



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-131
Released: February 3, 2012

COMMENTS INVITED ON APPLICATION OF TW TELECOM OF TEXAS LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 12-24
Comp. Pol. File No. 1028

Comments Due: February 21, 2012

Section 214 Application **Applicant: tw telecom of texas llc**

On **January 20, 2012**, **tw telecom of texas llc** (TW Telecom or Applicant), located at **10475 Park Meadows Drive, Littleton, CO 80124**, 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 Texas.

TW Telecom states that it is a wholly-owned direct subsidiary of tw telecom holdings inc. and a wholly-owned indirect subsidiary of tw telecom inc. TW Telecom indicates that it currently provides Complete Dynamic ATM service to three customers in the Dallas/Fort Worth, Texas metropolitan area (Service Area). TW Telecom explains that Complete Dynamic ATM service is a flexible bandwidth bundled service consisting of local exchange service with selected features, a long distance and/or toll free usage allowance of 2,500 minutes, shared web hosting, and Internet access. TW Telecom states that it previously filed an application and received authority to discontinue Complete Dynamic ATM service in the Service Area.¹ However, according to TW Telecom, it later learned that three affected customers in the Service Area did not receive the original discontinuance notices, so service was not discontinued with respect to those customers. TW Telecom states that it now anticipates discontinuing Complete Dynamic ATM service to these remaining customers on or after March 5, 2012, subject to Commission authorization.² TW Telecom maintains that the public convenience and necessity will not be impaired by the proposed discontinuance because affected customers have been given notice that affords them ample

¹ See *Comments Invited on Application of TW Telecom of Texas LLC to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 11-89, DA 11-925 (rel. May 20, 2011). In all of its notices to customers, TW Telecom asserts that it is no longer able to provide or support Complete Dynamic ATM service in the Service Area due to technology changes and its need to update network equipment across all regions.

² TW Telecom indicates that it also has filed an application with the International Bureau with respect to the international service aspects of its Complete Dynamic ATM service. The discontinuance of international service is governed by 47 C.F.R. § 63.19.

opportunity to acquire reasonable substitute services readily available in the Service Area including, but not limited to, services currently offered by TW Telecom. For example, in its notice letter, TW Telecom offers to migrate affected customers to its Converged Services platform which allows customers to fully integrate Voice (analog lines, PRI, digital trunks) with data (VPN) and/or Internet and Security services on a single connection. TW Telecom asserts that, on January 20, 2012, it mailed notice of the proposed discontinuance to affected customers in compliance with section 63.71 of the Commission's rules. TW Telecom states that it is considered non-dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, TW Telecom'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 TW Telecom that the grant will not be automatically effective. In its application and notice to customers, TW Telecom indicates that it plans to discontinue Complete Dynamic ATM service to the remaining customers in the Service Area on or after March 5, 2012, subject to Commission authorization. Accordingly, pursuant to section 63.71(c) and the terms of TW Telecom's application and notice, absent further Commission action, TW Telecom may terminate Complete Dynamic ATM service to the remaining customers in the Service Area on or after **March 5, 2012**. 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 **February 21, 2012**. Such comments should refer to **WC Docket No. 12-24 and Comp. Pol. File No. 1028**. 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://fjallfoss.fcc.gov/ecfs2/>. 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 who choose to file by paper must file an original and one copy of each filing. 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. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters 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 and boxes 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, Express, and Priority mail must 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 Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@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.

– FCC –