

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET, N.W., SUITE 800
WASHINGTON, D.C. 20005**

ORDER

February 28, 2020

**FORMAL CASE NO. TA 2000-35, IN THE MATTER OF THE APPLICATION OF
BROADWING COMMUNICATIONS, LLC FOR APPROVAL TO ABANDON CERTAIN
VOICE SERVICES, Order No. 20304**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants the Application (“Application”) of Broadwing Communications, LLC (“Broadwing” or “Applicant”), requesting the abandonment of certain voice services in the District of Columbia (“District”).¹ The Applicant’s abandonment of certain voice services shall become effective March 20, 2020.

2. On February 18, 2020, Broadwing filed its Application to abandon certain local business telephone services by March 20, 2020. In its Application, Broadwing represents that all affected services are provided to business customers only, and that it does not provide service to residential customers. No comments on the Application were filed or received. The Commission has reviewed the Application and our evaluation of the Application is based solely on whether the information provided therein conforms with the requirements of 15 DCMR § 2705, Abandonment of Service.

II. BACKGROUND

3. In its Application, Broadwing provides responses pursuant to the requirements of 15 DCMR § 2705.2 (a) – (n):

- (a) **The applicant’s name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, and the proposed abandonment of service date;**

4. The Applicant provided this information.²

¹ *Formal Case No. TA2000-35, In the Matter of the Application of Broadwing Communications, LLC for Approval to Abandon Certain Voice Services (“Formal Case No. TA2000-35”),* Broadwing Communications, LLC’s Application for Approval to Abandon Certain Voice Services (“Application”), filed February 18, 2020.

² Application at 1.

(b) Description of the nature of the proposed abandonment, reduction or impairment of service;

5. Broadwing explains that due to changes in technology and market conditions, it has modified its focus and seeks to discontinue provisioning of switched-based local voice services throughout the District while continuing to provide other services in the District, including access services and certain private line services. Broadwing maintains that it does not serve residential customers.³

(c) A complete explanation of the reasons for the proposed abandonment of service, including, but not limited to, a statement as to whether the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, or only in part, and if only in part, a description of the proposed abandonment (for instance, for a class of customers, such as residential customers or business customers, or, customers located in specified geographic areas);

6. Broadwing lists the following services that are being discontinued for its business customers: 1) POTS services, including Basic Line Service, Basic Trunk (or PBX-type) Service, DID Trunk Service Remote Call Forwarding, Local Number Portability, Digital Subscriber Line Service, & Digital Trunk Services; 2) Virtual Exchange Service; 3) Digital DID Services; 4) Integrated Voice and Data Service; 5) ISDN-PRI Services; and 6) Local and IntraLATA Calling Service, Intra-network Calling, Message Toll. Broadwing adds that although tariff provisions may vary by jurisdiction, the services to be abandoned and listed above may also include associated miscellaneous services, such as Custom Calling Features, Operator Services, Directory Assistance, Listing Services, and Direct Inward Dialing (DID) Numbers.⁴

(d) A plan for the refund of any deposits collected from affected customers, with accrued interest less any amounts due to the applicant;

7. Broadwing responds that to the extent there are deposits, it will refund any deposits plus accrued simple interest and will credit balances after final billing upon discontinuance of service. The Applicant adds that no termination liabilities or penalties will apply.⁵ To the extent there are any switchover fees incurred by its customers as a result of this abandonment, Broadwing maintains that it will satisfy those switchover fees incurred by its customers as required by Section 2705.6.⁶

(e) If the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, a

³ Application at 1.

⁴ Application at 2.

⁵ Application at 2.

⁶ Application at 3.

description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;

8. Broadwing explains that because it does not propose to abandon the provisioning of telecommunications services in the District in whole, it proposes no plan to pay outstanding taxes, fees or other amounts.⁷ However, Broadwing maintains that it has satisfied all outstanding debts owed to the Commission or any agency of the District of Columbia government.⁸ Broadwing also represents that it has complied with applicable provisions of Sections 2705 and 2706 and all other applicable Commission rules and requirements.⁹

(f) A statement as to whether the applicant owns facilities in the District of Columbia, and if so, a plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned;

9. Broadwing states that it owns certain facilities associated with the services at issue and while this effort is part of an on-going effort to consolidate certain network facilities, the Applicant is not proposing to abandon the market and therefore does not have an immediate plan to remove or transfer all facilities from this market.¹⁰

(g) An identification of the geographic area involved and date on which the applicant desires to make the proposed abandonment, reduction, or impairment of service effective;

10. Broadwing states elsewhere in its Application that business customers within the boundaries of the District will be affected by the proposed abandonment of service by March 20, 2020.¹¹

(h) A statement of the number of customers, classified by residential or business customer, affected by the proposed abandonment, reduction or impairment of service;

11. Broadwing responds that 27 retail business customers in the District are affected by the proposed abandonment of service.¹²

⁷ Application at 2.

⁸ Application at 3.

⁹ Application at 3.

¹⁰ Application at 2.

¹¹ Application at 2.

¹² Application at 2.

- (i) **A statement of the number of customers affected by the proposed abandonment, reduction or impairment of service for whom the applicant receives universal service support;**

12. Broadwing responds that no customers are affected by the proposed abandonment of service for whom Broadwing receives universal service support.¹³

- (j) **A statement of the date on which notice of the proposed abandonment, reduction or impairment of service will be sent to affected customers;**

13. Broadwing responds that it first notified customers of the abandonment of services by letters sent to impacted customers in July 2019. Since July, the Applicant represents that it has continued to work with the impacted business customers to transition to other providers or to services offered by Broadwing affiliates. Broadwing states that it sent a second notice in October/November 2019, and an additional notice dated January 22, 2020.¹⁴ The Applicant asserts that this abandonment of certain voice services will not deprive customers of necessary telecommunications services inasmuch as Broadwing is a competitive carrier and such services are competitively provided in the District and elsewhere as a result of the 1996 Telecommunications Act. Broadwing asserts that based on information and belief, these business customers have options from other providers.¹⁵

- (k) **A copy of the notice that will be sent to affected customers;**

14. The Applicant attaches a sample Customer Notice as Attachment A.¹⁶

- (l) **If the abandonment, reduction or impairment of service application is filed because the applicant is discontinuing TDM-based local exchange service, a copy of the application filed with the Federal Communications Commission pursuant to 47 C.F.R Part 63;**

15. Broadwing responds that on January 24, 2020, it filed its Section 214 application with the Federal Communications Commission and a copy was sent to the Public Service Commission of the District of Columbia. In accordance with Section 63.71(a) of the Rules of the Federal Communications Commission, Broadwing represents that customers were notified via United Parcel Service or regular U.S. mail on January 22, 2020.¹⁷

¹³ Application at 2.

¹⁴ Application at 2; Attachment A for the January 22, 2020 customer notice (with customer information redacted).

¹⁵ Application at 2-3.

¹⁶ Application at 2; Attachment A.

¹⁷ Application at 3.

16. Broadwing explains further that although it proposes to abandon certain TDM-based voice services, this discontinuance is not a “technology transition” as defined in 47 C.F.R. § 63.60(i) and, therefore, 47 C.F.R. § 63.602 is inapplicable. Broadwing asserts that affected customers can choose to switch to another TDM-based voice service provided by one of Broadwing’s affiliates, as well as other alternatives offered by Broadwing’s competitors.

- (m) A statement of the factors showing that neither present nor future public interest, convenience and necessity would adversely be affected by the granting of the application; and**

17. Broadwing maintains that the public interest will not be adversely affected by granting its Application to abandon the services described herein. The Applicant states that advance notice has been provided to all affected customers, giving them ample time to arrange substitute services, which it understands are readily available and include, but are not limited to, services from Broadwing’s affiliates as well as Broadwing’s competitors.¹⁸

- (n) An affidavit verifying that all of the information in the application is true and correct.**

18. The Applicant attaches the Affidavit of Sharon Alvarado, Government Operations Manager Public Policy and Compliance for Broadwing, representing that all of the information in the Application is true and correct.¹⁹

III. DECISION

19. Under 15 DCMR § 2705.2, an abandonment of service application filing must contain information responsive to the requirements of 15 DCMR § 2705.2 (a) – (n). After reviewing the Applicant’s filing, the Commission finds that its responses contain the information required by this rule.

20. Under 15 DCMR § 2705.4, the exiting provider must give written notice to its customers of its proposed discontinuance of service. In the instant case, Broadwing attached a sample notice letter in Attachment A to its Application. In the sample notice letter, the Applicant states that it will discontinue certain listed services by March 20, 2020. In addition, Broadwing represents that it has and will continue to notify customers of this abandonment of certain voice services through letters, notices on customer bills, and other methods. The Commission is satisfied that the Applicant has complied with the customer notice requirement.

21. Fifteen DCMR § 2705.13 conditions Commission approval of an applicant’s abandonment of service on the applicant satisfying certain requirements reflected in that section,

¹⁸ Application at 3.

¹⁹ Application at 3; Attachment B Affidavit.

such as: (a) the Competitive Local Exchange Carrier ("CLEC") has satisfied outstanding debts owed the Commission or any agency of the District government; (b) the applicant has complied with § 2705, or any similar provision in § 2706 and other Commission rules; (c) the CLEC has developed and implemented a comprehensive plan for returning customer deposits; (d) the applicant has satisfied switchover fees incurred by customers affected by the abandonment of service; and (e) the approval of the abandonment of certification application would serve the public interest.

22. Following review of Broadwing's filing, the Commission finds that the Applicant has complied with these requirements. The Applicant has complied with this section as well as any analogous provision in § 2706 and other Commission rules. Also, there are no required payments of any outstanding obligations to the Commission or to the District government as required for providers leaving the market entirely, inasmuch as Broadwing will remain in business in the District.²⁰ Moreover, the Applicant believes it has no customer deposits, but to the extent it does, it states that it shall return those customer deposits, if any. Similarly, to the extent there are any switchover fees incurred by its customers as a result of this abandonment of certain voice services, Broadwing represents that it will satisfy those switchover fees incurred by its customers.²¹ Lastly, as stated earlier, the Commission finds that granting the Applicant's request to partially abandon its telecommunications services is in the public interest inasmuch as the discontinued telecommunications services will still be provided in the District by Broadwing's affiliates and other non-affiliated, competitive providers.

23. Based on our review of the Applicant's responses to 15 DCMR § 2705, we conclude that the Applicant has adequately addressed those provisions, and we will grant Broadwing's request to partially abandon telecommunications services. The effective date of the abandonment of certain voice services is March 20, 2020, the date that Broadwing plans to terminate these services.

THEREFORE, IT IS ORDERED THAT:

24. The Application of Broadwing Communications, LLC to Abandon Certain Voice Services and Exit Plan is **GRANTED**; and

25. The effective date of the discontinuance of these services is March 20, 2020.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

²⁰ Commission records indicate that Broadwing is current on its assessment payments as of 2019.

²¹ Application at 3.