



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
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COMMENTS INVITED ON APPLICATION OF TELEFONICA DIGITAL, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 13-295
Comp. Pol. File No. 1132

Comments Due: December 16, 2013

Section 214 Application

Applicant: Telefonica Digital, Inc.

On **November 15, 2013**, **Telefonica Digital, Inc.** (TDI or Applicant), located at **200 W. Evelyn Ave., #120, Mountain View, CA 94041**, 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 throughout the United States and the District of Columbia (collectively, Service Areas).¹ With an amendment filed on November 27, 2013, TDI updated the record regarding notice to customers. Accordingly, TDI's application is deemed complete as of November 27, 2013.

TDI indicates that it currently offers resold wholesale telecommunications services (Affected Services) in the Service Areas. TDI explains that it generally purchases capacity from a range of other carriers and either uses it for its own retail services, uses it in connection with its own information services or those it develops in partnership with others, or resells that capacity to others at wholesale prices. According to TDI, it currently serves a total of only 20 wholesale customers. TDI states, however, that it now plans to discontinue its resold wholesale domestic and international telecommunications services in the Service Areas as of January 1, 2014, or as soon thereafter as the necessary regulatory approvals can be obtained.² TDI maintains that its discontinuance of the Affected Services will not adversely affect the public convenience and necessity because reasonable substitutes are available from numerous competing carriers. TDI submits that it discussed the proposed discontinuance with each of its 20 wholesale customers by email and by telephone prior to sending more formal notice by email on November 14, 2013. In addition, TDI indicates that it followed up by sending a revised written notice of the proposed discontinuance to all of its affected customers via email on November 27, 2013.

¹ The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on November 25, 2013. In the application, TDI states that it previously operated under the trade name Jajah, Inc.

² The discontinuance of international service is governed by 47 C.F.R. § 63.19. TDI asserts that it is notifying the International Bureau of this proposed discontinuance in accordance with the discontinuance rules for international services. TDI submits that it also plans to later file an application for authority to discontinue the provision of all retail domestic and international telecommunications services in the United States in early 2014.

TDI asserts that important service-related information including billing statements and similar notices are routinely communicated by email to all of the affected customers and that it distributed its email notices using the contact email that each customer maintains with the company. TDI states that it is non-dominant with respect to the services at issue in this application.

We seek comment on TDI's proposed discontinuance of services, including the steps it has taken to notify customers in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, TDI'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 TDI that the grant will not be automatically effective. In its application, and revised notice to customers, TDI indicates that it plans to discontinue the Affected Services in the Service Areas as of January 1, 2014, or as soon thereafter as the necessary regulatory approvals can be obtained. Accordingly, pursuant to section 63.71(c) and the terms of TDI's application and revised notice, absent further Commission action, TDI may discontinue its resold wholesale domestic telecommunications services in the Service Areas on or after **January 1, 2014**. 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 16, 2013**. Such comments should refer to **WC Docket No. 13-295 and Comp. Pol. File No. 1132**. 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 *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.

– FCC –

³ 47 C.F.R. §§ 1.1200 *et seq.*