



PUBLIC NOTICE

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

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COMMENTS INVITED ON APPLICATION OF INSIGHT PHONE OF KENTUCKY, LLC D/B/A INSIGHT PHONE TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 13-128
Comp. Pol. File No. 1105

Comments Due: June 5, 2013

Section 214 Application

Applicant: Insight Phone of Kentucky, LLC d/b/a Insight Phone

On May 2, 2013, Insight Phone of Kentucky, LLC d/b/a Insight Phone (Insight or Applicant), located at 60 Columbus Circle, New York, NY 10023, 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 Louisville, Kentucky. With an amendment filed on May 20, 2013, Insight clarified certain details regarding the services affected by the proposed discontinuance.¹ Accordingly, Insight's application is deemed complete as of May 20, 2013.

Insight indicates that it currently offers circuit-switched local services and domestic and international long distance services in Louisville, Kentucky. Insight asserts that its local telephone service offering includes access to long distance and international services, and that some of its customers purchase the local circuit-switched service with long distance and/or international telephone service provided by Insight. Insight explains, however, that it is changing its telephone service offerings and that, on or after June 21, 2013, it plans to discontinue its provision of circuit-switched local services and domestic and international long distance services in Louisville, Kentucky.² Insight maintains that approximately 2,500 customers will be affected by this proposed discontinuance and that no stand-alone long distance or international service is being discontinued. Insight states that it notified all affected customers of the proposed discontinuance by letters sent via U.S. mail on April 30, 2013. Insight indicates that the notice informed customers of their option to switch to Insight's Digital Phone (VoIP) service at no additional cost, as well as their option to obtain alternative service from other service providers in the area. Insight maintains that neither the present nor the future public convenience and necessity will be adversely affected by the proposed discontinuance because customers have been

¹ See Letter from Elizabeth R. Park, Counsel for Insight, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 13-128 (filed May 20, 2013).

² Discontinuance of international service is governed by 47 C.F.R. § 63.19.

provided with adequate notice, and the public has access to comparable domestic telephone services offered in the area at competitive prices. Insight represents that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, Insight'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 Insight that the grant will not be automatically effective. In its amended application, Insight indicates that it plans to discontinue its provision of circuit-switched local services and domestic and international long distance services in Louisville, Kentucky on or after June 21, 2013. Accordingly, pursuant to section 63.71(c), absent further Commission action, Insight may terminate its circuit-switched local and domestic long distance services in Louisville, Kentucky on or after **June 21, 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 **June 5, 2013**. Such comments should refer to **WC Docket No. 13-128 and Comp. Pol. File No. 1105**. 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.³ 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

³ 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.

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