



# PUBLIC NOTICE

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

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**DA 14-846**  
**Released: June 19, 2014**

## **COMMENTS INVITED ON APPLICATION OF GULFPINES COMMUNICATIONS LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**WC Docket No. 14-81**  
**Comp. Pol. File No. 1154**

**Comments Due: July 7, 2014**

### **Section 214 Application** **Applicant: GulfPines Communications LLC**

On **May 1, 2014**, **GulfPines Communications LLC** (GulfPines or Applicant), located at **12 South Third Street, Bay Springs, MS 39422**, 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 Mississippi.<sup>1</sup>

GulfPines indicates that it currently offers residential and commercial domestic local exchange and interstate and intrastate interexchange telecommunications services (Affected Services) in Mississippi. GulfPines states, however, that in response to changing market conditions, it has determined that it is no longer economically feasible to offer the Affected Services to its customers. GulfPines therefore asserts that it plans to discontinue the Affected Services no earlier than sixty days from the date the Mississippi Public Service Commission grants its Petition for Authority to Discontinue Local Exchange and Interexchange Telecommunications Services in Mississippi. In its notice to customers, GulfPines specifies that the proposed discontinuance could occur as early as August 2, 2014, subject to regulatory approval.<sup>2</sup> According to GulfPines, written notice of the proposed discontinuance was sent to each affected customer by first-class mail on April 30, 2014 in accordance with the requirements of section 63.71(a) of the Commission's rules. GulfPines states that the notice clearly underscores that customers must make arrangements with another carrier to avoid loss of service and that it provides a toll-free number that customers can call to reach a service representative for assistance with the transition.

GulfPines maintains that the proposed discontinuance will not result in harm to affected customers because equivalent service offerings are available to most of GulfPines' customers from other

<sup>1</sup> The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on May 5, 2014.

<sup>2</sup> In its notice, GulfPines further suggests that, effective with the notice, it will no longer make any changes to or reconnect existing service, and that it will not accept orders for new service. GulfPines has since confirmed with Commission staff, however, that it will not implement such restrictions until after regulatory authorization is obtained. We note that action on this application is without prejudice to any potential enforcement action related to any previous unauthorized discontinuance, reduction or impairment of the Affected Services.

carriers. According to GulfPines, cell phone service also is available as a reasonable substitute in each instance where a GulfPines customer may not be able to obtain service from another carrier. GulfPines asserts that it is considered non-dominant with respect to the Affected Services.

In accordance with section 63.71(c) of the Commission's rules, GulfPines' application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies GulfPines that the grant will not be automatically effective. In the notice to customers, GulfPines indicates that it plans to discontinue the Affected Services in Mississippi as early as August 2, 2014, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of GulfPines' application and notice, absent further Commission action, GulfPines may discontinue the Affected Services in Mississippi on or after **August 2, 2014**. 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 **July 7, 2014**. Such comments should refer to **WC Docket No. 14-81 and Comp. Pol. File No. 1154**. 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>3</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

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<sup>3</sup> 47 C.F.R. §§ 1.1200 *et seq.*

*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](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 Kimberly Jackson, (202) 418-7393 (voice), [Kimberly.Jackson@fcc.gov](mailto: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](http://www.fcc.gov/wcb/cpd/other_adjud).

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