



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1881

Released: November 20, 2012

SECTION 214 DISCONTINUANCE AUTHORIZATIONS GRANTED

Section 63.71 Application of MCI Communications Services, Inc. d/b/a Verizon Business Services and Verizon Enterprise Solutions LLC to Discontinue Domestic Telecommunications Services

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

Section 63.71 Application of Verizon Select Services Inc. to Discontinue Domestic Telecommunications Services

WC Docket No. 12-298
Comp. Pol. File No. 1055

On September 21, 2012, MCI Communications Services, Inc. d/b/a Verizon Business Services and Verizon Enterprise Solutions LLC (collectively, Verizon) filed an application to discontinue the provision of interstate frame relay service at speeds less than 200 kbps (Frame Relay service). On the same date, Verizon Select Services Inc. (also referred to herein as Verizon) filed an application to discontinue the provision of TDM-based interstate long distance private line services at bandwidths of DS-3 (44.736 Mbps) and below (Private Line services). The applications were filed pursuant to section 214(a) of the Communications Act of 1934, as amended (the Act),¹ and section 63.71 of the Commission's rules.²

On October 10, 2012, the Wireline Competition Bureau (Bureau) released two Public Notices seeking comment on Verizon's applications, and announcing that the applications would be deemed to be automatically granted on the thirty-first day after the release date of the notice in accordance with section 63.71(c) unless the Commission notified Verizon that the grants would not be automatically effective.³ On November 9, 2012, to ensure sufficient time to address staff questions, the Bureau issued two Public Notices alerting the public that Verizon's applications would not be automatically granted.⁴

¹ 47 U.S.C. § 214(a).

² 47 C.F.R. § 63.71.

³ *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*, WC Docket No. 12-297, Public Notice, DA 12-1618 (WCB Oct. 10, 2012) (seeking comments due by October 25, 2012); *Comments Invited on Application of Verizon Select Services Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 12-298, Public Notice, DA 12-1619 (WCB Oct. 10, 2012) (same).

⁴ *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.

(continued...)

After considering the additional information that Verizon provided⁵ and evaluating the relevant factors,⁶ we authorize Verizon to discontinue the Frame Relay and Private Line services referenced above.⁷ Verizon notified affected subscribers of the proposed discontinuances, and the Commission received no comments in opposition to Verizon's proposed discontinuances. Verizon is classified as non-dominant with respect to the services it seeks to discontinue. The Bureau finds no basis in the record to conclude that the proposed discontinuances would result in an unreasonable degree of customer hardship, and we find that the grant of the applications will not adversely affect the public convenience and necessity.⁸

Therefore, pursuant to sections 1, 4(i), and 214 of the Act,⁹ and sections 0.91, 0.291, and 63.71 of the Commission's rules,¹⁰ the Bureau hereby grants both of Verizon's applications referenced above. Pursuant to section 1.103 of the Commission's rules,¹¹ the grant is effective upon release of this Public Notice.

For further information, please contact Rodney McDonald, Competition Policy Division, Wireline Competition Bureau, at (202) 418-7513.

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12-297, Public Notice, DA 12-1824 (WCB Nov. 9, 2012); *Application of Verizon Select Services Inc. to Discontinue Domestic Telecommunications Services Not Automatically Granted*, WC Docket No. 12-298, Public Notice, DA 12-1825 (WCB Nov. 9, 2012).

⁵ See Letter from Donna Epps, Vice President – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 12–297, 12–298 (filed Nov. 20, 2012) (providing information in support of the applications, including that Verizon's retail Frame Relay revenues have declined by more than 20% in 2012 and Verizon's Private Line revenues have declined by approximately 40% over the past two years, and enumerating certain service alternatives that will remain available to customers from Verizon and other providers).

⁶ The Commission considers a number of factors when balancing the interests of the carrier and the affected user community, including: (1) the financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations. *Application for Authority Pursuant to Section 214 of the Communications Act of 1934 to Cease Providing Dark Fiber Service*, File Nos. W-P-C-6670 and W-P-D-364, 8 FCC Rcd 2589, 2600, para. 54 (1993) (*Dark Fiber Order*), remanded on other grounds, *Southwestern Bell v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994).

⁷ The Commission has considerable discretion in determining whether to grant a carrier authority to discontinue service pursuant to section 214. *FCC v. RCA Communications, Inc.*, 346 U.S. 86, 90–91 (1953); see also *Verizon Telephone Companies, Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket No. 02-237, Order, 18 FCC Rcd 22737 (2003).

⁸ 47 U.S.C. § 214(a).

⁹ 47 U.S.C. §§ 151, 154(i), 214.

¹⁰ 47 C.F.R. §§ 0.91, 0.291, 63.71.

¹¹ 47 C.F.R. § 1.103.