



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF RMVDDS, LLC D/B/A OMGFAST TO DISCONTINUE INTERCONNECTED VOIP SERVICES

WC Docket No. 13-192
Comp. Pol. File No. 1119

Comments Due: August 16, 2013

On July 26, 2013, RMVDDS, LLC d/b/a OMGFAST (RMVDDS or Applicant), located at **2201 W. Sample Road, Building 6, Suite 1A, Pompano Beach, FL 33073**, 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) service in all of its service areas located in South Florida (Service Areas).

RMVDDS indicates that its Broadband Telephone Service is an interconnected VoIP service (Affected Service) that is currently offered to customers located in the Service Areas. RMVDDS states, however, that it has made plans to discontinue its Broadband Telephone Service in the Service Areas in three different phases. RMVDDS specifies that in the first phase, it plans to discontinue its Broadband Telephone Service in Broward County, Northern Miami-Dade County and Southern Palm Beach County including, without limitation, communities in Boca Raton, Deerfield Beach, Ft. Lauderdale, Hillsboro Beach, Lauderdale Lakes, Lauderhill, Lighthouse Point, North Lauderdale, Oakland Park, Pembroke Park, Tamarac and West Park; and parts of Aventura, Hallandale Beach, Hollywood, Miami Gardens, Miramar, Pembroke Pines and Pompano Beach as of August 19, 2013, or as soon thereafter as the necessary regulatory approvals can be obtained. RMVDDS explains that, for the second phase, it plans to discontinue the Affected Service for most homes in the remainder of Broward County including, without limitation, communities in Coconut Creek, Coral Springs, Lauderdale Lakes, Margate, North Lauderdale, Parkland and Pompano Beach as of August 26, 2013, or as soon thereafter as the necessary regulatory approvals can be obtained. For the last phase, RMVDDS indicates that it plans to discontinue Broadband Telephone Service to all remaining subscribers in the Service Areas as of August 28, 2013, or as soon thereafter as the necessary regulatory approvals can be obtained. RMVDDS states that it notified customers affected by each phase of its planned discontinuance by letters sent via U.S. Mail on July 16, 2013, July 23, 2013 and July 25, 2013, respectively. RMVDDS maintains that the planned discontinuance of its Broadband Telephone Service will not adversely affect the public convenience and necessity because existing customers have a wide range of alternative voice services from which to choose, including traditional wireline voice services, facilities-based VoIP services and wireless voice services. RMVDDS indicates that it provides interconnected VoIP services and, consistent with the Commission's rules, is subject to the discontinuance requirements applicable to non-dominant carriers.

In accordance with section 63.71(c) of the Commission's rules, RMVDDS'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 RMVDDS that the grant will not be automatically effective. In its application, RMVDDS indicates that it plans to discontinue its Broadband Telephone Service in the Service Areas in phases on August 19, 2013, August 26, 2013 and August 28, 2013, respectively, or as soon thereafter as the necessary regulatory approvals can be obtained. Accordingly, pursuant to section 63.71(c) and the terms of RMVDDS's application, absent further Commission action, RMVDDS may discontinue its Broadband Telephone Service in the Service Areas on or after **September 1, 2013**, in accordance with RMVDDS'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 **August 16, 2013**. Such comments should refer to **WC Docket No. 13-192 and Comp. Pol. File No. 1119**. 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.¹ 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

¹ 47 C.F.R. §§ 1.1200 *et seq.*

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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