



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF PHONE1, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 08-237
Comp. Pol. File No. 889

Comments Due: February 25, 2009

Section 214 Application **Applicant: Phone1, Inc.**

On **November 24, 2008**, **Phone1, Inc.** (Phone1 or Applicant), located at **1170 Kane Concourse, Suite 402, Bay Harbor Island, FL 33154**, 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 the provision of certain telecommunications services in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming. By amendments filed December 5, 2008, and December 22, 2008, Phone1 corrected certain deficiencies in its initial application. Accordingly, Phone1's application is deemed complete as of December 22, 2008.

Phone1 indicates that it currently provides resold domestic interstate and international toll services including operator services to payphone locations in all of the above mentioned states. Phone1 states that it serves fewer than 50 customers, and that all of its customers are payphone providers. Phone1 asserts, however, that it has faced tremendous competition from wireless services, and that it can no longer maintain its operations in this economic downturn. Consequently, Phone1 indicates that it intends to discontinue its provision of these services in the above mentioned states.¹ According to Phone1, the anticipated date for the proposed discontinuance is December 10, 2008, or as soon as possible thereafter.² Phone1 asserts that customers should be able to receive the same service or a reasonable substitute from a wide array of other carriers throughout the country. Phone1 indicates that it informed all affected customers of the proposed discontinuance by letters sent via first class U.S. Mail by November 21, 2008, in compliance with section 63.71 of the Commission's rules. Phone1 asserts that it is considered non-dominant with respect to the services to be discontinued.

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

² Phone1's application includes a sample of the notice mailed to affected customers that also makes reference to a planned discontinuance date of December 15, 2008.

In accordance with section 63.71(c) of the Commission's rules, Phone1'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 Phone1 that the grant will not be automatically effective. In Phone1's application, Phone1 indicates that it anticipates discontinuing service on December 10, 2008 or as soon as possible thereafter. Accordingly, pursuant to section 63.71(c) and the terms of Phone1's application, absent further Commission action, Phone1 may terminate its domestic long distance telephone services in the above mentioned states on or after **March 13, 2009**.³ 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **February 25, 2009**. Such comments should refer to **WC Docket No. 08-237 and Comp. Pol. File No. 889**. 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 filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/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 may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. 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. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express, and Priority mail should 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 the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

³ Any action on this domestic 214 discontinuance application is without prejudice to any potential enforcement action related to unauthorized discontinuance or any other violation of the Act or the Commission's rules.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. 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), (202) 418-0432 (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 (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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