**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter ofSection 63.71 Application of Embarq Florida, Inc. d/b/a CenturyLink, a Lumen Company, for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Discontinue a Telecommunications Service  | **)****)****)****)****)****)****)** | WC Docket No. 21-298 |

Order

**Adopted: December 17, 2021 Released: December 17, 2021**

By the Chief, Wireline Competition Bureau:

# Introduction

1. By this Order, the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (Commission) terminates the above-captioned application proceeding whereby Embarq Florida, Inc. d/b/a CenturyLink, a Lumen company (CenturyLink) sought Commission authority to discontinue legacy voice service on Little Gasparilla Island, Florida.[[1]](#footnote-3) CenturyLink withdrew the Application on November 22, 2021.[[2]](#footnote-4)

# Discussion

1. On July 14, 2021, CenturyLink filed the Application with the Commission requesting authority, under section 214 of the Communications Act of 1934, as amended,[[3]](#footnote-5) and section 63.71 of the Commission’s rules,[[4]](#footnote-6) to discontinue the legacy voice service that it provides to 26 customers on Little Gasparilla Island, Florida that would result in a technology transition.[[5]](#footnote-7) The Application relied on the adequate replacement test established by the Commission in 2016 for evaluating technology transition discontinuance applications.[[6]](#footnote-8) On October 4, 2021, the Bureau released a *Public Notice* indicating that the Application did not qualify for streamlined processing because “CenturyLink’s application does not make the *prima facie* showing necessary for an applicant relying on the service of a third-party provider for the replacement service.”[[7]](#footnote-9)
2. The *Public Notice* established 30 and 45-day deadlines, respectively, for filing comments and reply comments in response to the Application.[[8]](#footnote-10) On October 22, 2021, the Bureau extended those deadlines to November 24, 2021, and December 16, 2021, respectively,[[9]](#footnote-11) in response to a request filed by the Consumer & Competition Advocacy Organizations.[[10]](#footnote-12)
3. CenturyLink subsequently filed its Withdrawal Letter on November 22, 2021,[[11]](#footnote-13) and no party has opposed that withdrawal. Accordingly, the Bureau accepts CenturyLink’s withdrawal and hereby terminates this proceeding without prejudice.[[12]](#footnote-14)

# ORDERING CLAUSES

1. Accordingly, IT IS ORDERED, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.91, 0.204, and 0.291 of the Commission’s rules, 47 CFR §§ 0.91, 0.204, 0.291, that the above-captioned proceeding is TERMINATED.
2. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an email to: fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).
3. For further information concerning this Order, please contact Michele Levy Berlove of the Wireline Competition Bureau, Competition Policy Division, at (202) 418-1477 or michele.berlove@fcc.gov.

 FEDERAL COMMUNICATIONS COMMISSION

 Kris Anne Monteith

 Chief

Wireline Competition Bureau

1. Section 63.71 Application of Embarq Florida, Inc. d/b/a CenturyLink, a Lumen company, for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Discontinue a Telecommunications Service, WC Docket No. 21-298 (filed July 14, 2021) (Application), <https://www.fcc.gov/ecfs/search/filings?proceedings_name=21-298&sort=date_disseminated,DESC>. [↑](#footnote-ref-3)
2. Letter from Craig J. Brown, Asst. Gen. Counsel, Lumen, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-298, Comp. Pol. File No. 1710 (filed Nov. 22, 2021) (Withdrawal Letter). [↑](#footnote-ref-4)
3. 47 U.S.C. § 214. [↑](#footnote-ref-5)
4. 47 CFR § 63.71. [↑](#footnote-ref-6)
5. 47 CFR § 63.60(i) (defining a Technology Transition as “any change in service that would result in the replacement of a wireline TDM-based voice service with a service using a different technology or medium for transmission to the end user, whether internet Protocol (IP), wireless, or another type”). [↑](#footnote-ref-7)
6. Application at 2. [↑](#footnote-ref-8)
7. Comments Invited on Section 214 Application of Embarq Florida, Inc. d/b/a CenturyLink to Discontinue Legacy Voice Service as Part of a Technology Transition, WC Docket No. 21-298, Public Notice, DA 21-1247, at 1-2 (Oct. 4, 2021) (*Public Notice*). [↑](#footnote-ref-9)
8. *Id*. [↑](#footnote-ref-10)
9. *Section 63.71 Application of Embarq Florida, Inc. d/b/a CenturyLink, a Lumen company, for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Discontinue a Telecommunications Service*, Order, WC Docket No. 21-298 (WCB Oct. 22, 2021). [↑](#footnote-ref-11)
10. Extension Request at 1; Correction to Extension Request at 1. [↑](#footnote-ref-12)
11. *See supra* note 2. [↑](#footnote-ref-13)
12. While four parties filed comments in response to the Application, CenturyLink’s withdrawal renders the concerns about the service discontinuance raised by those commenters moot. [↑](#footnote-ref-14)