



# PUBLIC NOTICE

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

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**DA 10-1656**  
**Released: August 30, 2010**

**COMMENTS INVITED ON APPLICATION OF BUDGET CALL  
LONG DISTANCE, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS  
SERVICES**

**WC Docket No. 10-175**  
**Comp. Pol. File No. 944**

**Comments Due: September 14, 2010**

**Section 214 Application**  
**Applicant: Budget Call Long Distance, Inc.**

On July 30, 2010, Budget Call Long Distance, Inc. (Budget Call or Applicant), located at 225 Kenneth Drive, Rochester, New York 14623, 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 Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming (Service Areas). By an amendment filed on August 30, 2010, Budget Call supplemented the record regarding notice to customers.<sup>1</sup> Accordingly, Budget Call's application is deemed complete as of August 30, 2010.

Budget Call indicates that it is a wholly-owned indirect subsidiary of Global Crossing North America, Inc., currently authorized to provide both domestic interstate and international "dial-around" long distance calling service in the Service Areas. Budget Call explains that, as a dial-around service provider, its customers are presubscribed to another long distance carrier and "dial-around" that presubscribed carrier to reach Budget Call's service on an as-needed basis. Budget Call further explains that it does not enter into contracts with the customers that use its service, and it does not have other ongoing commitments to provide service to these customers. Budget Call states that all calls to its service are billed through third-party billing services on the customer's local exchange carrier telephone bill. Budget Call indicates that it plans to discontinue its dial-around long distance calling service in the Service Areas on or after September 30, 2010.<sup>2</sup> Budget Call maintains, however, that the dial-around services provided by many other carriers, such as Dial-Around Telecom, Inc., Telecom North America,

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<sup>1</sup> See Letter from Christopher S. Koves, Kelley Drye & Warren LLP, Attorney for Budget Call Long Distance, Inc., to Marlene H. Dortch, Office of the Secretary, WC Docket No. 10-175 (filed August 30, 2010).

<sup>2</sup> Discontinuance of international service is governed by 47 C.F.R. § 63.19.

Inc., and Total Call International, Inc. will still be available to customers. Budget Call also explains that the planned discontinuance of its dial-around service will not impact customers' ability to receive service from their existing LEC or presubscribed long distance carrier. Budget Call explains that, given the nature of its dial-around business, it does not have customer contact lists and, therefore, cannot mail written notification to each affected customer. As an alternative form of notice, Budget Call states that it has recorded an automated audio message on its long-distance access code number to notify customers of the discontinuance. Budget Call indicates that this message informs customers of the planned discontinuance and provides a customer service number where customers can get information about the proposed discontinuance and their ability to file with the Commission. According to Budget Call, the automated audio message will be played for a period of sixty days before the discontinuance of service, from July 30, 2010 to September 30, 2010. Budget Call states that it is considered non-dominant with respect to the services to be discontinued.

We seek comment on Budget Call's proposed discontinuance of service, including the steps it has taken to notify customers, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, Budget Call'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 Budget Call that the grant will not be automatically effective. In its application, Budget Call indicates that it anticipates discontinuing service on or after September 30, 2010, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of Budget Call's application, absent further Commission action, Budget Call may terminate its dial-around long distance service in the Service Areas on or after **September 30, 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 **September 14, 2010**. Such comments should refer to **WC Docket No. 10-175 and Comp. Pol. File No. 944**. 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. **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 are Monday through Friday, 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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