



PUBLIC NOTICE

Federal Communications Commission
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APPLICATION OF SIGNAL POINT CORP. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED

WC Docket No. 13-152
Comp. Pol. File No. 1114

On **May 31, 2013**, **Signal Point Corp.** (Signal Point or Applicant), located at **175 Great Road, Suite 1, Bedford, MA 01730**, 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 all fifty states and the District of Columbia (collectively, Service Areas).¹ With amendments filed on June 12, 2013 and June 26, 2013, Signal Point corrected certain deficiencies in its application and updated the record regarding notice to customers and state entities.² Signal Point's application initially was determined to be in red light status, but it completed payment of outstanding debts, and its red light status subsequently was cleared.³ By Public Notice dated August 1, 2013, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), Signal Point's application would be deemed to be automatically granted on the 31st day after the release date of the notice (*i.e.*, September 1, 2013), unless the Commission notifies Signal Point that the grant will not be automatically effective.⁴ With this Public Notice, the Wireline Competition Bureau announces that Signal Point's application to discontinue service will not be automatically granted.

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 are concerns, however, as to whether a service has reasonable substitutes or whether the present or future public convenience and necessity will be adversely affected, the Commission may announce the removal of the application from automatic grant if necessary, consistent with its statutory

¹ The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on June 3, 2013.

² See Section 63.71 Application Supplement, WC Docket No. 13-152 (filed June 12, 2013); Letter from Michael S. Tenore, Signal Point Communications, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission (filed June 26, 2013). Accordingly, Signal Point's application is deemed complete as of June 26, 2013.

³ See Letter from Michael S. Tenore, Signal Point Communications, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission (filed July 24, 2013) (asserting that Signal Point recently paid certain invoices that were the cause for its red light status).

⁴ *Comments Invited on Application of Signal Point Corp. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 13-152, DA 13-1684 (Wireline Comp. Bur. rel. Aug. 1, 2013). See also 47 C.F.R. § 63.71(c).

obligations.⁵ In this case, the Commission has received several comments from customers complaining that they currently are unable to make long distance calls using the remaining balances on their prepaid calling cards.⁶ Signal Point responded to the comments and confirmed that it discontinued providing calling card services without authorization from the Commission.⁷ Signal Point emphasizes that it has committed to issuing refunds to every customer that contacts the company with a valid PIN.⁸ Because Signal Point has discontinued its prepaid calling card services prior to receiving Commission authorization, we find that the public interest will not be served by an automatic grant of Signal Point's application. Therefore, by this Public Notice, Signal Point is notified that its application to discontinue its retail and wholesale calling card services will not be granted automatically.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁹ 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,

⁵ 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*) ("[W]e 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, 16 FCC Rcd 14935 (Common Carrier Bur. 2001).

⁶ See, e.g., Comments of Virginia W. Clark, WC Docket No. 13-152 (filed Aug. 7, 2013); Comments of Maria Mazzeo, WC Docket No. 13-152 (filed July 30, 2013); Comments of John E. Nichols, WC Docket No. 13-152 (filed Aug. 5, 2013); and Comments of Robert Riendeau, WC Docket No. 13-152 (filed Aug. 5, 2013). Additional comments that address the premature discontinuance of Signal Point's calling card services and customer preferences for these services were filed in both WC Docket No. 13-151 and WC Docket No. 13-152. See Comments of Atinuke, WC Docket No. 13-151 (filed July 22, 2013); Comments of Elizabeth Burkhart, WC Docket No. 13-151 (filed July 2, 2013); Comments of Geneva H. Clancy, WC Docket No. 13-152 (filed July 23, 2013); Comments of Phyllis Fortier, WC Docket No. 13-151 (filed July 30, 2013); Comments of Elke Gudath, WC Docket No. 13-151 (filed Aug. 23, 2013) (late filed comment); Comments of Jean Rioux, WC Docket No. 13-151 (filed July 16, 2013); Comments of Maurice Viens, WC Docket No. 13-151 (filed July 29, 2013).

⁷ See Section 63.71 Application Supplement and Response to Comments, WC Docket No. 13-152 at 2 (filed Aug. 29, 2013) (Signal Point Supplement and Response); see also Signal Point Reply, WC Docket No. 13-152 (filed July 12, 2013); Signal Point Reply, WC Docket No. 13-151 (filed Aug. 6, 2013).

⁸ See Signal Point Supplement and Response at 4.

⁹ 47 C.F.R. §§ 1.1200 *et seq.*

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 Kimberly Jackson, (202) 418-7393 (voice), 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.

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