



PUBLIC NOTICE

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

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DA 09-2223
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COMMENTS INVITED ON APPLICATION OF NETWORK TELEPHONE CORPORATION D/B/A CAVALIER TELEPHONE, ALSO D/B/A CAVALIER BUSINESS COMMUNICATIONS, ALSO D/B/A CAVALIER TELEPHONE AND TV TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-186
Comp. Pol. File No. 919

Comments Due: October 30, 2009

Section 214 Application

Applicant: Network Telephone Corporation d/b/a Cavalier Telephone, also d/b/a Cavalier Business Communications, also d/b/a Cavalier Telephone and TV

On **October 13, 2009**, **Network Telephone Corporation d/b/a Cavalier Telephone, also d/b/a Cavalier Business Communications, also d/b/a Cavalier Telephone and TV** (Network Telephone or Applicant), located at **2134 West Laburnum Avenue, Richmond, VA 23227**, 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.

Network Telephone indicates that it currently provides domestic local and long distance telecommunications services (including intrastate, interstate and international services) to end-user customers in Gainesville, Florida (Service Area). Network Telephone states that these services are provided to customers under the name "Cavalier Business Communications." Network Telephone indicates, however, that it currently serves only three customers in the Gainesville, Florida exchange and that it now intends to discontinue its provision of these domestic retail local and long distance services, including voice and data services in the Service Area.¹ Specifically, Network Telephone states that it plans to discontinue its provision of these services on November 15, 2009. Network Telephone maintains that it plans to continue to provide telecommunications services in the remainder of its Florida service territory and in a number of other states that are not affected by the present application. Network Telephone indicates that it sent notice of the proposed discontinuance to all affected customers via first class U.S. Mail on October 9, 2009. Network Telephone states that it is considered non-dominant with respect to the affected services.

In accordance with section 63.71(c) of the Commission's rules, Network Telephone's application will be deemed to be granted automatically on the 31st day after the release date of this public notice,

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

unless the Commission notifies Network Telephone that the grant will not be automatically effective. In its application and notice to customers, Network Telephone indicates that it anticipates discontinuing service on November 15, 2009. Accordingly, pursuant to section 63.71(c) and the terms of Network Telephone's application and notice, absent further Commission action, Network Telephone may terminate the affected domestic services in Gainesville, Florida on or after **November 15, 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 **October 30, 2009**. Such comments should refer to **WC Docket No. 09-186 and Comp. Pol. File No. 919**. 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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