



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF UNITY TELECOM, LLC F/K/A DPI TELECONNECT, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 13-103
Comp. Pol. File No. 1096

Comments Due: May 15, 2013

Section 214 Application

Applicant: Unity Telecom, LLC f/k/a dPi Teleconnect, LLC

On **April 3, 2013**, **Unity Telecom, LLC f/k/a dPi Teleconnect, LLC** (Unity Telecom or Applicant), located at **1330 Capital Parkway, Carrollton, TX 75006**, 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, Arkansas, California, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nevada, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia (collectively, Service Areas). With an amendment filed on April 26, 2013, Unity Telecom clarified certain details regarding the geographic scope of the proposed discontinuance.¹ Accordingly, Unity Telecom's application is deemed complete as of April 26, 2013.

Unity Telecom indicates that it currently offers a range of wireline, wireless and Voice-over-Internet-Protocol communications services, including its Home Phone service package (Home Phone service package or Affected Services). Unity Telecom describes its Home Phone Service Package as consisting of prepaid residential wireline local exchange and interexchange services. Unity Telecom explains, however, that it is revising its business plan in response to changing market conditions and it has determined that it is no longer feasible to offer its current Home Phone service package in the Service Areas. Accordingly, Unity Telecom states that it plans to discontinue the Affected Services in the Service Areas on May 31, 2013, subject to regulatory authorization.² Unity Telecom maintains that the proposed discontinuance will not harm affected customers because they are being provided with ample notice of the discontinuance and equivalent service offerings are available from other carriers. Unity Telecom

¹ See Letter from Winafred Brantl, Counsel to Unity Telecom, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (filed April 26, 2013) (explaining that Arizona and Michigan were mistakenly listed in the customer notice even though the proposed discontinuance will not affect services offered in those states and Unity Telecom does not have any customers in those states).

² In its notice, Unity Telecom also suggests that it will no longer make any changes to, or reconnect, existing Affected Services and will not accept orders for new Affected Services effective with its notice.

specifies that one or more other carriers in each state provide similar prepaid packages and that many more carriers, including incumbent carriers, provide these services on a post-paid basis. Unity Telecom indicates that it provided written notice to all affected customers by first class mail on March 27, 2013. Unity Telecom submits that its notice clearly underscores that customers must make arrangements to avoid loss of service and that the notice provides a toll-free telephone number that customers may call to reach Unity Telecom service representatives for assistance with their transition. Unity Telecom 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, Unity Telecom'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 Unity Telecom that the grant will not be automatically effective. In its application, Unity Telecom indicates that it plans to discontinue the Affected Services in the Service Areas on May 31, 2013, subject to regulatory authorization. Accordingly, pursuant to section 63.71(c) and the terms of Unity Telecom's application, absent further Commission action, Unity Telecom may discontinue, reduce or impair the Affected Services in the Service Areas on or after **May 31, 2013**. Specifically, pursuant to section 63.71(c) and the terms of Unity Telecom's application, absent further Commission action, Unity Telecom may cease making any changes to, or reconnecting existing Affected Services, may cease accepting orders for new Affected Services, and may terminate the Affected Services in the Service Areas on or after May 31, 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 **May 15, 2013**. Such comments should refer to **WC Docket No. 13-103 and Comp. Pol. File No. 1096**. 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 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 –

³ 47 C.F.R. §§ 1.1200 *et seq.*