

030000-P4

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

In the Matter of )  
Section 63.71 Application of )  
 )  
KMC Telecom III LLC )  
 )  
For Authority Pursuant to Section 214 of the )  
Communications Act of 1934, as Amended, )  
To Discontinue the Provision of Domestic )  
Telecommunications Services in Florida, )  
Maryland, Michigan, Minnesota, Mississippi, )  
Tennessee and Texas )

009 FEB 10 AM 9:21  
COMMUNICATIONS CENTER  
FEB 10 AM 11:01  
COMMISSION  
CLERK

SECTION 63.71 APPLICATION

KMC Telecom III LLC ("KMC" or "Applicant"), by its attorneys, hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, to discontinue the provision of domestic telecommunications service to certain customers in

- AUS
- CAF
- CMP
- COM
- CTR
- ECR
- GOL
- OPC
- MMS
- SEC
- OTH

Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas.  
KMC has limited operations in Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas. In these states, KMC currently provides long distance and toll free services via switched or dedicated facilities, and customers may purchase the services in conjunction with KMC's local service or on a "Standalone" basis. KMC intends to discontinue offering switched intrastate long distance and toll free services to customers who purchase only

DOCUMENT NUMBER-DATE  
01338 FEB 10 03  
FPC COMMISSION CLERK

long distance or toll free service from KMC. The following chart details the number of affected customers in each state.

<u>State</u>	<u># Customers</u>
Florida	340
Maryland	15
Michigan	105
Minnesota	16
Mississippi	60
Tennessee	68
Texas	107

Customers who purchase long distance or toll free services in addition to, or in conjunction with, local service from KMC will not be affected.

KMC has targeted the following three service discontinuance dates – March 10, 2003 (Michigan, Minnesota, Mississippi, Tennessee); April 6, 2003 (Florida, Maryland) and April 12, 2003 (Texas) – each of which will provide customers with a minimum of thirty (30) days to transition to another service provider. KMC sent notice to the affected customers on February 3, 2003.

KMC respectfully requests that the Commission issue its public notice of the proposed discontinuance as soon as possible, so that service may be discontinued in accordance with the projected termination dates discussed above.

KMC provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of the Carrier: KMC is located at 1545 Route 206, Suite 300, Bedminster, New Jersey 07921.
2. Date of Planned Service Discontinuance: Subject to final regulatory and other approvals, the anticipated dates for KMC's discontinuance of service are on or after March 10,

2003 (Michigan, Minnesota, Mississippi, Tennessee); April 6, 2003 (Florida, Maryland); and April 12, 2003 (Texas).

3. Points of Geographic Areas of Service Affected: KMC will discontinue providing domestic telecommunications services to Standalone switched long distance and toll free service customers throughout KMC's service areas in Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas.

4. Brief Description of Type of Service Affected: KMC intends to discontinue offering switched long distance and toll free services to customers who purchase only long distance or toll free service from KMC. Customers who purchase switched intrastate long distance service or toll free services in addition to, or in conjunction with, local service from KMC will not be affected.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: As of February 3, 2003, notices were mailed to KMC's customers in Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas. These notices advised customers of the proposed discontinuance of service by KMC and the need to arrange service from another carrier.

6. Whether the Carrier is Considered Dominant or Non-dominant with respect to the Services to be Discontinued: KMC is considered to be a non-dominant carrier with respect to the services to be discontinued.

7. Service of Application: A copy of this application is being served on the Governors and state public utility commissions of each state affected and on the Special Assistant for Telecommunications of the Secretary of Defense.

WHEREFORE, KMC Telecom III LLC respectfully requests that the Commission grant this Application to discontinue the services described herein. In consideration of this request, the Applicant submits that the public convenience and necessity will not be adversely affected by the discontinuance of service in the aforementioned states because other carriers are available to provide the same services and sufficient notice has been given for the customers to arrange for substitute service.

Respectfully submitted,

KMC Telecom III LLC

A handwritten signature in black ink, appearing to read 'Genevieve Morelli', written over a horizontal line.

By: Genevieve Morelli  
Todd D. Daubert  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600 (tel)  
(202) 955-9792 (fax)

Its Counsel

Dated: February 7, 2003

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed this 7th day of February, 2003, to the persons on the attached list, via first-class mail, postage prepaid.

The Honorable Jeb Bush  
PL 05 The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

The Honorable Parris N. Glendening  
Office of the Governor  
State House  
Annapolis, MD 21401

Ms. Felecia L. Greer  
Executive Secretary  
New York Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

The Honorable Jennifer Granholm  
3022 W. Grand Blvd.  
Cadillac Place, Suite 14-150  
Detroit, MI 45202

Ms. Dorothy Wideman  
Director, Executive Secretary Division  
Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

The Honorable Jesse Ventura  
130 State Capitol  
75 Constitution Ave.  
St. Paul, MN 55155

Mr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

The Honorable Ronnie Musgrove  
P.O. Box 139  
Jackson, MS 39205

Brian U. Ray  
Executive Secretary  
Public Service Commission  
P.O. Box 1174  
Jackson, MS 39215-1174

The Honorable Phil Bredesen  
Tennessee State Capitol  
Nashville, TN 37243-0001

Mr. David Foster  
Tennessee Regulatory Authority  
RSA Union, Room 850  
460 James Robertson Parkway  
Nashville, TN 37243-0505

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

  
Beatriz Viera-Zaloom