



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF AERO COMMUNICATIONS, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-58
Comp. Pol. File No. 899

Comments Due: May 15, 2009

Section 214 Application **Applicant: Aero Communications, LLC**

On **March 17, 2009**, **Aero Communications, LLC** (Aero or Applicant), located at **3901 Technology Dr., Paducah, KY 42001**, 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 Illinois and Kentucky.¹

Aero indicates that, as a division of Heartland Communications Internet Services, Inc., it currently provides flat rate local telephone service with unlimited calling to its local calling area, along with ancillary services including access to operator services, and Digital Subscriber Line access (retail residential services) to customers in Metropolis, Illinois and Paducah, Kentucky. Aero asserts, however, that after evaluating its business options it has determined that the provision of retail residential service is not consistent with its strategic interest. Consequently, Aero states that it now intends to discontinue the above mentioned services in Kentucky and Illinois. Aero, however, maintains that it intends to remain in operation and continue to provide service to its business customers in several states. According to Aero, the anticipated date for the proposed discontinuance is May 31, 2009. Aero asserts that other local exchange carriers and broadband service providers continue to operate in the affected areas and that Aero has referred its current retail residential service customers to at least one CLEC in the area that offers similar services at competitive prices. Aero indicates that it informed all affected customers of the proposed discontinuance by letters sent via first class mail by March 11, 2009. Finally, Aero asserts that it is non-dominant with respect to the services being discontinued.

In accordance with section 63.71(c) of the Commission's rules, Aero'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 Aero that the grant will not be automatically effective. In Aero's application and notice to its customers, Aero indicates that it anticipates discontinuing service on May 31, 2009. Accordingly, pursuant to section 63.71(c) and the terms of Aero's application and notice, absent further

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.

Commission action, Aero may terminate its retail residential services in Illinois and Kentucky on or after **May 31, 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 **May 15, 2009**. Such comments should refer to **WC Docket No. 09-58 and Comp. Pol. File No. 899**. 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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