



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF D&E NETWORKS, INC. TO DISCONTINUE INTERCONNECTED VOIP SERVICES

WC Docket No. 09-232
Comp. Pol. File No. 925

Comments Due: January 7, 2010

On **December 11, 2009**, **D&E Networks, Inc.** (D&E or Applicant), located at **4001 Rodney Parham Road, Little Rock, AR 72212**, 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 interconnected Voice over Internet Protocol (VoIP) services in Pennsylvania.¹

D&E indicates that its D&E Jazzd Phone service is an interconnected VoIP service that D&E provides to customers in Pennsylvania. D&E states, however, that it plans to discontinue Jazzd Phone service in Pennsylvania, on or after January 29, 2010. D&E acknowledges that it is an interconnected VoIP service provider that will be subject to the requirements of section 63.71 of the Commission's rules upon the effective date of the requirements adopted in the *VoIP Discontinuance Order*.² Accordingly, D&E indicates that it is submitting its application for authority to discontinue services under section 63.71 of the Commission's rules. D&E indicates that it sent notice to affected customers via U.S. Mail on December 3, 2009, in compliance with the requirements of section 63.71(a) of the Commission's rules. D&E claims that the proposed discontinuance will not adversely affect the public convenience and necessity because existing customers have a wide range of alternative voice services to choose from including non-facilities-based VoIP services, and, depending on their location, traditional wireline voice services, facilities-based VoIP services and wireless voice services. D&E asserts that it is considered a provider of interconnected VoIP service, and would therefore be subject to the same discontinuance requirements as non-dominant carriers under the rule adopted in the *VoIP Discontinuance Order*.

¹ D&E states that its ultimate parent company, D&E Communications, Inc., and its subsidiaries were acquired by Windstream Corporation on November 10, 2009.

² See *IP-Enabled Services*, Report and Order, WC Docket No. 04-36, 24 FCC Rcd 6039, 6050 (rel. May 13, 2009) (*VoIP Discontinuance Order*) (indicating that the information collection requirements contained in the *VoIP Discontinuance Order* will become effective following approval by the Office of Management and Budget).

In accordance with section 63.71(c) of the Commission's rules, D&E'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 D&E that the grant will not be automatically effective. In its application and notice to customers, D&E indicates that it anticipates discontinuing service on or after January 29, 2010, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of D&E's application and notice, absent further Commission action, D&E may terminate its provision of Jazzd Phone service in Pennsylvania on or after **January 29, 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 7, 2010**. Such comments should refer to **WC Docket No. 09-232 and Comp. Pol. File No. 925**. 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 through December 25, 2009. However, effective December 28, 2009, the Commission's contractor will only receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at the FCC Headquarters building, located at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554.** The filing hours at both locations 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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