



# PUBLIC NOTICE

**Federal Communications Commission**  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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**DA 13-1019**  
**Released: May 8, 2013**

## **COMMENTS INVITED ON APPLICATION OF EL PASO COUNTY TELEPHONE COMPANY TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 13-113**  
**Comp. Pol. File No. 1103**

**Comments Due: May 23, 2013**

### **Section 214 Application** **Applicant: El Paso County Telephone Company**

On **April 22, 2013**, **El Paso County Telephone Company** (El Paso or Applicant), located at **480 N. Peyton Highway, Colorado Springs, CO 80930**, 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 the Colorado counties of El Paso, Elbert, Lincoln and Pueblo (collectively, Service Areas).<sup>1</sup> With an amendment filed on May 7, 2013, El Paso corrected certain deficiencies in its application and updated the record regarding the date of notice to all affected customers.<sup>2</sup> Accordingly, El Paso's application is deemed complete as of May 7, 2013.

El Paso indicates that it currently provides long distance service (Affected Service) to business and residential customers in the Service Areas. El Paso states that its long distance service allows customers to complete interstate and intrastate direct dialed calls. El Paso explains, however, that it plans to discontinue its long distance service in the Service Areas on June 8, 2013, subject to regulatory authorization. According to El Paso, current customers will be free to choose another long distance provider at any time, but customers that have not selected another long distance carrier will be transferred to CenturyLink Long Distance service after June 8, 2013. El Paso explains that these customers will retain their current plan, rates, features, and terms and conditions of service. El Paso indicates that it provided written notice to all of its long distance service customers by U.S. Mail on April 17, 2013. El Paso 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, El Paso'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 El Paso that the grant will not be automatically effective. In its application, El Paso indicates that it plans to discontinue its long distance service in the Service Areas on June 8, subject to

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<sup>1</sup> The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on April 25, 2013.

<sup>2</sup> See Letter from Craig J. Brown, Senior Associate General Counsel, CenturyLink, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission (filed May 7, 2013).

regulatory authorization. Accordingly, pursuant to section 63.71(c) and the terms of El Paso's application, absent further Commission action, El Paso may discontinue the Affected Service in the Service Areas on or after **June 8, 2013**. 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 **May 23, 2013**. Such comments should refer to **WC Docket No. 13-113 and Comp. Pol. File No. 1103**. 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.<sup>3</sup> 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

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<sup>3</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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](mailto: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](mailto:carmell.weathers@fcc.gov), or Kimberly Jackson, (202) 418-7393 (voice), [kimberly.jackson@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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