



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF COVAD COMMUNICATIONS COMPANY TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 10-261
Comp. Pol. File No. 969

Comments Due: January 7, 2011

Section 214 Application

Applicant: Covad Communications Company

On December 14, 2010, Covad Communications Company (Covad or Applicant), located at 2220 O'Toole Avenue, San Jose, California 95131, 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 certain domestic telecommunications services in California, Connecticut, Kentucky, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Tennessee and Texas.¹ On December 21, 2010, Covad filed an amendment to its application in order to update the record regarding notice to customers. Accordingly, Covad's application is deemed complete as of December 21, 2010.

Covad indicates that it is a nationwide broadband provider that owns and operates a nationwide broadband network serving customers in 44 states. Covad states that it offers DSL, T1, broadband wireless and voice optimized access directly through its network and through Internet Service Providers, value added resellers, telecommunications carriers and affinity groups in the small and medium-sized businesses market. Covad maintains that it has identified 14 central offices in its network that will need to be shut down in an effort to maintain its overall network in the most efficient manner possible. Covad claims that these central offices have remained stagnant in growth for some time and that they currently support 163 direct end user customers and 30 wholesale carriers that provision a total of approximately 65 circuits through the central offices. Accordingly, Covad indicates that it plans to discontinue the high speed data and Internet services provided through these central offices to a limited portion of its customers in California, Connecticut, Kentucky, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Tennessee and Texas.² Covad asserts, however, that the proposed discontinuance will not result in harm to customers because competitive and incumbent local exchange carriers in the affected areas continue to provide high speed data and Internet service, and customers will have an opportunity to select alternative telecommunications carriers for their telecommunications needs. Covad indicates that it plans

¹ Covad's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on December 20, 2010.

² 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.

to discontinue the above mentioned services on January 17, 2011, or as soon thereafter as any necessary regulatory approvals are obtained. Covad states that in October 2010, it held an outbound calling campaign to inform direct customers of the proposed discontinuance, and that in July and September 2010, it e-mailed wholesale customers with information regarding the planned discontinuance including a list of impacted circuits. Covad maintains that it later provided retail and wholesale customers with written notice in accordance with section 63.71 of the Commission's rules on December 8, 2010 and December 15, 2010 respectively. Covad asserts that it is considered non-dominant with respect to the affected services.

In accordance with section 63.71(c) of the Commission's rules, Covad'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 Covad that the grant will not be automatically effective. In its application and notice to customers, Covad indicates that it anticipates discontinuing service on January 17, 2011, subject to regulatory approval. Accordingly, pursuant to section 63.71(c), absent further Commission action, Covad may terminate the affected services in the affected areas of California, Connecticut, Kentucky, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Tennessee and Texas on or after **January 23, 2011**. 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, 2011**. Such comments should refer to **WC Docket No. 10-261 and Comp. Pol. File No. 969**. 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. **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. 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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