



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF CAPITAL COMMUNICATIONS CONSULTANTS, INC. TO DISCONTINUE TELECOMMUNICATIONS SERVICES

WC Docket No. 13-278
Comp. Pol. File No. 1131

Comments Due: December 12, 2013

Section 214 Application

Applicant: Capital Communications Consultants, Inc.

On **November 12, 2013 Capital Communications Consultants, Inc.** (CCCI or Applicant), located at **3281 Jackson Avenue, Suite 103, Memphis, TN 38122**, 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 Alabama, Georgia, Kentucky, Louisiana and South Carolina (collectively, Service Areas).¹ With an amended application filed on November 22, 2013, CCCI corrected certain deficiencies in its application and updated the record regarding notice to affected customers and state entities.² Accordingly, CCCI's application is deemed complete as of November 22, 2013.

CCCI indicates that it currently offers resold prepaid and postpaid flat-rate residential local exchange and interexchange services (Affected Services) in the Service Areas. CCCI explains, however, that it is unable to pay for its wholesale services purchased from AT&T. According to CCCI, AT&T and CCCI entered into a settlement agreement on October 15, 2013 that required CCCI to make a payment to AT&T on or before October 29, 2013. CCCI indicates that when it failed to make that payment, AT&T suspended service on or about October 31, 2013 still allowing for the continuation of service to existing customers. CCCI states that no new customers have been added since that time and that the number of remaining customers drops substantially each day. CCCI asserts that it entered into discussions with AT&T to continue service through the month of November, and in its notice to customers CCCI states that it plans to discontinue these services as of December 1, 2013.³ CCCI maintains that the proposed

¹ CCCI's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on November 13, 2013.

² The amended application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on November 26, 2013.

³ In its application, CCCI also requests expedited approval for its proposed discontinuance. Nevertheless, as indicated below and in accordance with section 63.71(c) of the Commission's rules, CCCI's application will be

discontinuance will not result in harm to affected customers because equivalent service offerings are available from other carriers, including the underlying carriers whose services CCCI resells. CCCI represents that one or more other carriers in each state provide similar prepaid packages and many more carriers, including the incumbent carrier in each area, provide these services on a post-paid basis. CCCI indicates that, on or before November 12, 2013, it mailed notice of the proposed discontinuance to affected customers via first-class mail dated November 4, 2013. In its amended application, CCCI also indicates that, on or before November 22, 2013, it mailed a revised notice to affected customers via first-class mail dated November 20, 2013. In its notices to customers, CCCI emphasizes that customers must make arrangements with another carrier to avoid loss of service and CCCI provides a toll-free telephone number that customers may call to subscribe to comparable services from another carrier. CCCI states that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, CCCI'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 CCCI that the grant will not be automatically effective. In the notice to customers, Applicant indicates that it plans to discontinue resold prepaid and postpaid flat-rate residential local exchange and interexchange services in the Service Areas as of December 1, 2013. Pursuant to section 63.71(c), absent further Commission action, CCCI may discontinue the Affected Services in the Service Areas on or after **December 28, 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 **December 12, 2013**. Such comments should refer to **WC Docket No. 13-278 and Comp. Pol. File No. 1131**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute services. 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.

deemed to be granted automatically on the 31st day after the release of this public notice, unless the Commission notifies CCCI that the grant will not be automatically effective.

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.⁴ 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, 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.

– FCC –

⁴ 47 C.F.R. §§ 1.1200 *et seq.*