



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF DELTA TELEPHONE CO., INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 16-10
Comp. Pol. File No. 1258

Comments Due: February 16, 2016

Section 214 Application

Applicant: Delta Telephone Co., Inc.

On November 5, 2015, Delta Telephone Co., Inc. (Delta or Applicant), located at P.O. Box 217, Louise, MS 39097, 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 areas in Louisiana and Mississippi including within East Carroll Parish and Madison Parish, LA, and Bolivar, Choctaw, Humphreys, Sharkey, Sunflower, Warren, and Yazoo Counties, MS (Service Areas).³ On January 13, 2016, Delta filed an amendment to correct certain deficiencies in its application and update the record regarding notice to the states.⁴ Accordingly, Delta's application is deemed complete as of January 13, 2016.

Delta indicates that it currently offers certain operator services, including Busy Line Verification and Busy Line Interruption, Collect Calls, Person-to-Person, and Third Number Billed Calls in the Service Areas (Affected Services). Delta asserts, however, that there has been a lack of customer demand for the Affected Services. Delta specifies that, in the last 12 months, only 34 calls have been placed using the Affected Services. Accordingly, Delta submits that it made a business decision to discontinue the Affected Services in the Service Areas on or after March 18, 2016, upon completion of all necessary federal and state regulatory approvals. Delta indicates that it sent notice of the proposed discontinuance to all affected customers by U.S. Mail via bill message on November 1, 2015. According to Delta, a bill message was the most economic method of reaching its rural customers. Delta indicates that the first page of the bills displayed text to alert customers to the important notice included with their bill in order to bring sufficient

¹ 47 U.S.C. § 214.

² 47 CFR § 63.71.

³ See Section 63.71 Application of Delta Telephone Co., Inc. for Authority to Discontinue Certain Services, WC Docket No. 16-10 (filed Nov. 5, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001306501> (Application).

⁴ See Letter from Valerie Wimer, Vice President, JSI, on behalf of Tammy Torrey, Delta Telephone Co., Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 16-10 (filed Jan. 13, 2016) <http://apps.fcc.gov/ecfs/comment/view?id=60001375586>.

attention to the notice. The Applicant maintains that its customers will not be adversely affected by the proposed discontinuance because its customers are using new technologies and choosing widely available alternatives to the Affected Services. Delta 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, Delta's application will be deemed granted automatically on March 15, 2016, the 60th day after the release date of this Public Notice, unless the Commission notifies Delta 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, Delta indicates that it plans to discontinue the Affected Services in the Service Areas on or about March 18, 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, Delta may discontinue, reduce or impair the Affected Services in the Service Areas on or after **March 18, 2016**, in accordance with Delta'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 **February 16, 2016**. Such comments should refer to **WC Docket No. 16-10 and Comp. Pol. File No. 1258**. 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, 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.

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).

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 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>.

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⁷ 47 CFR § 1.1200 *et seq.*