



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 12-1824
Released: November 9, 2012

**APPLICATION OF MCI COMMUNICATIONS SERVICES, INC. D/B/A VERIZON
BUSINESS SERVICES AND VERIZON ENTERPRISE SOLUTIONS LLC
TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES
NOT AUTOMATICALLY GRANTED**

**WC Docket No. 12-297
Comp. Pol. File No. 1054**

On September 21, 2012, MCI Communications Services, Inc. d/b/a Verizon Business Services and Verizon Enterprise Solutions LLC (collectively Verizon Business or Applicants), located at **One Verizon Way, Basking Ridge, NJ 07920**, 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 a certain domestic telecommunications service in all fifty states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands (collectively Service Areas).¹ By this Public Notice, the Wireline Competition Bureau announces that Verizon Business's application to discontinue service will not be automatically granted pursuant to section 63.71.

The application indicates that Verizon Business currently offers interstate frame relay service at speeds less than 200 kbps (Frame Relay service) in the Service Areas. Verizon Business describes Frame Relay service as a public metropolitan and wide-area data service that utilizes packet switching technology and digital transmission facilities to provide a data delivery service primarily used by commercial customers. Verizon Business states, however, that there are plans to discontinue Frame Relay service in the Service Areas because of declining market demand. In the notice to customers, Verizon Business explains that, on or after November 21, 2012 and subject to Commission authorization, Verizon Business plans to no longer offer Frame Relay service to the public subject to certain grandfathering restrictions. Verizon Business specifies that, on or after November 21, 2012, existing customers will be able to retain their service in accordance with the terms and conditions of their existing contracts, but Verizon Business plans to no longer accept new orders or orders for moves, adds, or changes to existing Frame Relay service except as required by contract. According to Verizon Business, customers will be asked to transition to alternative services upon expiration of existing contracts, but Verizon Business will continue to provide Frame Relay service on a month-to-month basis as remaining customers transition, until Verizon Business discontinues the service entirely. Verizon Business

¹ The application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on September 26, 2012. By Public Notice dated October 10, 2012, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), Verizon Business's application would be deemed to be automatically granted on the 31st day after the release date of the notice, unless the Commission notifies Verizon that the grant will not be automatically effective. *Comments Invited on Application of MCI Communications Services, Inc. d/b/a Verizon Business Services and Verizon Enterprise Solutions LLC to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 12-297, DA 12-1618 (WCB October 10, 2012). Accordingly, the automatic grant date for Verizon Business's application would have been November 10, 2012.

maintains that the public convenience and necessity will not be impaired by the proposed discontinuance because next generation technologies that provide higher bandwidths and a wider range of applications have substantially replaced Frame Relay service in the marketplace. Verizon Business asserts that affected customers were notified of the proposed discontinuance by letters sent via U.S. mail on September 21, 2012. The application indicates that Verizon Business is considered non-dominant with respect to the service to be discontinued.

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. Where there is question as to whether a service has reasonable substitutes or whether the present or future public convenience and necessity will be adversely affected, the Commission will scrutinize the discontinuance application, consistent with its statutory obligations.² We find that the public interest will not be served by automatic grant of Verizon Business's application. Therefore, by this Public Notice, Verizon Business is notified that its application to discontinue domestic telecommunications services will not be granted automatically.³ We emphasize that our removal of Verizon Business's application from the automatic grant process should not be construed as a final determination on the merits of Verizon Business's request for authority to discontinue service.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ 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 *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.

² See 47 U.S.C. § 214(a); 47 C.F.R. § 63.71; see also *Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor*, First Report and Order, CC Docket No. 79-252, 85 FCC 2d 1, 49 (1980) (*Competitive Carrier First Report and Order*) ("we have retained the right to delay grant of a discontinuance authorization if we believe an unreasonable degree of customer hardship would result."); *Federal Communications Comm'n v. RCA Communications, Inc.*, 346 U.S. 86, 90 (1953). See, *e.g.*, *AT&T Application to Discontinue Interstate Sent-Paid Coin Service Not Automatically Granted*, Public Notice, NSD File No. W-P-D-497 (Aug. 3, 2001).

³ See 47 C.F.R. § 63.71(c) ("The application to discontinue . . . shall be automatically granted on the 31st day . . . unless the Commission has notified the applicant that the grant will not be automatically effective.")

⁴ 47 C.F.R. §§ 1.1200 *et seq.*

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 –