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November 22, 2010

VIA ECFS AND OVERNIGHT COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

ATTN: Competition Policy Division, Wireline Competition Bureau

Re: ATX Licensing, Inc. Section 63.71 Application to
Discontinue the Provision of Domestic Intrastate, Interexchange
Telecommunications Services

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10 DEC -1 AM 10:16
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100000-07

Dear Ms. Dortch:

Enclosed herewith, on behalf of ATX Licensing, Inc. ("ATX"), please find the Application of ATX Licensing, Inc., pursuant to Section 63.71 of the Commission's Rules to Discontinue the Provision of Domestic Intrastate, Interexchange Telecommunications Services in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin.

For your convenience, a file/stamp copy of this transmittal letter is also enclosed. Please return it in the enclosed stamped, addressed envelope.

To the extent you have any questions concerning this submission, please do not hesitate to contact the undersigned telephonically at (240) 461-0412 or electronically at channan@broadviewtel.com.

Respectfully submitted,

Catherine M. Hannan

Enclosures

DOCUMENT NUMBER-DATE

09670 DEC-1 0

FPSC-COMMISSION CLERK

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Section 63.71 Application of)
)
ATX Licensing, Inc.)
For Authority Pursuant to Section 63.71)
Of the Commission's Rules, 47 C.F.R.)
§63.71, to Discontinue the Provision of)
Intrastate Interexchange Services in the)
States of Alabama, Arkansas, California,)
Colorado, Florida, Georgia, Idaho, Illinois,)
Indiana, Iowa, Kansas, Kentucky, Louisiana,)
Michigan, Minnesota, Mississippi, Missouri,)
Montana, Nebraska, Nevada, New Mexico,)
North Carolina, North Dakota, Ohio,)
Oklahoma, Oregon, South Carolina,)
Tennessee, Texas, Washington and)
Wisconsin)

**SECTION 63.71 APPLICATION OF
ATX LICENSING, INC.**

ATX Licensing, Inc. ("ATX") requests authority under Section 63.71 of the Commission's Rules, 47 C.F.R. §43.71 to discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin. ATX is certificated to provide the above-described services in each of the listed jurisdictions; however, over time, a significant portion of ATX's customer base has been consolidated into the operations of ATX's sister corporation, Broadview Networks, Inc., in accordance with federal and state commission rules and regulations.¹

¹ See, e.g., Section 64.1120(e)(3) submission of Broadview Networks, Inc., 00415-Docket No. 000257, July 31, 2008.

09670 DEC-1 0

FPSC-COMMISSION CLERK

While most customers opted to participate in the customer base consolidation, certain customers chose instead to transition to new providers (with ATX's full cooperation and without charge for the service provider change). A few customers, however, opted to remain with ATX rather than to be consolidated into the Broadview Networks customer base or to select a new service provider. In order that ATX might continue to legally provide service to those of ATX's customers which, for reasons of their own, chose to remain with ATX, the Company has, of necessity, retained its telecommunications service authority in each named jurisdiction. With the passage of time, the natural attrition of these remaining customers has finally reduced the number of customers to whom ATX provides intrastate, interexchange services in the above-listed states to zero.

ATX does not actively market telecommunications services to consumers in the listed states and has no plans to resume marketing telecommunications services in these states in the future. Accordingly, coincident with the filing of this Section 63.71 Application, ATX is taking steps to surrender back to the relevant state commissions the Company's telecommunications service authority. In this way, ATX will facilitate the efficient use of both its own corporate resources and the resources of the Federal Communications Commission and each listed state public utility commission.

As required by Section 63.71(a) and (b) of the Commission's Rules, ATX provides the following information:

1. Name and Address of Carrier (47 C.F.R. §§63.71(a)(2), (b)(2)):

ATX Licensing, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573

2. Date of Planned Service Discontinuance (47 C.F.R. §§63.71(a)(2), (b)(2)):

Because ATX is considered non-dominant with respect to all of the services to be discontinued, the Company anticipates the automatic grant of the instant Application on the 31st

day following release by the Federal Communications Commission of a *Public Notice* on the Application. Because Applicant currently serves no telecommunications services customers in the above-listed states, ATX will officially discontinue service in those states on the date of automatic grant of the instant Application, which Applicant anticipates will be on or about December 31, 2010. It is possible that a small number of states will not have formally approved the surrender of ATX's operating authority and/or withdrawal of tariffs by that date; in such states, service will be officially discontinued upon the date authorized by the relevant state commission.

3. Points of Geographic Areas of Service Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

ATX will discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin.

4. Brief Description of Type of Services Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

In the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin, ATX is authorized to provide all types of intrastate long distance telecommunications services; ATX has not, however, provided long distance services on a prepaid basis in any listed jurisdiction.

The discontinuance of the above services does not adversely affect the public convenience and necessity because consumers in these states have a wide range of alternative intrastate, interexchange services from which to choose. Furthermore, as noted above, no consumer in any of these states is presently subscribed to ATX's services; each such customer

has already transitioned to another authorized carrier of its own choosing or otherwise ceased to subscribe to ATX's services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. §§63.71(b)(3)):

As noted above, no customers exist which will be affected by ATX's proposed discontinuance of the above-described services in the listed states. Section 63.71(a) requires that "the carrier shall notify *all affected customers* of the planned discontinuance;"² since ATX has no affected customers here, no notice is required; Section 63.71(a)'s notice requirement is an impossibility and a nullity here. That no consumer protection goal which the FCC's notice language is designed to protect are at issue in this circumstance is apparent from the very text of Section 63.71(5)(i), where the Federal Communications Commission directs non-dominant carriers to inform customers as follows:

"The FCC will normally authorize this proposed discontinuance or 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 as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of (carrier's name). 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."³

Here, no ATX customer exists in the impacted states; therefore, no individual or entity is capable of providing specific information of *any impact whatsoever* that the proposed discontinuance upon it. All customers have already transitioned to alternative providers; clearly there has been no inability to acquire reasonable substitute service. Indeed, the ease with which ATX's remaining customers have been able to transition to new providers is a result of a vibrant array of telecommunications service alternatives in the listed states; accordingly, there is no

² 47 C.F.R. §43.71(a).

³ 47 C.F.R. §63.71(a)(5)(1).

realistic possibility that ATX's surrender of existing telecommunications service authority in these states would adversely impact the public convenience and necessity.

As noted above, coincident with the filing of this Application, ATX. is taking steps, consistent with relevant state commission rules and regulations, to surrender its existing telecommunications operating authority and, where required, to withdraw its telecommunications services tariffs in the affected states. Additionally, in satisfaction of Section 63.74(a), copies of this Section 63.71 Application are also being sent today, via First Class U.S. mail, to the Special Assistant for Telecommunications to the Secretary of Defense and the governors and public utilities commissions of each state in which discontinuance is proposed. Thus, ATX's discontinuance of service in the listed states will be fully transparent to regulators and consumers alike.

6. Regulatory Classification of Carrier (47 C.F.R. §63.71(b)(4)):

ATX is considered non-dominant with respect to all of the services to be discontinued in the listed states.

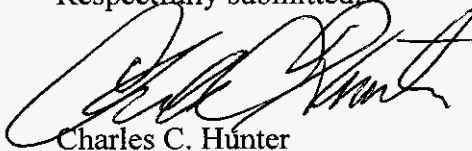
7. Designated Contacts:

Correspondence concerning this Application should be directed to:

Catherine M. Hannan
BridgeCom International, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (240) 461-0412
Fax: (347) 287-0223
E-mail: channan@broadviewtel.com

In view of the foregoing, ATX Licensing, Inc., respectfully requests that the Federal Communications Commission automatically approve this Section 63.71 Application for discontinuance of services in the listed states as set forth above.

Respectfully submitted,



Charles C. Hunter
Executive Vice President and General Counsel
ATX Licensing, Inc.

800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (914) 922-7589
Fax: (347) 287-0223
E-mail: chunter@broadviewnet.com

November 22, 2010

VERIFICATION


State of New York)
)
County of Westchester) ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Network Holdings, Inc., and its operating subsidiary, ATX Licensing, Inc. ("ATX"); that I am authorized to and do make this Verification for it; that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief, and that I expect ATX to be able to prove the same at any hearing hereof; and that ATX understands that, if the contents of the Application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the Application has been properly granted.



Charles C. Hunter

Subscribed and sworn before me this 22ND day of NOVEMBER, 2010.



Notary Public

My Commission expires: 9/20/12

WILSON ROCAFUERTE JR.
Notary Public - State of New York
Registration: #01RO06110202
Qualified In Westchester County
Commission Expires Sept. 20, 2012

CERTIFICATE OF SERVICE

I, Catherine M. Hannan, certify that I have this 22nd day of November, 2010, served a copy of the foregoing Section 63.71 Application of ATX Licensing, Inc., by U.S. Mail, Postage

Prepaid, to the following:

Secretary of Defense
ATTN: Special Assistant for Telecommunications
Pentagon
Washington, DC 20301

Rodney McDonald
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554

Govenor Bob Riley
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Walter L. Thomas, Jr. Secretary
Alabama Public Service Commission
3 RSA Union Building
100 North Union Street
Montgomery AL 36104

Governor Mike Beebe
Governor's Office
State Capitol Room 250
Little Rock, AR 72201

Diane K. Wilson, Secretary
Arkansas Public Service Commission
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Little Rock, AR 72203-0400

Governor Arnold Schwarzenegger
Governor's Office
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California Public Utilities Commission
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Idaho Public Utilities Commission
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Jefferson City, MO 65101

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Helena, MT 59620

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Helena, MT 59620-2601

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Carson City, NV 89701

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Santa Fe, NM 87501

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Santa Fe, NM 87501

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Raleigh, NC 27699-0301

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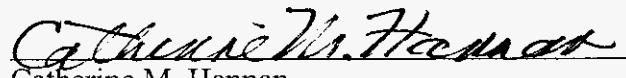
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Catherine M. Hannan