



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF ATL COMMUNICATIONS, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-131
Comp. Pol. File No. 906

Comments Due: August 6, 2009

Section 214 Application **Applicant: ATL Communications, Inc.**

On May 28, 2009, **ATL Communications, Inc.** (ATL or Applicant), located at **56825 Venture Lane, Suite 110, Sunriver, OR 97707**, 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 Oregon. On June 18, 2009, ATL filed an amendment to correct certain deficiencies in its application and to update the record regarding notice to customers. Accordingly, ATL's application is deemed complete as of June 18, 2009.

ATL indicates that it currently provides various domestic services including local exchange, interexchange, and dial-up and DSL Internet service in a limited rural area of Oregon under the names Sunriver Telecom and Central Oregon Telecom. ATL explains that it primarily offers these services to residential customers and some business customers through a combination of resale contracts with the incumbent local exchange carrier, a long distance provider and an Internet service provider. ATL states, however, that it now intends to discontinue its provision of these services in Oregon and concentrate on its primary business as an Independent Responsible Organization.¹ According to ATL, the anticipated date for the proposed discontinuance is on or around August 22, 2009, subject to regulatory approval. ATL explains that on February 10, 2009, it initially informed its residential customers of a proposed May 10, 2009 discontinuance through letters inserted in its bills. ATL further indicates that on May 10, 2009, it similarly informed business customers of a proposed June 10, 2009 discontinuance. ATL states that such notifications also were made public through a required abandonment filing with the Oregon Public Utilities Commission and through the local paper. ATL asserts, however, that on May 22, 2009, it provided written customer notice of the revised August 22, 2009 discontinuance date by first class U.S. Mail in compliance with section 63.71(a) of the Commission's rules. ATL maintains that 95 percent of its total customers, including all residential customers, have already moved to another provider and that no customer service has been interrupted. ATL asserts that it is considered non-dominant with respect to the affected services.

¹ Due to the nature of some of the services being discontinued, this application also has been placed in CC Docket No. 02-33 which relates to the discontinuance of common carrier broadband Internet access transmission services.

In accordance with section 63.71(c) of the Commission's rules, ATL'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 ATL that the grant will not be automatically effective. In ATL's application and notice to customers, ATL indicates that it anticipates discontinuing service on or around August 22, 2009 subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of ATL's application and notice, absent further Commission action, ATL may terminate its provision of the applicable domestic services in Oregon on or after **August 22, 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 6, 2009**. Such comments should refer to **WC Docket No. 09-131 and Comp. Pol. File No. 906**. 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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