

August 28, 2001

VIA CERTIFIED MAIL

Ms. Blanca Bayo
Director of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

011173-TX

Re: BroadRiver Communication Corporation; ALEC Certificate No. 7430

Dear Ms. Bayo:

This firm represents BroadRiver Communication Corporation ("BroadRiver"). BroadRiver was granted ALEC Certificate No. 7430. Currently, BroadRiver is providing telecommunications services to approximately 40 small and medium-sized business customers in the State of Florida. Effective August 31, 2001, BroadRiver will be permanently discontinuing services to its customers in Florida. Accordingly, BroadRiver respectfully requests that the Florida Public Service Commission cancel BroadRiver's local services tariff and resell tariff and its CLEC and Resell certificates, effective September 1, 2001.

Attached are the Application for Permanent Suspension of Service filed with the Federal Communications Commission, detailing the specific circumstances regarding the discontinuance of service, transition plans of BroadRiver and the form of the notice sent to Florida customers.

In summary, BroadRiver respectfully requests that this Commission issue an order canceling BroadRiver's tariffs and its ALEC certificate, effective September 1, 2001.


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If you have any questions or comments, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in cursive script that reads "Rebecca Stone". The signature is written in black ink and is positioned below the typed name.

Rebecca C. Stone, Esq.
Arnall Golden Gregory LLP
Counsel for BroadRiver Communication
Corporation

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

IN THE MATTER OF)
SECTION 63.71 APPLICATION OF)
)
BROADRIVER COMMUNICATIONS)
COMPANY, BROADRIVER)
COMMUNICATION CORORATION,)
BROADRIVER COMMUNICATION)
OF VIRGINIA CORPORATION,)
AND BROADRIVER)
COMMUNICATIONS OF THE)
NORTHEAST CORPORATION)
)
FOR AUTHORITY PURSUANT TO)
SECTION 214 OF THE)
COMMUNICATIONS ACT OF 1934, AS)
AMENDED, TO DISCONTINUE THE)
PROVISION OF INTEREXCHANGE AND)
INTERNATIONAL SERVICE TO)
CUSTOMERS IN THE STATES OF)
TENNESSEE, GEORGIA AND FLORIDA)

SECTION 63.71 APPLICATION

**Tom Buttermore, President
BroadRiver Communications
Company
13000 Deerfield Parkway
Suite 210
Alpharetta, Georgia 30004
Telephone: (678) 566-1141
Facsimile: (678) 566 -1152**

Dated: August 28, 2001

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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SECTION 63.71 APPLICATION OF)
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CUSTOMERS IN THE STATES OF)
TENNESSEE, GEORGIA AND FLORIDA)

SECTION 63.71 APPLICATION

BroadRiver Communications Company (“BroadRiver”) and each of its wholly-owned subsidiaries, BroadRiver Communication Corporation, BroadRiver Communication of Virginia Corporation, and BroadRiver Communications of the Northeast Corporation (each one a “Petitioner” and, together with BroadRiver, are referred to herein, collectively, as the “Petitioners”) hereby seek authorization pursuant to Section 214(a) of the Communications Act of 1934,¹ and Section 63.71 of the Federal Communications Commission’s (the “Commission”) regulations², to discontinue its

¹ 47 U.S.C. §214(a).

² 47 C.F.R. §63.71.

provision of local and long distance and international services in the States of Tennessee, Georgia and Florida.

I. IDENTIFICATION OF THE PETITIONERS

1. BroadRiver, through certain of the Petitioners, currently provides a combination of local and long distance telecommunications services to small and medium-sized businesses in Georgia, Florida and Tennessee. Petitioners do not serve any residential customers. The Petitioners' principal place of business is: 13000 Deerfield Parkway, Suite 210, Alpharetta, Georgia 30004.

2. The Petitioners are authorized to provide local telecommunications services and long distance service in the states of Georgia, Florida and Tennessee. The Petitioners are authorized to provide telecommunications services in other states, but have no customers in those states. The Petitioners are also authorized by the Commission to provide interstate and international telecommunications services. Currently, BroadRiver, through certain of the Petitioners, serves approximately 40 customers in Tennessee, 40 customers in Florida and 150 customers in Georgia. All of the Petitioners are considered non-dominant carriers with respect to the services provided by them.

3. This permanent service discontinuance will affect all customers of the Petitioners in Georgia, Florida and Tennessee effective September 1, 2001.

II. DESIGNATED CONTACTS

4. All correspondence, notices and inquiries regarding this Application should be addressed to:

Tom Buttermore, President
BroadRiver Communications Company
13000 Deerfield Parkway, Suite 210
Alpharetta, Georgia 30004
Telephone: (678) 566-1141
Facsimile: (678) 566-1152

III. REASON FOR REQUEST TO DISCONTINUE LOCAL SERVICE

5. The service discontinuation is due to the Petitioners' inability to obtain funding to sustain operations. By mid-July, BroadRiver had expended its funds raised in its private placement and the existing investors began providing short term loans to BroadRiver, however, on August 21, 2001, the existing investors were no longer able to continue to fund operations and other alternatives to fund the operations have failed.

IV. CUSTOMER NOTIFICATION AND TRANSITION PROCESS

6. Termination letters were sent to the customers in Florida on July 13, 2001, effective August 13, 2001, and to the customers in Tennessee on July 31, 2001, effective August 31, 2001. On August 14, 2001, Florida customers were mailed via certified mail final notification reconfirming that after August 13th BroadRiver would be unable to guarantee service and that service could be terminated without notice anytime thereafter. On August 14, 2001, Tennessee customers were mailed via certified mail final notification reconfirming that after September 1, 2001 BroadRiver would be unable to guarantee service and that service could be terminated without notice anytime thereafter. Georgia customers were notified on August 3, 2001 that their agreements with the Petitioners would be acquired by Cbeyond Communications, LLC ("Cbeyond") and the parties intended that the majority of the Petitioners' customers would be transferred to Cbeyond on or before September 1, 2001. BroadRiver received notice on August 22,

2001 that Cbeyond would not accept any of the Georgia customer transfers. BroadRiver has sent a termination letter to each of its Georgia customers on August 24, 2001, effective August 31, 2001. The notices sent to the customers in Florida, Tennessee and Georgia are attached hereto as Attachment A. On August 23, 2001, the Petitioners began contacting all of their customers via telephone or voice mail, and, as of the date of this Application, have contacted all of its customers to inform them that the effective date of the permanent service discontinuance will be August 31, 2001. The statement required pursuant to Section 63.71(a)(5)(i) was e-mailed to all affected customers on August 28, 2001. The form of email sent to the affected customers is attached hereto as Attachment A.

7. On August 23, 2001, Petitioners notified BellSouth Telecommunications, Inc. ("BellSouth") of the permanent service discontinuance of the Petitioners' operations effective on September 1, 2001. Petitioners believe that other carriers are interconnected at each of the central offices to which the Petitioners are interconnected and that either BellSouth will provide substitute service to Petitioners' customers or the customers will likely be able to obtain substitute service from other providers, including Cbeyond or U.S. LEC of Georgia, Inc. ("U.S. LEC"). The Petitioners are actively working with BellSouth, Cbeyond and U.S. LEC to ensure that comparable service is provided to the discontinued customers as expeditiously as possible. Petitioners believe that the permanent discontinuance of service will not affect rates to any small to medium-sized business (or any other person) in the communities served by the Petitioners.

V. TIMEFRAME

8. Due to Petitioner's inability to fund its operations after August 31, 2001, Petitioners intend to discontinue providing local service to customers in Tennessee, Georgia and Florida on August 31, 2001.

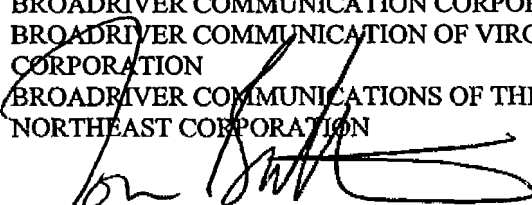
VI. CONCLUSION

9. On August 28, 2001, the Petitioners mailed a copy of this Application to the Secretary of Defense and the Public Utility Commission and the Governor of each State in which the discontinuance is proposed.

10. WHEREFORE, the Petitioners respectfully request that the Commission grant them the authority to discontinue the provision of services to customers in the States of Tennessee, Georgia and Florida on an expedited basis. In consideration of this request, the Petitioners submit that the public convenience and necessity will not be adversely affected by the discontinuance of service in the aforementioned states. Customers may choose from numerous other carriers offering similar services at competitive rates under reasonable terms and conditions.

Respectfully submitted,

BROADRIVER COMMUNICATIONS COMPANY
BROADRIVER COMMUNICATION CORPORATION
BROADRIVER COMMUNICATION OF VIRGINIA
CORPORATION
BROADRIVER COMMUNICATIONS OF THE
NORTHEAST CORPORATION



Tom Buttermore, President
BroadRiver Communications Company
13000 Deerfield Parkway
Suite 210
Alpharetta, Georgia 30004
Telephone: (678) 566-1141
Facsimile: (678) 566 -1152

Dated: August 28, 2001

ATTACHMENT A



13000 Deerfield Parkway, Suite 210
Alpharetta, Georgia 30004

July 13, 2001

«Title» «FirstName» «LastName»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

**Re: Notice of Termination of BroadRiver Customer Services Order Agreement
between BroadRiver Communications Company (“BroadRiver”) and Customer
(the “Agreement”)**

Dear «Title» «LastName»:

We regret to inform you that BroadRiver has been forced to discontinue its retail service offering in Orlando. Accordingly, you are hereby notified that on August 13, 2001, your telephone and/or data service, currently provided by BroadRiver, will be disconnected. This disconnection is not due to any failure on your part.

To ensure that you continue to have phone and/or data service after August 13, 2001, you must select an alternative provider of telecommunications services. A selection of alternative providers can be found in your phone book.

In the event that BroadRiver has delivered an Integrated Access Device, a piece of Cisco equipment that is used to terminate the DS-1 connection at your premises, we will need to schedule a time with you to send a BroadRiver representative to your location and remove this piece of equipment.

In the event you decide to return to the service provider you had prior to switching to BroadRiver, BroadRiver will compensate you up to \$250.00 for any non-recurring fees that may be assessed to you by your previous provider for reinstallation of service. In order to receive this reimbursement, you must, within 60 days of the date of this letter, provide BroadRiver with a copy of the invoice from the previous service provider posting the non-recurring charges for restoring your service to your previous service provider.

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We are sorry for the inconvenience that this disconnection may cause you. We will work with you to the best of our ability to ensure that further inconvenience is avoided during this transition period. If you have any questions or comments during this transitional period, please contact either Julie DeMoss (678-762-4253; jdemoss@broadriver.com) or Sean Pivec (678-566-1183; spivec@broadriver.com).

Very truly yours,

Ron Johnson
Vice President, Sales



13000 Deerfield Parkway, Suite 210
Alpharetta, Georgia 30004

July 31, 2001

«Title» «FirstName» «LastName»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

**Re: Notice of Termination of BroadRiver Customer Services Order Agreement
between BroadRiver Communications Company ("BroadRiver") and Customer
(the "Agreement")**

Dear «Title» «LastName»:

We regret to inform you that BroadRiver has been forced to discontinue its retail service offering in Nashville. Accordingly, you are hereby notified that on September 1, 2001, all telephone and/or data service in Nashville, currently provided by BroadRiver, will be disconnected. This disconnection is not due to any failure on your part.

To ensure that you continue to have phone and/or data service after September 1, 2001, please maintain or select an alternative provider of telecommunications services. A selection of alternative providers can be found in your phone book.

In the event that BroadRiver has delivered an Integrated Access Device, a piece of Cisco equipment that is used to terminate the DS-1 connection at your premises, we will need to schedule a time with you to send a BroadRiver representative to your location and remove this piece of equipment.

We are sorry for the inconvenience that this disconnection may cause you. We will work with you to the best of our ability to ensure that further inconvenience is avoided during this transition period.

If you have any questions, please contact either Julie DeMoss (678-762-4253) or Sean Pivec (678-566-1183).

Very truly yours,

Ron Johnson
Vice President, Sales



Ron Johnson
Vice President, Sales
13000 Deerfield Parkway, Suite 210
Alpharetta, GA 30004

Facsimile: (678) 566-1152
Direct Line (678) 566-1153
rjohnson@broadriver.com

VIA CERTIFIED MAIL

August 14, 2001

«Title» «FirstName» «LastName»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

Re: **Immediate Termination** of BroadRiver Communications Telecommunications
Service in Nashville

Dear «Title» «LastName»:

This letter serves as final written notice that BroadRiver Communications will be unable to guarantee service beyond the original service termination date of September 1, 2001. Any customer maintaining BroadRiver service after this date will be subject to **immediate and unannounced service termination** for all BroadRiver telecommunications services, including voice, data and enhanced services.

In a letter dated July 31, 2001, BroadRiver provided «Company» 30-day written notice of customer service agreement termination and requested «Company» to transition all affected telecommunications services to an alternate provider by September 1, 2001. BroadRiver Customer Care personnel also contacted or attempted to contact «Company» by telephone to provide further notice of the imminent service termination date.

Despite all efforts to maintain the network beyond September 1, 2001, the Company's current financial position has made this not possible. We apologize for the inconvenience that this disconnection may cause you.

Very Truly Yours,

August 23, 2001

«Title» «FirstName» «LastName»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

**Re: Notice of Termination of BroadRiver Customer Services Order Agreement between
BroadRiver Communications Company (“BroadRiver”) and Customer (the
“Agreement”)**

Dear «Title»«LastName»:

We regret to inform you that BroadRiver has been forced to discontinue its retail service offering in Atlanta. We were previously working on a transition of our customers in the Atlanta area to Cbeyond Communications, but we were unable to achieve this transition. Accordingly, you are hereby notified that on August 31, 2001, your telephone and/or data service, currently provided by BroadRiver, will be disconnected.

To ensure that you continue to have phone and/or data service after August 31, 2001, you must select an alternative provider. You are entitled to select any provider you choose. Cbeyond Communications, who can offer you a similar integrated voice and data package, has created a special team to respond to the urgency of your needs and to expedite installations. They have established a hotline for BroadRiver customers and can be reached at @ at 678-424-2840.

Alternatively, to sign up for BellSouth services they can be contacted at 404-780-2800.

In the event that BroadRiver has delivered an Integrated Access Device, a piece of Cisco equipment that is used to terminate the DS-1 connection at your premises, we will need to schedule a time with you to send a BroadRiver representative to your location and remove this piece of equipment.

We are sorry for the inconvenience that this disconnection may cause you. We will work with you to the best of our ability to ensure that further inconvenience is avoided during this transition period.

Very truly yours,

Ron Johnson
Vice President, Sales

-----Original Message-----

From: Ron Underwood [mailto:runderwood@broadriver.com]

Sent: Monday, August 27, 2001 3:06 PM

To: XXXXXXXX.com

Subject: Service Discontinuation Notice

As you know, BroadRiver Communications Company will be discontinuing services to its customers effective August 31, 2001.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) 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, DC 20554, referencing the Section 63.71 Application of BroadRiver Communications Company. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.