



PUBLIC NOTICE

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DA 13-2456

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APPLICATION OF CAPITAL COMMUNICATIONS CONSULTANTS, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED

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

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 The Wireline Competition Bureau hereby provides notice that CCCI's application to discontinue services will not be automatically granted.

The application states that CCCI 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. CCCI maintains that the proposed 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 also 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.

¹ The application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on November 13, 2013. 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. Accordingly, CCCI's application is deemed complete as of November 22, 2013. The amended application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on November 26, 2013. By Public Notice dated November 27, 2013, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), CCCI's application would be deemed to be automatically granted on the 31st day after the release date of the notice, unless the Commission notifies CCCI that the grant will not be automatically effective. *Comments Invited on Application of Capital Communications Consultants, Inc. to Discontinue Telecommunications Services*, Public Notice, WC Docket No. 13-278, DA 13-2293 (Wireline Comp. Bur. rel. Nov. 27, 2013). See also 47 C.F.R. § 63.71(c). Accordingly, the automatic grant date for CCCI's application would have been December 28, 2013.

The Commission has received two comments in opposition to CCCI's proposed discontinuance.² 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 obligations.³ In addition to receiving customer comments in opposition to the proposed discontinuance without a reply in the record from CCCI, the Commission has held discussions with counsel for CCCI regarding the premature loss of service to at least one customer and confirming that CCCI is out of business. Because the record raises concerns about the provision of timely notice to affected customers and CCCI's discontinuance of service prior to receiving Commission authorization, we find that the public interest will not be served by an automatic grant of CCCI's application. Therefore, by this Public Notice, CCCI is notified that its application to discontinue its resold prepaid and postpaid flat-rate residential local exchange and interexchange services will not be granted automatically.⁴

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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² See Cassandra McKinney Comments, WC Docket No. 13-278 (filed Nov. 3, 2013) (McKinney Comments) and Eva Waller Comments, WC Docket No. 13-278 (filed Dec. 9, 2013) (Waller Comments). Commenters primarily raise concerns about not receiving notice in enough time to transition to alternative services. *Id.* In addition, one commenter indicates that she already cannot be reached at her telephone number. McKinney Comments at 1.

³ 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).

⁴ See 47 C.F.R. § 63.71(c) (“The application to discontinue . . . shall be automatically granted on the 31st day . . . unless the Commission has notified the applicant that the grant will not be automatically effective.”).