



PUBLIC NOTICE

Federal Communications Commission
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DA 03-2623
August 8, 2003

AT&T COMMUNICATIONS APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED

Comp. Pol. File No. 645

On **April 7, 2003**, **AT&T Communications** (AT&T or Applicant), located at **55 Corporate Drive, Bridgewater, NJ 08807**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under 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, 47 C.F.R. § 63.71, to discontinue the provision of its AT&T MultiQuest 900 Services.

The application indicates that AT&T currently provides its MultiQuest 900 Services via dedicated (AT&T MultiQuest Interacter Service) or switched access (AT&T Express900 Service) transport services that permit interactive communications via a 900 number from end-user locations in the mainland United States, Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands, to a MultiQuest 900 Services customer location. AT&T states that it plans to discontinue providing MultiQuest 900 Services on December 31, 2003. AT&T indicates that it notified its customers of this planned discontinuance of services by letter dated April 7, 2003.

By Public Notice dated **July 9, 2003**, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), the application would be deemed to be automatically granted on the thirty-first (31st) day after the release date of the notice, unless the Commission notifies the Applicant that the grant will not be automatically effective. Accordingly, the automatic grant date for the application would be **August 9, 2003**. The Public Notice also indicated that AT&T notified its customers that it would not discontinue service until December 31, 2003, and that AT&T could not therefore discontinue service until that date.

A number of AT&T MultiQuest customers filed comments objecting to AT&T's application. Specifically, commenters stated that AT&T's MultiQuest 900 customers and a significant number of consumers who call these 900 numbers would be adversely affected by the discontinuance. According to the commenters, there are a significant number of unknown end-user consumers who have been provided the AT&T 900 numbers (often through printed material that the end-user may have had for years). Commenters argue that, although they will be able to obtain alternative 900 service, it will necessitate a telephone number change, and they need

additional time beyond December 31, 2003, to allow for a transition to their new service providers, and adequate time to notify consumers of their new 900 numbers.

The Commission 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 would be otherwise adversely affected. Where comments on a discontinuance application allege that the service has no reasonable substitute or that either present or future public convenience and necessity will be adversely affected, the Commission may remove the application from the automatic grant process to further scrutinize the discontinuance application, consistent with its statutory obligations. See 47 U.S.C. § 214(a), 47 CFR § 63.71. The Supreme Court has ruled that the Commission has considerable discretion in deciding how to make its Section 214 public interest finding. *FCC v. RCA Communications, Inc.*, 73 S.Ct 998, 1002 (1953).

Because the comments in this proceeding raise significant concerns regarding the ability of AT&T's MultiQuest 900 customers to provide continued service to their customers under AT&T's proposed discontinuance schedule, we find that the public interest will not be served by automatic grant of AT&T's application. Therefore, by this Public Notice, AT&T is notified that its application to discontinue the provision of its AT&T MultiQuest 900 Services will not be granted automatically. We emphasize that our removal of AT&T's application from the automatic grant process should not be construed as a denial. We seek further information from the parties regarding their progress in making alternative arrangements and hereby request that they respond no later than **August 15, 2003**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or Brad Koerner, (202) 418-0866 (voice), bkoerner@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](http://www.fcc.gov/wcb/cpd/other_adjud).

-FEDERAL COMMUNICATIONS COMMISSION-