



# PUBLIC NOTICE

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

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**DA 09-1492**  
**Released: June 30, 2009**

## **COMMENTS INVITED ON APPLICATION OF CLEARTEL TELECOMMUNICATIONS, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 09-112**  
**Comp. Pol. File No. 910**

**Comments Due: July 15, 2009**

### **Section 214 Application**

**Applicant: Cleartel Telecommunications, Inc.**

On **June 11, 2009**, **Cleartel Telecommunications, Inc.** (Cleartel or Applicant), located at **12124 High Tech Avenue, Suite 100, Orlando, FL 32817**, 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 Maryland, Rhode Island, Virginia and West Virginia (collectively Service Areas). On June 12, 2009, Cleartel filed an amendment to its application to correct information regarding the number of customers affected by its proposed discontinuance. Accordingly, Cleartel's application is deemed complete as of June 12, 2009.

Cleartel indicates that it currently provides local exchange, intrastate, interstate and international long distance services on a resold basis and via a platform formerly known as UNE-P in Maryland, Rhode Island and West Virginia. Cleartel states that, in Virginia, it currently provides interstate and international long distance services, and with its affiliate, Cleartel Telecommunications of Virginia, Inc., it provides local exchange and intrastate long distance services. Cleartel indicates, however, that it plans to discontinue providing these services in the Service Areas on or after July 31, 2009 in Maryland and Rhode Island, on or after August 10, 2009 in Virginia and on or after September 10, 2009 in West Virginia, subject to regulatory approval.<sup>1</sup> According to Cleartel, approximately 107 customers will be affected by the proposed discontinuance in Maryland, 35 in Rhode Island, 124 in Virginia and 69 in West Virginia. Cleartel states that it sent notice to all affected customers via first class U.S. Mail on June 10, 2009, in compliance with section 63.71(a) of the Commission's rules. Cleartel asserts that it is non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, Cleartel'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 Cleartel that the grant will not be automatically effective. In its application and notices to customers, Cleartel indicates that it anticipates discontinuing service to customers on or after

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<sup>1</sup> Discontinuance of international service is governed by 47 C.F.R. § 63.19.

July 31, 2009 in Maryland and Rhode Island, on or after August 10, 2009 in Virginia, and on or after September 10, 2009 in West Virginia, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of Cleartel's application and notices, absent further Commission action, Cleartel may terminate its provision of all resold local exchange, intrastate and interstate services on or after **July 31, 2009** in Maryland and Rhode Island, on or after **August 10, 2009** in Virginia, and on or after **September 10, 2009** in West Virginia. 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. 09-112 and Comp. Pol. File No. 910**. 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. 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 Kimberly Jackson, (202) 418-7393 (voice), [kimberly.jackson@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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