



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF RCN TELECOM SERVICES OF ILLINOIS, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-127
Comp. Pol. File No. 912

Comments Due: August 5, 2009

Section 214 Application

Applicant: RCN Telecom Services of Illinois, LLC

On **June 19, 2009**, **RCN Telecom Services of Illinois, LLC** (RCN or Applicant), located at **2640 W. Bradley Place, Chicago, IL 60618**, 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 Illinois.

RCN indicates that it currently provides local exchange and domestic and international long distance services to customers receiving service via the analog access node platform in the city of Chicago, Illinois. RCN states, however, that it has revised its business plan and now intends to discontinue its provision of these services to four buildings in Chicago, Illinois that receive these services via the analog access node platform.¹ Specifically, RCN states that the proposed discontinuance of services will affect customers located at the following addresses in Chicago, Illinois: 555 W. Madison St., 575 W. Madison St., 605 W. Madison St., and 625 W. Madison St. According to RCN, the anticipated date for the proposed discontinuance is August 21, 2009, or as soon thereafter as the necessary state and federal approvals can be obtained. RCN maintains that the basic local telephone services that are being discontinued are available from other carriers. RCN states that customers also have been given the option of migrating to RCN's digital service platform. RCN indicates that it mailed written notice of the proposed discontinuance to all affected customers in accordance with section 63.71 of the Commission's rules on June 18, 2009. RCN asserts that it is non-dominant with respect to the services it proposes to discontinue.

¹ RCN explains that it previously sought authority to discontinue service to these buildings and several others in Chicago in October of 2007. RCN indicates that it decided not to discontinue service to these four buildings at that time, and that it is seeking authority to discontinue service to these remaining locations now. *See Comments Invited on Application of RCN Telecom Services of Illinois, LLC to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 07-191, 22 FCC Rcd 16699 (2007). 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, RCN'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 RCN that the grant will not be automatically effective. In RCN's application and notice to its customers, RCN indicates that it anticipates discontinuing service on August 21, 2009, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of RCN's application and notice, absent further Commission action, RCN may terminate service to the affected customers in Chicago, Illinois on or after **August 21, 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 **August 5, 2009**. Such comments should refer to **WC Docket No. 09-127 and Comp. Pol. File No. 912**. 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 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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