



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF FIDELITY COMMUNICATIONS SERVICES III, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 15-183
Comp. Pol. File No. 1235

Comments Due: August 28, 2015

Section 214 Application

Applicant: Fidelity Communications Services III, Inc.

On **July 6, 2015**, **Fidelity Communications Services III, Inc.** (Fidelity or Applicant), located at **64 North Clark, Sullivan, Missouri 63080**, 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 Georgia and North Carolina (Service Areas).¹

Fidelity indicates that it offers residential and business switched digital voice telecommunications services bundled with unlimited long distance calling and enhanced call feature packages (collectively, Affected Services) in the Service Areas. Fidelity explains that its switched services have been provided through its switching platform located in Sullivan, Missouri. Fidelity further explains that it has provided the Affected Services pursuant to wholesale business arrangements with a retail carrier that included billing and regulatory management services. According to Fidelity, these wholesale service arrangements represented the entirety of Fidelity's telecommunications business in the Affected Areas. Fidelity asserts, however, that its wholesale business arrangements have been acquired by another wholesale telecommunications service provider.² Fidelity specifies that 393 end user customers in Georgia and 707 end user customers in North Carolina represent all of the end user customers affected by the transition, and that they all have been successfully ported to the new wholesale provider's switch and the associated Local Routing Number.³

¹ See Section 63.71 Application of Fidelity Communications Services III, Inc., WC Docket No. 15-183 (filed July 6, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001091650> (Application).

² Counsel for Fidelity has confirmed the following with Commission staff: 1) Fidelity had an agreement with a retail carrier to provide the Affected Services to customers in the Service Areas; 2) Fidelity was replaced by another wholesale provider and customers have successfully been transitioned to the services of the other provider without any loss of service; and 3) Fidelity does not have any current customers and now seeks to discontinue offering the Affected Services in the Service Areas.

³ Fidelity states that it is transitioning the existing telephone number resources associated with the affected rate centers to the new wholesale provider and will complete all required Neustar filings. Fidelity adds that customers have retained the same customer service provider, and the billing services provider notified affected customers of the payment remittance address change.

Fidelity now indicates that it plans to discontinue offering the Affected Services and to cease operating in the Service Areas effective August 1, 2015, or as soon thereafter as the necessary regulatory approval can be obtained.⁴ The Applicant submits that the public convenience and necessity will not be adversely affected by the proposed discontinuance because a limited number of customers are affected by the transition, customers have been given timely notice of the payment remittance address change, and customers have been telephone number ported for a seamless transition. Fidelity also asserts that it is considered non-dominant with respect to the Affected Services.

In accordance with section 63.71(d) of the Commission's rules, Fidelity'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 Fidelity that the grant will not be automatically effective. In its application, Fidelity indicates that it plans to discontinue offering the Affected Services and to cease operating in the Service Areas effective August 1, 2015, or as soon thereafter as the necessary regulatory approval can be obtained. Accordingly, pursuant to section 63.71(d) and the terms of its application, absent further Commission action, Fidelity may discontinue offering the Affected Services and cease to operate in the Service Areas on or after **September 13, 2015**, in accordance with Fidelity'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 **August 28, 2015**. Such comments should refer to **WC Docket No. 15-183 and Comp. Pol. File No. 1235**. 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://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 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

⁴ Fidelity specifies that the proposed discontinuance is affecting its provision of the Affected Services in the Georgia rate centers of Hiawassee, Blairsville, and Young Harris utilizing Operating Company Number 271F and the North Carolina rate centers of Suit, Hayesville, Andrews, and Murphy utilizing Operating Company Number 112F.

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.⁵ 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), (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 http://www.fcc.gov/wcb/cpd/other_adjud.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*