

Service Copy of
Federal Communications Commission
Section 63.71 Application

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COMMISSION
CLERK

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

In the Matter of)
Section 63.71 Application of)
Fusion Cloud Services, LLC, Fusion) WC Docket No. 22-274
Communications, LLC, and Fusion)
Telecom of Texas, Ltd., L.L.P.)

AMENDED SECTION 63.71 APPLICATION¹

Fusion Cloud Services, LLC (“Fusion Cloud”), Fusion Communications, LLC (“Fusion Communications”), and Fusion Telecom of Texas, Ltd., L.L.P. (“Fusion Texas” and, together with Fusion Cloud and Fusion Communications, the “Fusion Companies”)² hereby seek 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 Federal Communications Commission’s (“Commission”) Rules, 47 C.F.R. § 63.71, to discontinue the provision of certain copper-based broadband T-1 Internet access and VoIP services (collectively, the “Services”) provided to their respective customers (the “Customers”) in one or more of the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Michigan, Minnesota, Texas, and Washington (the “Impacted States”).³

The Fusion Companies provide a wide range of communications services to business customers throughout the United States, including unified communications; digital voice and

¹ This application replaces in its entirety the Section 63.71 application filed by the Fusion Companies on July 15, 2022 and docketed in this proceeding.
² The FCC Registration Number (FRN) for Fusion Cloud is 0005044375, the FRN for Fusion Communications is 0003759602, and the FRN for Fusion Texas is 0003732336.
³ In order to provide a complete record, Fusion identifies a full list of the services proposed for discontinuance; however, Fusion understands that any Commission approval will be limited to services regulated under Section 214 of the Act.

data communications services, for example hosted Voice over Internet Protocol (“VoIP”) and Session Initiated Protocol trunking; broadband Internet access service; data networks; cloud-based services; other enhanced communications services and features; and traditional voice solutions. The Fusion Companies hold domestic Section 214 authority pursuant to operation of law⁴ and provide international section 214 services pursuant to the authority of their parent, Fusion Connect, Inc. (“Fusion Connect”).⁵

As part of their migration of services to newer technologies and platforms, upon receipt of all required regulatory approvals the Fusion Companies will discontinue the provision of the Services to their respective Customers. This discontinuance will affect approximately 575 Customers in the Impacted States.⁶ The Fusion Companies will continue to offer their other services at most of these end-user locations and will work with the affected Customers to transition them from the Services they receive today from the Fusion Companies to an alternative service offered by the Fusion Companies should alternatives exist and the Customers choose to do so. These Customers and other consumers in the Impacted States will not be harmed generally by the discontinuance of the Services because they have access to a number of alternative providers, including the incumbent local exchange carrier, the local cable company and competitive carriers offering wireline, wireless, VoIP and other services.

The Fusion Companies provide the following information pursuant to Section 63.71 of the Commission’s Rules:

⁴ 47 C.F.R. § 63.01.

⁵ File No. ITC-214-19971001-00592; FCC Filer ID 825160.

⁶ The numbers of Customers receiving notices of discontinuance in each of the Impacted states are as follows: California – 190; Colorado – 15; Florida – 15; Georgia – 39; Illinois – 90; Massachusetts – 4; Michigan – 57; Minnesota – 3; Texas – 156; and Washington – 6.

1. Name and Address of Carrier: Each of the Fusion Companies, named above, is located at 210 Interstate North Parkway, Suite 200, Atlanta, GA 30339.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Fusion Companies plan to discontinue the provision of the Services on or about September 28, 2022, subject to receipt of regulatory approvals. The Fusion Companies understand that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the Fusion Companies to the contrary.

3. Points of Geographic Areas of Service Affected: The Fusion Companies proposes to discontinue the provision of the Services to their respective Customers in the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Michigan, Minnesota, Texas, and Washington.

4. Brief Description of Type of Service Affected: The Services for which approval is requested in this application consist of VoIP services provided to business customers in the Impacted States.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: The Fusion Companies have provided the affected Customers over thirty days' advance notice, via first-class mail, of the proposed discontinuance of the Services.⁷ A copy of the notices, which comply with the requirements of 47 C.F.R. § 63.71, is attached.

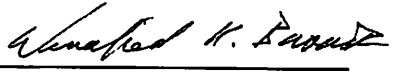
6. Whether the Carrier Is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Each of the Fusion Companies is considered non-dominant with respect to the Services.

⁷ Notices were sent to the affected Customers on August 25-26, 2022.

In accordance with Section 63.71 of the Commission's Rules and concurrent with the filing of this Application, a copy of this Application is being mailed to the Special Assistant for Telecommunications for the Secretary of Defense and to the Governor and the public utility commission for each of the Impacted States.

Additional questions regarding this application should be addressed to the undersigned.

Respectfully submitted,

By: 
Winifred Brantl
Kelley Drye & Warren LLP
3050 K Street, N.W., Suite 400
Washington, D.C. 20007
Tel: (202) 945-6649
Fax: (202) 342-8451
Email: wbrantl@kelleydrye.com

*Counsel for Fusion Cloud Services, LLC,
Fusion Communications, LLC, and Fusion
of Texas, Ltd., L.L.P.*

Dated: August 26, 2022

Sample Customer Notices



210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
www.fusionconnect.com

August 24, 2022



**Notice of Discontinuance
of Copper-based Internet Access and VoIP Services in California
Provided by Fusion Cloud Services, LLC**

Dear Customer:

Fusion Cloud Services, LLC (“we” or “us” or “our”) regrets to inform you that, on or shortly after September 28, 2022 (the “Service Termination Date”), we will be discontinuing the provision of your copper-based Internet access and associated VoIP services at [REDACTED] (the “Affected Location”).¹

In order to avoid a disruption in your services at the Affected Location, you must make arrangements to transition all of your services with us to an alternative product. We would be happy to assist you in identifying an appropriate alternate service from us if you are interested; please do not hesitate to call your Account Manager toll-free at (888) 635-2221. Alternatively, you may choose to transition all of your services at the Affected Location to a new service provider before the Service Termination Date; in such case you will need to contact a new service provider of your choice to make such arrangements.

If you do not arrange to transition to one of our other products and services, or should you fail to move to a new service provider prior to the Service Termination Date, you will experience a loss of service. **Specifically, if you currently receive voice service from us at the Affected Location, you will be unable to make local calls, including 911 emergency calls and any long distance service that you currently enjoy.** You will also lose any data services that you may have at the Affected

1. The discontinuance of your service is part of a multi-state operational transition that we are implementing in 2022, involving service locations in the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Michigan, Minnesota, Texas and Washington. In California, we will file Advice Letter No. 72 with the California Public Utilities Commission (“CPUC”) on August 26, 2022 for approval of the proposed discontinuance and you may submit objections to the Advice Letter. A copy of this Advice letter may be obtained from the CPUC or by email request to Ron Sheehan at ronald.sheehan@fusionconnect.com.

Location. Further, should you fail to make arrangements to transition your services prior to the Service Termination Date, you may not be able to keep your current telephone number(s) and move them to a new service provider. We urge you not to delay in arranging for new service, either with us or with a new service provider, particularly as some carriers may require several weeks or months to install new services.

Should viable alternatives exist at your location, and should you so choose, we would be happy to assist you in transitioning to a different Fusion service offering. One of our Account Managers will be reaching out to you to assist with the transition. In the interim, if you are interested in receiving alternative services from us, please do not hesitate to call your Account Manager toll-free at (888) 635-2221. If, instead, you prefer to move to a new service provider, there are a number of other choices available at the Affected Location.²

Important Note: If you arrange for new service before your service with us is terminated and wish to keep your current telephone number(s), please be sure to address this with your new service provider.

We thank you for your past patronage and we remain committed to ensuring that your service transition is as smooth as possible.³ If you have any further questions regarding the discontinuance of your services at the Affected Location(s), please contact Customer Service at (888) 635-2221.

Sincerely,

Fusion Cloud Services, LLC

The Federal Communications Commission requires us to provide you with the following notice:

The FCC will normally authorize this proposed discontinuance of service 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. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may 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 § 63.71 Application of Fusion Cloud Services, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

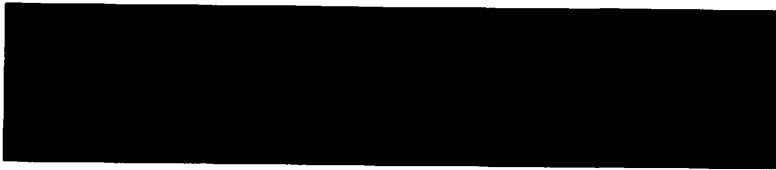
2. Information regarding alternative service providers is available online. Information may also be obtained from the CPUC at Toll Free Phone: (800) 649-7570, Link; www.cpuc.ca.gov.

3. We will pay the switching fees, if any, associated with the transfer of any regulated services to another service provider. If the Service Termination Date is not the last day of your billing cycle, if you migrate your services to an alternative service provider, we will issue you a refund check (within forty-five (45) days of the discontinuance) equal to the pro rata portion of the month for which prepayment was received but services were not provided.



210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
www.fusionconnect.com

August 24, 2022



**Notice of Discontinuance
of Copper-based Internet Access and VoIP Services in [REDACTED]
Provided by Fusion Cloud Services, LLC, Fusion Communications, LLC or Fusion Telecom of
Texas, Ltd., L.L.P.**

Dear Customer:

Fusion Cloud Services, LLC, Fusion Communications, LLC and Fusion Telecom of Texas, Ltd., L.L.P. (“we” or “us” or “our”) regret to inform you that, on or shortly after September 28, 2022 (the “Service Termination Date”), we will be discontinuing the provision of your copper-based Internet Access and associated VoIP services at [REDACTED] (the “Affected Location”).¹

In order to avoid a disruption in your services at the Affected Location, you must make arrangements to transition all of your services with us to an alternative product. We would be happy to assist you in identifying an appropriate alternate service from us if you are interested; please do not hesitate to call your Account Manager toll-free at (888) 635-2221. Alternatively, you may choose to transition all of your services at the Affected Location to a new service provider before the Service Termination Date; in such case you will need to contact a new service provider of your choice to make such arrangements.

If you do not arrange to transition to one of our other products and services, or should you fail to move to a new service provider prior to the Service Termination Date, you will experience a loss of service. **Specifically, if you currently receive voice service from us at the Affected Location, you will be unable to make local calls, including 911 emergency calls and any long distance service that you currently enjoy.** You will also lose any data services that you may have at the Affected

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2. Information regarding alternative service providers is available online. Information may also be obtained from your state communications regulatory commission (e.g., Public Service Commission") at the phone number and link set forth on the Schedule attached hereto.

3. We will pay the switching fees, if any, associated with the transfer of any regulated services to another service provider. If the Service Termination Date is not the last day of your billing cycle, if you migrate your services to an alternative service provider, we will issue you a refund check (within forty-five (45) days of the discontinuance) equal to the pro rata portion of the month for which prepayment was received but services were not provided.

State Public Utility Commission Information

Colorado Public Utilities Commission 1560 Broadway, Suite 250 Denver, CO 80202	Toll Free Phone: 303-894-2070 or (800) 456-0858 (outside Denver) Link: www.puc.colorado.gov
Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Toll Free Phone: (800) 342-3552 Link: www.psc.state.fl.us
Georgia Public Service Commission 244 Washington Street, SW Atlanta GA, 30334-9052	Toll Free Phone: (800) 282-5813 Link: www.psc.ga.gov
Illinois Commerce Commission 527 E. Capitol Avenue, 8th Floor Springfield, Illinois 62701	Toll Free Phone: (800) 524-0795 Link: www.icc.illinois.gov
Massachusetts Department of Telecommunications and Cable 1000 Washington Street, Suite 600 Boston, MA 02118-6500	Phone Number: (617) 305-3500 or (800) 392-6066 Link: www.mass.gov/orgs/department-of-publicutilities
Michigan Public Service Commission 7109 W. Saginaw Highway Lansing, MI 48917	Toll Free Phone: (800) 292-9555 Link: www.michigan.gov/mpsc
Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St. Paul, MN 55101	Toll Free Phone: (800) 657-3782 Link: www.mn.gov/puc/
Public Utility Commission of Texas 1701 N. Congress Avenue Austin, Texas 78711	Phone: 888-782-8477 or 512-936-7120 Link: www.puc.texas.gov
Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, WA 98503	Toll Free Phone: (888) 333-9882 Link: www.utc.wa.gov

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 26th day of August, 2022 by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Governor Gavin Newsom 1021 O Street, Suite 9000 Sacramento, CA 95814	California Public Utility Commission 505 Van Ness Avenue San Francisco, CA 94102
Governor Jared Polis State Capitol Building 200 E. Colfax Ave., Rm. 136 Denver, CO 80203	Mr. Doug Dean Colorado Public Utilities Commission 1560 Broadway, Suite 250 Denver, CO 80202
Office of Governor Ron DeSantis State of Florida The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001	Secretary Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Governor Brian P. Kemp 206 Washington Street 111 State Capitol Atlanta, GA 30334	Ms. Sallie Tanner Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta GA, 30334-9052
Office of the Governor 207 State House Springfield, IL 62706	Ms. Elizabeth Rolando Chief Clerk's Office Illinois Commerce Commission 527 E. Capitol Avenue, 8th Floor Springfield, Illinois 62701
Governor Charlie Baker's Office Massachusetts State House Office of the Governor, Room 280 24 Beacon St. Boston, MA 02133	Shonda D. Green Department Secretary Massachusetts Department of Telecommunications and Cable 1000 Washington Street, Suite 600 Boston, MA 02118-6500
Governor Gretchen Whitmer P.O. Box 30013 Lansing, Michigan 48909	Michigan Public Service Commission 7109 W. Saginaw Highway Lansing, MI 48917

Office of Governor Tim Walz 130 State Capitol 75 Rev Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155	Mr. Will Seuffert Executive Secretary Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St. Paul, MN 55101
Office of the Governor State Insurance Building 1100 San Jacinto Austin, Texas 78701	Central Records Filing Clerk Public Utility Commission of Texas 1701 N. Congress Avenue Austin, Texas 78711
Governor Jay Inslee Office of the Governor PO Box 40002 Olympia, WA 98504-0002	Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, WA 98503
Secretary of Defense Attn: Special Assistant for Telecommunications Pentagon Washington, D.C. 20301	

Winafred R. Brantl

Winafred R. Brantl