



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 13-51

Released: January 15, 2013

COMMENTS INVITED ON APPLICATION OF VERIZON SELECT SERVICES INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 13-11
Comp. Pol. File No. 1075

Comments Due: January 30, 2013

Section 214 Application

Applicant: Verizon Select Services Inc.

On **December 14, 2012**, **Verizon Select Services Inc.** (VSSI or Applicant), located at **One Verizon Way, Basking Ridge, NJ 07920**, 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 a certain domestic telecommunications service in all fifty states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands (collectively Service Areas).

The application indicates that VSSI currently offers interstate frame relay service at speeds less than 200 kbps (Frame Relay service) in the Service Areas. VSSI describes Frame Relay service as a public metropolitan and wide-area data service that utilizes packet switching (non-TDM) technology and digital transmission facilities to provide a data delivery service primarily used by commercial customers. VSSI states, however, that it plans to discontinue Frame Relay service in the Service Areas because of declining market demand. In the application and notices to customers, VSSI explains that, on or after February 15, 2013 and subject to Commission authorization, VSSI plans to no longer offer Frame Relay service to the public subject to certain grandfathering restrictions. VSSI specifies that, on or after February 15, 2013, existing customers will be able to retain their service in accordance with the terms and conditions of their existing contracts, but VSSI plans to no longer accept new orders or orders for moves, adds, or changes to existing Frame Relay service except as required by contract. According to VSSI, customers will be asked to transition to alternative services upon expiration of existing contracts, but VSSI will continue to provide Frame Relay service on a month-to-month basis as remaining customers transition, until VSSI discontinues the service entirely. VSSI maintains that the public convenience and necessity will not be impaired by the proposed discontinuance because next generation technologies that provide higher bandwidths and a wider range of applications, including Private IP, have substantially replaced Frame Relay service in the marketplace. VSSI asserts that affected customers were notified of the proposed discontinuance by letters sent via U.S. mail and overnight courier on or before December 14, 2012. The application indicates that VSSI is considered non-dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, VSSI'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 VSSI that the grant will not be automatically effective. In the application and

notices to customers, VSSI indicates that on or after February 15, 2013 and subject to Commission authorization, VSSI plans to no longer offer Frame Relay service to the public subject to certain grandfathering restrictions leading to the eventual termination of VSSI's Frame Relay service. Accordingly, pursuant to section 63.71(c) and the terms of VSSI's application and notices, absent further Commission action, VSSI may cease to offer and may discontinue Frame Relay service in the Service Areas on or after **February 15, 2013**, in accordance with VSSI'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 **January 30, 2013**. Such comments should refer to **WC Docket No. 13-11 and Comp. Pol. File No. 1075**. 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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