

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Application of)	
)	
Ameritech Operating Companies)	File No. W-P-D-425
)	
To discontinue offering of)	
certain analog video services)	
pursuant to 47 U.S.C. § 214.)	

ORDER AND CERTIFICATE

Adopted: October 22, 1997

Released: October 23, 1997

By the Chief, Network Services Division, Common Carrier Bureau:

1. The Ameritech Operating Companies ("Ameritech"), pursuant to Section 214(a) of the Communications Act of 1934, as amended, and Part 63.505 of the Communication's rules,¹ filed an application on August 22, 1997 to remove three options of analog video service (4TV-5, 6TV-5, and TV-15) from their interstate access tariff. Ameritech states that there are currently no customers for these options and states that, "[s]ince no customers would be affected, no notices are required under section 63.71 of the Commission's rules by grant of this application." No comments or oppositions were filed in response to our public notice of the application published on August 29, 1997.²

2. Having reviewed the application, we find that it complies with the requirements of Section 214 of the Communications Act and Part 63 of our rules. Furthermore, for the reasons stated in the application, we find that the transactions described will not adversely affect the present or the future public convenience and necessity.

3. With regard to Ameritech's assertion that, "because no customers would be affected by

¹ 47 C.F.R. § 63.505

² Section 214 Application Accepted for Filing, *Public Notice*, File No. W-P-D-425 (Aug. 29, 1997)

the discontinuance, no notices are required under Section 63.71 of the Commission's Rules," we note, first, that Section 63.71³ applies to non-dominant carriers.⁴ Because Ameritech is classified as a dominant carrier⁵ for purposes of domestic in-region services, Ameritech must comply with the publication and posting of notice requirements under Section 63.90 of the Commission's rules.⁶ Section 63.90 of the Commission's Rules does not contain any exception to the requirement for publication of notices of a proposed discontinuance in the event that a carrier has no customers; Ameritech's simple assertion that publication of notices is unnecessary, therefore, is insufficient to comply with the requirements of Section 63.90. Because Ameritech has no customers subscribing at this time to the service in question, on our own motion we waive the requirements of Section 63.90(a)-(c) and (e). We do not, however, waive the requirement under Section 63.90(d) that the applicant "give written notice of the filing together with a copy of such application to the State Commission . . . of each State in which any discontinuance . . . is proposed."⁷ We therefore require Ameritech to file a notice with a copy of its application, pursuant to Section 63.90(d). Ameritech should send a copy of the notice only to Geraldine Maise, Chief, Network Services Division, Common Carrier Bureau, 2000 M Street, Washington, D.C. 20554.

4. Accordingly, **IT IS ORDERED**, pursuant to Sections 0.91, 0.291 and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291 and 1.3, that the requirements in Section 63.90(a)-(c) and (e) of the Commission's rules **ARE WAIVED**, and that the above-referenced application, W-P-D-425, **IS GRANTED**. The Ameritech Operating Companies **ARE AUTHORIZED** to discontinue the service described in this application.

5. **IT IS FURTHER ORDERED** that our grant of this application is subject to the condition that the Network Services Division receive a copy of Ameritech's filing in compliance with Section 63.90(d) of the Commission's rules, 47 C.F.R. § 63.90(d).

³ 47 C.F.R. § 63.71.

⁴ See 47 C.F.R. § 61.3(u).

⁵ See 47 C.F.R. § 61.3(o).

⁶ See 47 C.F.R. § 63.90.

⁷ 47 C.F.R. § 63.90(d).

6. This Order and Certificate **IS EFFECTIVE** upon release. Failure of the applicant to decline the authorization in writing within thirty-one days from the release date will be construed as formal acceptance.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Geraldine A. Matis".

Geraldine A. Matis, Chief
Network Services Division
Common Carrier Bureau