



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF TELECOM ARGENTINA USA, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 14-26
Comp. Pol. File No. 1143

Comments Due: March 17, 2014

Section 214 Application

Applicant: Telecom Argentina USA, Inc.

On **February 11, 2014, Telecom Argentina USA, Inc.** (Telecom Argentina or Applicant), located at **80 SW 8th Street, Suite 2110, Miami, FL 33130**, 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 including all fifty states, the District of Columbia and the U.S. territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands (collectively, Affected Areas). With amendments filed on February 26, 2014 and February 27, 2014, Telecom Argentina clarified certain details regarding the notice provided to officials within the Affected Areas and its efforts to notify customers.¹ Accordingly, Telecom Argentina's application is deemed complete as of February 27, 2014.

Telecom Argentina indicates that it currently provides certain retail telecommunications services including a prepaid calling card service that can be used in the Affected Areas for both domestic and international calls, and an international call forwarding service that it provides to approximately 600 customers throughout the United States. The Applicant explains that each of its calling cards has a user identification number associated with it and that customers can access Telecom Argentina's system by calling an 800 number or a local access number and entering his or her identification number followed by the number to be called. Telecom Argentina states that the cost of the call is then deducted from the amount that the holder of the calling card has prepaid. Telecom Argentina indicates that its calling cards are sold in denominations of \$2 and \$5, and are sold online and via point-of-sale kiosks in Florida and

¹ See Letter from Colleen King, Counsel for Telecom Argentina USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 14-26 (filed February 26, 2014) (February 26th Amendment); Letter from Colleen King, Counsel for Telecom Argentina USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 14-26 (filed February 27, 2014) (First February 27th Amendment); Letter from Colleen King, Counsel for Telecom Argentina USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 14-26 (filed February 27, 2014) (Second February 27th Amendment).

New Jersey by only one distributor. Telecom Argentina states that, although at one time it had many customers and high revenues from its call forwarding and pre-paid calling card services, these businesses have decreased in recent years, and currently fewer than 1,000 pre-paid calling cards are distributed per month. Telecom Argentina explains that it, therefore, no longer actively markets these services and is not currently investing resources in them. The Applicant states that it plans to discontinue its pre-paid calling card service and its international call forwarding service as of March 28, 2014, or as soon as possible once the necessary regulatory approvals have been obtained.² The Applicant submits that the pre-paid calling card business is extremely competitive and that customers will continue to have numerous alternative carriers to provide pre-paid calling card services.

Telecom Argentina maintains that it does not sell its calling cards directly to end users and that it, therefore, cannot identify individual customers to whom notice of the proposed discontinuance should be mailed. Telecom Argentina represents that, instead, it has established a computer generated message that customers will hear when they call the customer service number available on the cards. According to the Applicant, the message alerts customers of the last date that the cards may be used and also informs them that they may stay on the line to talk to a customer service representative or visit the website for more information. Telecom Argentina indicates that the website and customer service representatives provide customers with information required under section 63.71 of the Commission's rules.³ Telecom Argentina also clarifies that customers who have unused funds on their cards after the proposed discontinuance date may contact customer service to receive directions on how to return unused cards to receive a full refund, either as a credit on the customer's credit card or via check sent by mail, depending on the customer's preference. Telecom Argentina asserts that it is considered non-dominant with respect to the services it proposes to discontinue.

We seek comment on Telecom Argentina's proposed discontinuance of service, 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, and given Telecom Argentina's stated inability to provide conventional notification to the end users that use its services. In accordance with section 63.71(c) of the Commission's rules, Telecom Argentina'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 Telecom Argentina that the grant will not be automatically effective. In its application, Telecom Argentina indicates that it plans to discontinue its pre-paid calling card service as of March 28, 2014, or as soon as possible once the necessary regulatory approvals have been obtained. Accordingly, pursuant to section 63.71(c) and the terms of Telecom Argentina's application, absent further Commission action, Telecom Argentina may discontinue its domestic pre-paid calling card service in the Affected Areas on or after **March 31, 2014**, in accordance with its 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 **March 17, 2014**. Such comments should refer to **WC Docket No. 14-26 and Comp. Pol. File No. 1143**. 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*

² The discontinuance of international service is governed by 47 C.F.R. § 63.19. Telecom Argentina asserts that it is notifying the International Bureau of this proposed discontinuance in accordance with the discontinuance rules for international services.

³ *See* Second February 27th Amendment at 1.

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.⁴ 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).

⁴ 47 C.F.R. §§ 1.1200 *et seq.*

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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