



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 12-1767

Released: November 2, 2012

COMMENTS INVITED ON APPLICATION OF THE GOLDEN RAIN FOUNDATION TO DISCONTINUE INTERCONNECTED VOIP SERVICES

WC Docket No. 12-325
Comp. Pol. File No. 1063

Comments Due: November 19, 2012

On October 17, 2012, **The Golden Rain Foundation** (Golden Rain or Applicant), located at **24351 El Toro Road, Laguna Woods, CA 92637**, 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 interconnected Voice over Internet Protocol (VoIP) services in Laguna Woods, Orange County, California.¹

Golden Rain indicates that it currently provides local and long distance interconnected VoIP services to the community of Laguna Woods Village located in Laguna Woods, Orange County, California (Service Area). Golden Rain explains that it owns the cable television system that serves the Laguna Woods Village resort style living community. According to Golden Rain, an arrangement was previously made for Capital Infrastructure, LLC d/b/a Connexion Technologies (Connexion) to offer interconnected VoIP services through Golden Rain's system. Golden Rain indicates that, pursuant to this arrangement, Connexion briefly offered interconnected VoIP services through its wholly owned affiliate, Beyond Communications (Beyond), but that Connexion and Beyond later filed for bankruptcy in April of 2012. Golden Rain maintains that it regained total control of its cable television system as a result of the bankruptcy, and that it arranged to continue interconnected VoIP services to its customers with the help of third party facility vendors. Golden Rain asserts, however, that this arrangement was only a temporary measure to ensure that customers did not experience a loss of service due to the bankruptcy. Golden Rain indicates that it has not been able to find a more permanent solution for the continued provision of interconnected VoIP services to existing customers so it plans to discontinue local and long distance interconnected VoIP services in the Service Area on or after November 30, 2012. Golden Rain states that it contacted customers by phone and that it also sent written notice of the planned discontinuance to affected customers by U.S. mail between October 12, 2012 and October 15, 2012. Golden Rain maintains that the impact of the planned discontinuance should be minimal because only approximately 3,000 customers will be affected. In addition, Golden Rain asserts that the community is still served by the incumbent LEC, AT&T, and that broadband services will still be provided over the system so that non-facilities based providers like Vonage will be available. Golden Rain indicates that it provides

¹ This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on November 1, 2012.

interconnected VoIP services, and has provided notice in accordance with the rules for non-dominant carriers.

In accordance with section 63.71(c) of the Commission's rules, Golden Rain'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 Golden Rain that the grant will not be automatically effective. In its application, Golden Rain indicates that it plans to discontinue local and long distance interconnected VoIP services in the Service Area on or after November 30, 2012. Accordingly, pursuant to section 63.71(c) and the terms of Golden Rain's application, absent further Commission action, Golden Rain may terminate local and long distance interconnected VoIP services in the Service Area on or after **December 3, 2012**, in accordance with Golden Rain's filed representations. 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.

Comments objecting to this application must be filed with the Commission on or before **November 19, 2012**. Such comments should refer to **WC Docket No. 12-325 and Comp. Pol. File No. 1063**. 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 may be filed electronically using the Internet by accessing the ECFS: <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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral

² 47 C.F.R. §§ 1.1200 *et seq.*

ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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.

– FCC –