### SWIDLER BERLINUP

The Washington Harbour 3000 K Street, N.W., Suite 300 Washington, D.C. 20007-5116 Phone 202.424.7500 Fax 202.424.7647 www.swidlaw.com

### **VIA COURIER**

September 9, 2005

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary c/o Natek, Inc. 236 Massachusetts Avenue, N.E. Suite 110 Washington, DC 20002 SEP 12 2005 FINANCIAL ANA

Re:

Section 63.17 Application of CoreCom Maryland, Inc., CoreComm New Jersey, Inc., CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm Virginia, Inc., and CoreComm Newco, Inc. for Authority to Discontinue Certain Services

Dear Ms. Dortch:

On behalf of CoreCom Maryland, Inc., CoreComm New Jersey, Inc., CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm Virginia, Inc., and CoreComm Newco, Inc. (collectively, "CoreComm"), enclosed for filing are an original and six (6) copies of the above-referenced application.

Please date stamp the extra copy of this filing and return it in the envelope provided. Should you have any questions with respect to this matter, please do not hesitate to contact me at (202) 424-7697.

Respectfully submitted,

Brett P Frenchak

Brett P. Ferenchak

Enclosure

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

In the Matter of	)
Section 63.71 Application of	)
	)
CoreComm Maryland, Inc.;	)
CoreComm New Jersey, Inc.;	
CoreComm Pennsylvania, Inc.;	)
CoreComm Rhode Island, Inc.;	) WC Docket No. 05
CoreComm Virginia, Inc.;	)
and CoreComm Newco, Inc.	
For Authority to Discontinue	)
Certain Services	)

### **SECTION 63.71 APPLICATION**

CoreComm Maryland, Inc., CoreComm New Jersey, Inc. CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm Virginia, Inc., <sup>1</sup> and CoreComm Newco, Inc. (collectively, "CoreComm"), through their undersigned counsel, hereby file this Application to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in states of Florida, Georgia, Kentucky, Maryland, Minnesota, New Jersey, Pennsylvania, Rhode Island, Virginia, and Washington. Specifically, CoreComm is seeking to discontinue the provision of certain local and domestic and international long distance customers in a number of locations on November 9, 2005. In support of this Application, CoreComm submits the following information:

Please note that CoreComm Virginia, Inc. is dissolved and that services previously provided by CoreComm Virginia, Inc. are provided by CoreComm Newco, Inc.

### I. <u>Description of Discontinuance</u>

### 1. Name and address of carrier

CoreComm Maryland, Inc., CoreComm New Jersey, Inc. CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm Virginia, Inc., and CoreComm Newco, Inc.

All CoreComm entities can be contacted at: 2100 Renaissance Boulevard King of Prussia, PA 19406

### 2. Date of planned service discontinuance

The anticipated date for the discontinuance of service in the markets identified below in paragraph 3 is November 9, 2005, or as soon thereafter as the necessary federal regulatory authorizations have been obtained.

### 3. Points of geographic areas of service affected

By this Application, CoreComm seeks authority to discontinue the provision of all local, intrastate toll, interstate toll, and international telecommunications services to customers located in the states of Florida, Georgia, Kentucky, Maryland, Minnesota, New Jersey, Pennsylvania Rhode Island, Virginia, and Washington.

### 4. Brief description of the type of service affected

CoreComm proposes to discontinue the provision of local, intrastate toll, interstate toll and international telecommunications services.

### 5. Brief description of the dates and methods of notice to all affected customers

Written notice to all affected customers substantially in the form of the sample letter attached as Exhibit A was mailed to affected customers in the states of Florida, Georgia, Kentucky, Maryland, Minnesota, New Jersey, Pennsylvania, Rhode Island, Virginia, and Washington on September 9, 2005. The customer notice letters were prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

# 6. Non-dominance of the carrier with respect to the service to be discontinued CoreComm is non-dominant with respect to the services that it proposes to discontinue.

#### 7. Service

In accordance with Section 63.71(a) of the Commission's rules, CoreComm has mailed a copy of this Application to the Governors and the public utility commissions of the states of Florida, Georgia, Kentucky, Maryland, Minnesota, New Jersey, Pennsylvania, Rhode Island, Virginia, and Washington, and to the Special Assistant for Telecommunications for the Secretary of Defense.

### 8. Additional questions regarding this application may be addressed to:

Eric J. Branfman
Brett P. Ferenchak
Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7697 (Telephone)
(202) 424-7645 (Facsimile)
EJBranfman@swidlaw.com
BPFerenchak@swidlaw.com

### II. <u>Circumstances of Discontinuance</u>

CoreComm previously obtained approval to discontinue certain customers as part of the emergence from bankruptcy of CoreComm and CoreComm's ultimate parent company, ATX Communications, Inc. *See* WC Docket No. 05-204. Recently, CoreComm identified certain additional customers who (1) should have been included in the prior discontinuance, but were not, or (2) were not migrated to ATX Licensing, Inc., an affiliate of CoreComm, and therefore must be discontinued. The services to be discontinued are competitive in nature and customers have received sufficient notice in order to allow them to make arrangements for replacement services. Following the discontinuance of these customers, the CoreComm entities intend to surrender any FCC and/or state authorizations and dissolve.

### III. Conclusion

CoreComm believes that the proposed discontinuance is reasonable and necessary. CoreComm will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, CoreComm respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to certain customers pursuant to Section 63.71.

Respectfully submitted,

By:

But P Feeling
Eric J. Branfman

Brett P. Ferenchak

Swidler Berlin LLP

3000 K Street, N.W., Suite 300

Washington, D.C. 20007

(202) 424-7500 (Telephone)

(202) 424-7645 (Facsimile)

EJBranfman@swidlaw.com

BPFerenchak@swidlaw.com

Dated: September 9, 2005

### EXHIBIT A

Sample Discontinuance Notice Letter



September 9, 2005

Re: IMPORTANT NOTICE, LOSS OF TELEPHONE SERVICE DISCONTINUANCE OF TELEPHONE SERVICE - PLEASE DO NOT DISREGARD THIS NOTICE.

#### Dear Customer:

At this time, CoreComm provides you with local and/or long distance telephone service. We regret to inform you that CoreComm can no longer provide your local and/or long distance telephone service for certain telephone lines, which are identified on the attached enclosed list. Accordingly, subject to regulatory approval, as of November 9, 2005, CoreComm will no longer provide your LOCAL TELEPHONE SERVICE and you must take action.

If you also receive LONG DISTANCE TELELPHONE SERVICES from CoreComm, those services will also be discontinued, subject to regulatory approval, at or about the same time. Your LOCAL TELEPHONE SERVICE and your LONG DISTANCE TELEPONE SERVICE, if you receive such service from CoreComm, will not be automatically transferred to another provider, so you must take a immediate action to avoid interruption to your LOCAL TELEPHONE SERVICE, and, if you receive it from CoreComm, LONG DISTANCE TELEPHONE SERVICE. This is the only notice you will receive about the loss of your telephone service.

Your immediate action is required! In order to obtain alternative LOCAL TELEPHONE SERVICE and LONG DISTANCE TELEPHONE SERVICE, you must select a new service provider(s) immediately. To prevent the loss of your local telephone service, you must select another local telephone service provider on or before October 26, 2005. If you act by this date there should be enough time for your chosen new local telephone service provider to start your new service before your CoreComm service ends. We are making every effort to continue our service to you until November 9, 2005. Accordingly, please do not delay in arranging for a new provider(s). A list of telecommunications providers serving your area can generally be found in the front of your local telephone book. Please remember that you can choose the provider of your local telephone service and may select any company that is offering service in your area.

Please be aware that you are responsible for paying all bills rendered to you by CoreComm during the transition to a new provider(s). You may be subject to suspension or termination of your phone service in accordance with the applicable rules if you fail to pay your telephone bill.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

<sup>&</sup>lt;sup>1</sup> CoreComm provides service under the names: CoreComm Maryland, Inc., CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm California, Inc., CoreComm Texas, Inc. and CoreComm Newco, Inc.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of CoreComm. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

CoreComm greatly appreciates the opportunity we have had to serve you and we sincerely regret the actions that we are undertaking at this time. Again we urge you to act immediately to obtain service from another provider(s). If we can provide assistance in the transition of service to another provider or you have questions about the discontinuance process, please call our toll free customer service number at 1-877-267-3266.

Sincerely,

Christopher Joslin

Vice President of Customer Operations and Marketing

CoreComm

### **VERIFICATION**

I, Bruce Bennett, declare that I am Vice President for External Affairs of ATX Communications, Inc., the ultimate parent company of the CoreComm operating subsidiaries; that I am authorized to make this Verification on behalf of ATX Communications, Inc.; that the foregoing filing was prepared under my direction and supervision; and that the statements in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2005, at Chicago, Illinois

Bruce Bennett

Vice President for External Affairs ATX Communications, Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Section 63.71 Application of CoreComm Maryland, Inc., CoreComm New Jersey, Inc. CoreComm Pennsylvania, Inc., CoreComm Rhode Island, Inc., CoreComm Virginia, Inc., and CoreComm Newco, Inc. and was served this 9<sup>th</sup> day of September, 2005, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.

Brett P Forember
Brett P. Ferenchak

### **Service List**

Secretary of Defense Attn: Special Assistant for Telecommunications The Pentagon Washington, D.C. 20301

Honorable Jeb Bush Governor, State of Florida The Capitol Tallahassee, FL 32399-0001

Honorable Sonny Perdue Governor, State of Georgia 203 State Capitol Atlanta, GA 30334

Honorable Ernie Fletcher Governor, State of Kentucky 100 State Capitol, 700 Capitol Avenue Frankfort, KY 40601

Honorable Robert L. Ehrlich, Jr. Governor, State of Maryland State House, 100 State Circle Annapolis, MD 21401

Honorable Timothy Pawlenty Governor, State of Minnesota 130 State Capitol 75 Rev. Dr. Martin Luther King, Jr. Boulevard St. Paul, MN 55155

Honorable Richard J. Codey Governor (Acting), State of New Jersey 125 W. State Street Trenton, NJ 08625-0001

Honorable Edward G. Rendell Governor, Commonwealth of Pennsylvania 225 Main Capitol Building Harrisburg, PA 17120

Honorable Don Carcieri Governor, State of Rhode Island State House Providence, RI 02903

Honorable Mark R. Warner Governor, Commonwealth of Virginia State Capitol Richmond, VA 23219

Honorable Christine O. Gregoire Governor, State of Washington 302 14th Street, Southwest Olympia, WA 98504 Blanca S. Bayo Commission Clerk and Administrator Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

Reece McAlister, Executive Secretary Georgia Public Service Commission 1 244 Washington Street, S.W. Atlanta, GA 30334

Elizabeth O'Donnell, Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, KY 40602-8294

O. Ray Bourland, Executive Secretary Maryland Public Service Commission 6 St. Paul Street Baltimore, MD 21202

Burl W. Haar, Executive Secretary Minnesota Public Utilities Commission 121 Seventh Place East, Suite 350 St. Paul, MN 55101-2147

Kristi Izzo, Secretary New Jersey Board of Public Utilities Two Gateway Center Newark, New Jersey 07102

James McNulty, Secretary Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120

Luly Massaro, Clerk Rhode Island Public Utilities Commission 89 Jefferson Boulevard Warwick, RI 02888-1046

Joel H. Peck, Clerk Virginia State Corporation Commission Tyler Building 1300 East Main Street Richmond, VA 23219

Carole J. Washburn, Executive Secretary Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive, S.W. Olympia, WA 98504