



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-415
February 21, 2002**

**COMMENTS INVITED ON CAPSULE COMMUNICATIONS, INC.
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

NSD File No. W-P-D-562

Comments Due: March 8, 2002

Section 214 Application

Applicant: Capsule Communications, Inc.

On **January 29, 2002**, **Capsule Communications, Inc.** (Applicant or Capsule), located at **2 Greenwood Square, Suite 275, 3331 Street Road, Bensalem, PA 19020**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain of its domestic telecommunications services.

The application indicates that Capsule seeks to discontinue providing domestic local telecommunications services to its local telecommunications customers in New Jersey and Pennsylvania¹ in connection with the sale of those customers' contracts and related assets to Line Systems, Inc. (LSI). Capsule states that it intends to neither discontinue providing local telecommunications services entirely, nor to surrender its domestic Section 214 or state

¹ Capsule states that to the extent that an affected customer also purchases intrastate or interstate long distance service from Capsule, it is also discontinuing its long distance service to that customer. Line Systems, Inc. (LSI) will begin providing local, and if applicable, long distance service to these customers.

authority to provide local exchange telecommunications services. Capsule explains that on January 14, 2002, it entered into an asset purchase agreement with LSI for the purchase of Capsule's contract rights with its current local service customers in New Jersey and Pennsylvania. Capsule states that the agreement provides for a seamless transition of customers from Capsule to LSI, and that customer service will be jointly managed prior to receipt of regulatory approval and closing authority. Applicant states that on January 14,

2002, all affected customers received notice of the proposed discontinuance, and it certifies that the notice contained the language required by Commission rules.²

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The FCC will normally 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 is otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.³ Comments objecting to this application must be filed with the Commission by **March 8, 2002**. Such comments should refer to application file number **W-P-D-562**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. Comments should also be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Jon Minkoff.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

² See 63.71(a)(5)(i).

³ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or Jon Minkoff (202) 418-2353 (voice), jminkoff@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit the Network Services Division web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

-FEDERAL COMMUNICATIONS COMMISSION-