



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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DA 16-125
Released: February 4, 2016

COMMENTS INVITED ON APPLICATION OF EASTEX TELEPHONE COOPERATIVE, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 16-24
Comp. Pol. File No. 1272

Comments Due: March 7, 2016

Section 214 Application

Applicant: Eastex Telephone Cooperative, Inc.

On January 4, 2016, Eastex Telephone Cooperative, Inc. (Eastex or Applicant), located at 3675 U.S. Hwy 79 S, Henderson, TX 75653, 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 within its service area in Texas, which includes 21 exchanges and portions of 10 counties in east Texas (Service Area).³

Eastex indicates that it currently offers certain operator services, including Billed to Credit Card, Billed to Third Number, Busy Interrupt, Collect Call, Line Status Verification and Person-to-Person service in the Service Area (Affected Services).⁴ Eastex asserts, however, that there has been a lack of customer demand for the Affected Services. Accordingly, Eastex submits that it made a business decision to discontinue the Affected Services in the Service Area on or after April 4, 2016, upon completion of all

¹ 47 U.S.C. § 214.

² 47 CFR § 63.71.

³ See Section 63.71 Application of Eastex Telephone Cooperative, Inc. for Authority to Discontinue Certain Services, WC Docket No. 16-24 (filed Jan. 4, 2016), <http://apps.fcc.gov/ecfs/comment/view?id=60001370401> (Application).

⁴ Eastex defines Billed to Credit Card as a billing arrangement by which an operator-assisted call may be charged to an authorized credit card. Eastex explains that Billed to Third Number is a billing arrangement by which an operator-assisted call may be charged to an authorized service point other than the service point originating the call or the service point where the call is terminated. According to Eastex, Busy Interrupt is an operator service that allows the operator to break into a conversation when a line is in use. Eastex explains that Collect Call as a billing arrangement by which the charge for a call may be reversed provided the charge is accepted at the called service point. The Applicant states that Line Status Verification is an operator service that allows the operator to confirm when a line is idle or in use. The Applicant also indicates that Person-to-Person is a service that allows the person originating the call to specify to the operator a particular person to be reached, a particular mobile service point to be reached through a Mobile Telephone Service attendant, or a particular station, department or office to be reached through a PBX attendant.

necessary federal and state regulatory approvals. Eastex indicates that it sent notice of the proposed discontinuance to all affected customers by U.S. Mail via bill insert on January 4, 2016. According to Eastex, a bill insert was the most economic method of reaching its rural customers. In addition, Eastex submits that it printed the bill insert on distinctly colored paper to distinguish it from the billing statement and bring sufficient attention to the notice. The Applicant maintains that its customers will not be adversely affected by the proposed discontinuance because, in the last 12 months, it has identified only 16 instances of “busy line verify” usage, only six instances of “busy interrupt” usage, and only five instances of usage for collect calls, with no additional usage of the Affected Services. Eastex asserts that it is an incumbent local exchange carrier and considered dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(e) of the Commission’s rules, Eastex’s application will be deemed granted automatically on April 4, 2016, the 60th day after the release date of this Public Notice, unless the Commission notifies Eastex that the grant will not be automatically effective.⁵ 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, Eastex indicates that it plans to discontinue the Affected Services in the Service Area on or after April 4, 2016, upon completion of all necessary federal and state regulatory approvals. Accordingly, pursuant to section 63.71(e), and the terms of the Application, absent further Commission action, Eastex may discontinue, reduce or impair the Affected Services in the Service Area on or after **April 4, 2016**, in accordance with Eastex’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, application for review, or petition 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 **March 7, 2016**. Such comments should refer to **WC Docket No. 16-24 and Comp. Pol. File No. 1272**. 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.⁶ All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. 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.

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 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,

⁵ See 47 CFR § 63.71(e) (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.”).

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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.⁷ 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 Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@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>.

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⁷ 47 CFR § 1.1200 *et seq.*