON APPLICATION OF ADVANCED TEL, INC. D/B/A EATEL TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-113
Comp. Pol. File No. 911

Comments Due: July 15, 2009

Section 214 Application

Applicant: Advanced Tel, Inc. d/b/a EATEL

On **May 19, 2009**, **Advanced Tel, Inc. d/b/a EATEL** (EATEL or Applicant), located at **913 South Burnside Avenue, Gonzales, Louisiana 70737-4258**, 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 Florida and Georgia.

EATEL indicates that it currently provides long distance service to a limited number of customers in Florida and Georgia. Specifically, EATEL states that it recently discovered that five of its customers in Florida and two of its customers in Georgia did not receive notice and were not disconnected from long distance service at the time of EATEL's previously approved discontinuance in several states including Florida and Georgia on or around December 25, 2008.¹ EATEL explains that these customers' locations were incorrectly geo-coded, and did not originally appear to be located in the affected service territory. EATEL maintains, however, that the costs of doing business in these locations still outweigh any revenues collected or other benefits associated with conducting business in these states. Consequently, EATEL indicates that it intends to complete its discontinuance of long distance service in these states and cease providing service to these customers.² According to EATEL, the anticipated date for the proposed discontinuance is on or about July 31, 2009, or as soon thereafter as the necessary state and federal authorizations have been obtained. EATEL indicates that, on May 15, 2009, it sent notices to inform the affected customers of its plans to discontinue service in the states of Florida and Georgia. EATEL asserts that it is considered non-dominant with respect to the service to be discontinued.

¹ See *Comments Invited on Application of Advanced Tel, Inc. d/b/a EATEL to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 08-231, 23 FCC Rcd 17045 (rel. Nov. 24, 2008).

² In its customer notices, EATEL states that it no longer plans to provide domestic or international long distance service in the affected states. 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, EATEL'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 EATEL that the grant will not be automatically effective. In its application and notice to customers, EATEL indicates that it anticipates discontinuing service on or about July 31, 2009, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of EATEL's application and notice, absent further Commission action, EATEL may terminate its provision of long distance telephone service in Florida and Georgia on or after **July 31, 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 15, 2009**. Such comments should refer to **WC Docket No. 09-113 and Comp. Pol. File No. 911**. 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.

– FCC –