



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 14-1588**

**Released: October 31, 2014**

## **COMMENTS INVITED ON APPLICATION OF BRESNAN BROADBAND OF WYOMING, LLC TO DISCONTINUE INTERCONNECTED VOIP SERVICES**

**WC Docket No. 14-194**  
**Comp. Pol. File No. 1182**

**Comments Due: November 17, 2014**

On **October 2, 2014**, **Bresnan Broadband of Wyoming, LLC** (Bresnan or Applicant), located at **12405 Powerscourt Drive, St. Louis, Missouri 63131**, 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 offering a certain interconnected Voice over Internet Protocol (VoIP) service in parts of Wyoming.

Bresnan indicates that it provides residential voice communication services exclusively in the form of interconnected VoIP service. Bresnan specifies that it offers a discounted interconnected VoIP service in Wyoming that provides local calling at a discounted rate and is marketed to qualifying residential customers as Telephone Assistance Plan service (Affected Service). Bresnan maintains that it is a state-certificated competitive local exchange carrier that historically has offered the Affected Service as a tariffed local exchange service pursuant to the requirements of Wyoming state law. According to Bresnan, however, the State of Wyoming deregulated interconnected VoIP services by statute effective July 1, 2013, so Bresnan is no longer required to offer the Affected Service. Bresnan asserts that it now plans to discontinue offering the Affected Service to new customers in Wyoming on December 1, 2014 or as soon thereafter as federal approval is obtained.

Bresnan maintains that the public convenience and necessity will not be adversely affected by this proposal because no existing customers will be affected and comparable services are available from other providers in the market. Bresnan asserts that even when the Affected Service is grandfathered and no longer available to new customers, it intends to continue providing the service to existing customers at the same rates, terms and conditions at which it currently provides the service, until individual customers voluntarily terminate their service or are terminated for non-payment or violation of the terms of service. According to Bresnan, existing customers will have the ability to add or remove vertical features on an a la carte basis and to select an interexchange carrier of their choice to the same extent they can today, although the nature of the service itself limits the changes that customer may currently make without selecting a different Bresnan service. In the event that Bresnan decides to discontinue providing the Affected Service to existing customers in the future, Bresnan adds that then-existing customers will be provided with appropriate notice and a discontinuance application will be filed at that time seeking authority to do so. Bresnan states that it is considered non-dominant with respect to the Affected Service.

In accordance with section 63.71(c) of the Commission's rules, Bresnan'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 Bresnan that the grant will not be automatically effective. In the application, Bresnan indicates that it plans to discontinue offering the Affected Service to new customers in Wyoming on December 1, 2014 or as soon thereafter as federal approval is obtained. Accordingly, pursuant to section 63.71(c) and the terms of Bresnan's application, absent further Commission action, Bresnan may discontinue offering the Affected Service to new customers in Wyoming on or after **December 1, 2014**, in accordance with Bresnan'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 **November 17, 2014**. Such comments should refer to **WC Docket No. 14-194 and Comp. Pol. File No. 1182**. 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.<sup>1</sup> 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

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<sup>1</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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](mailto: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](mailto:Carmell.Weathers@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [Rodney.McDonald@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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