



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 09-792**  
**Released: April 8, 2009**

## **COMMENTS INVITED ON APPLICATION OF COMCAST PHONE OF NEW YORK, LLC D/B/A COMCAST DIGITAL PHONE**

**WC Docket No. 09-45**  
**Comp. Pol. File No. 895**

**Comments Due: April 23, 2009**

### **Section 214 Application**

**Applicant: Comcast Phone of New York, LLC d/b/a Comcast Digital Phone**

On **March 25, 2009**, **Comcast Phone of New York, LLC d/b/a Comcast Digital Phone** (Comcast or Applicant), located at **One Comcast Center, 50th Floor, Philadelphia, PA 19103**, 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 New York.

Comcast indicates that it currently provides interstate and intrastate telecommunications services throughout New York. Comcast states, however, that it now intends to discontinue its provision of certain residential telecommunications services, offered to the public under the brand name "Comcast Digital Phone," in New York. According to Comcast, the anticipated date for the proposed discontinuance is on or after May 14, 2009, but no earlier than 31 days after the Commission releases public notice of its filing. Comcast explains that the proposed May 14, 2009 disconnection will be a "soft disconnect" and that customers will continue to be able to call emergency services by dialing 911 for at least 14 days after the discontinuance. Comcast also states that it will assist affected customers during their transition to alternative service providers and that it will continue to provide other telecommunications services in the state including various telephone exchange and exchange access service offerings. Comcast indicates that it informed all affected customers of the proposed discontinuance by letters sent via first class U.S. Mail on March 23, 2009. Finally, Comcast asserts that it is non-dominant in the local exchange, interstate, and interexchange services markets.

In accordance with section 63.71(c) of the Commission's rules, Comcast'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 Comcast that the grant will not be automatically effective. In Comcast's application and notice to its customers, Comcast indicates that it anticipates discontinuing service on or after May 14, 2009. Accordingly, pursuant to section 63.71(c) and the terms of Comcast's application and notice, absent further Commission action, Comcast may terminate the provision of its residential Comcast Digital Phone service to the affected customers in New York on or after **May 14, 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 **April 23, 2009**. Such comments should refer to **WC Docket No. 09-45 and Comp. Pol. File No. 895**. 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](mailto: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](mailto: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](mailto: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](mailto:carmell.weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [rodney.mcdonald@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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