



PUBLIC NOTICE

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

WC Docket No. 09-213
Comp. Pol. File No. 920

Comments Due: January 4, 2010

Section 214 Application

Applicant: Hawaiian Telcom, Inc.

On **November 16, 2009**, **Hawaiian Telcom, Inc.** (Hawaiian Telcom or Applicant), located at **1177 Bishop Street, Honolulu, Hawaii 96813**, 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 service in Hawaii.

Hawaiian Telcom indicates that it currently offers High Cap Broadband Access Cloud (HiBAC) service to customers throughout its service area in Hawaii. Hawaiian Telcom explains that HiBAC service is provided over a multi-protocol network that transparently transports a combination of HiBAC Asynchronous Transfer Mode (ATM), inter-worked Frame Relay services, HiBAC Frame Relay services and TCP/IP Data Aggregation services (CyberWANTM) technologies over a single network facility. Hawaiian Telcom further explains that HiBAC service is comprised of a Broadband Access Point, Frame Relay and ATM User Network Interfaces and Permanent Virtual Circuits (PVCs) in various Quality of Service connections. Hawaiian Telcom states that its former owner, Verizon, originally included HiBAC service under Hawaiian Telcom's FCC Tariff No. 2, Section 5.3 at the same time that Verizon introduced this service to customers in other states. Hawaiian Telcom indicates, however, that it has never provided this service to any customers in Hawaii. Accordingly, Hawaiian Telcom states that it anticipates discontinuing this service and no longer offering it in Hawaii as of February 1, 2010, subject to Commission authorization. Hawaiian Telcom maintains that the public convenience and necessity will not be impaired by this proposed discontinuance because Hawaiian Telcom and other providers offer alternative broadband services. Hawaiian Telcom asserts that it is considered dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, Hawaiian Telcom's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the Commission notifies Hawaiian Telcom that the grant will not be automatically effective. In Hawaiian Telcom's application, Hawaiian Telcom indicates that it anticipates discontinuing service on February 1, 2010 subject to Commission authorization. Accordingly, pursuant to section 63.71(c) and the terms of Hawaiian Telcom's application, absent further Commission action, Hawaiian Telcom may cease offering its HiBAC service in Hawaii on or after **February 1, 2010**. 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 **January 4, 2010**. Such comments should refer to **WC Docket No. 09-213 and Comp. Pol. File No. 920**. 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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