



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPARTMENT TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 15-293
Comp. Pol. File No. 1261

Comments Due: January 4, 2016

Section 214 Application

Applicant: City of Brookings Municipal Telephone Department

On **November 9, 2015**, **City of Brookings Municipal Telephone Department** (City of Brookings Telephone or Applicant), located at **525 Western Avenue, P.O. Box 588, Brookings, SD 57006**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended,¹ and section 63.71 of the Commission's rules,² to discontinue certain domestic telecommunications services in Brookings, South Dakota (Service Area).³

City of Brookings Telephone indicates that it currently offers Metallic Service, Telegraph Grade Service, Program Audio Service, Video Service, Frame Relay Access Service (FRAS) and Asynchronous Transfer Mode Cell Relay Access Service (ATM-CRAS), in the Service Area (Affected Services). The Applicant explains that Metallic Service provides an unconditioned two-wire channel arranged to transmit direct current and capable of transmitting low speed varying signals at rates up to 30 baud. The Applicant further explains that Metallic channels are provided between customer designated premises or between a customer designated premises and a telephone company hub or hubs where bridging functions are performed. According to City of Brookings Telephone, Telegraph Grade Service is a service that provides an unconditioned channel capable of transmitting binary signals at rates of 0-75 baud or 0-150 baud. City of Brookings Telephone describes Program Audio Service as a service that provides a channel with bandwidth measured in Hz for the one-way transmission of a complex signal voltage. The Applicant further explains that its Video Service provides a channel with one-way transmission capability for a standard 525 line/60 field monochrome, or National Television Systems Committee color, video signal and one or two associated 5 or 15 kHz audio signal(s). The Applicant adds that its Telegraph Grade channels, Program Audio channels, and Video channels all are provided between customer designated premises or between a customer

¹ 47 U.S.C. § 214.

² 47 C.F.R. § 63.71.

³ See Section 63.71 Application of City of Brookings Municipal Telephone Department for Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Discontinue the Provision of Service, WC Docket No. 15-293 (filed Nov. 9, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001307295> (Application).

designated premises and a telephone company hub or hubs. City of Brookings Telephone describes FRAS as a medium-speed, connection-oriented packet-switched data service that allows for the interconnection of Local Area Networks or other compatible customer premises equipment for the purpose of connecting to an interstate frame relay network. The Applicant states that FRAS also allows for the interconnection of a customer designated premises to a DSL Access Service Connection Point. According to City of Brookings Telephone, ATM-CRAS is a connection-oriented transport service that is based on ATM technology using fixed length, 53-byte cells. The Applicant adds that ATM-CRAS provides customers requiring high-speed data transport for bandwidth intensive data, voice or video applications with the ability to interconnect multiple locations using the telephone company's ATM-CRAS network. The Applicant asserts, however, that there are no current customers and no customer demand for any of the Affected Services. Accordingly, City of Brookings Telephone states that it plans to discontinue the Affected Services in the Service Area on or after January 8, 2016, pending regulatory approval. The Applicant asserts that it is considered dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(d) of the Commission's rules, City of Brookings Telephone's application will be deemed granted automatically on January 31, 2016, the 60th day after the release date of this Public Notice, unless the Commission notifies City of Brookings Telephone that the grant will not be automatically effective.⁴ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which an applicant is authorized to discontinue, reduce, or impair service. In the Application, City of Brookings Telephone indicates that it plans to discontinue the Affected Services in the Service Area on or after January 8, 2016, pending regulatory approval. Accordingly, pursuant to section 63.71(d), and the terms of the Application, absent further Commission action, City of Brookings Telephone may discontinue, reduce or impair the Affected Services in the Service Area on or after **January 31, 2016**, in accordance with City of Brookings Telephone'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. For purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the latter of the auto grant date stated above in this Public Notice, or the release date of any further public notice or order announcing final action, as applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

Comments objecting to this application must be filed with the Commission on or before **January 4, 2016**. Such comments should refer to **WC Docket No. 15-293 and Comp. Pol. File No. 1261**. 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.⁵ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. 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 number.

⁴ See 47 C.F.R. § 63.71(d) (stating, in relevant part, that an application filed by a dominant carrier "shall be automatically granted on the 60th day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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.

Copies of the comments may 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, or faxed to the FCC at (202) 418-1413, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁶ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules. 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).

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), (888) 835-5322 (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 (888) 835-5322. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

⁶ 47 C.F.R. §§ 1.1200 *et seq.*