

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

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\_\_\_\_\_)  
In the Matter of the )  
Section 63.71 Application of )  
\_\_\_\_\_)  
Viatel, Inc. and Viatel Services, Inc. )  
\_\_\_\_\_)  
For Authority to Discontinue the )  
Provision of Certain U.S. Domestic )  
Telecommunications Services )  
\_\_\_\_\_)

File No. \_\_\_\_\_

SECTION 63.71 APPLICATION

Viatel, Inc. and Viatel Services, Inc. (together, "Viatel" or the "Applicants") hereby request authority pursuant to 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 certain U.S. domestic telecommunications services.<sup>1</sup> Specifically, the Applicants seek to discontinue the provision of dedicated services, which they currently provide via their Chicago, Illinois, Dallas, Texas, Miami, Florida, and Washington, DC switches to customers in Florida, Pennsylvania, Texas, Colorado, Michigan, Indiana and Washington, DC. The reason for this discontinuance is that Viatel intends to completely shut down the switches currently used to provide this service because their operation is no longer cost effective. Viatel intends to

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CAF \_\_\_\_\_  
CAMP \_\_\_\_\_  
CONI \_\_\_\_\_  
CTR \_\_\_\_\_  
COR \_\_\_\_\_  
LEG \_\_\_\_\_  
CPC \_\_\_\_\_  
PAL \_\_\_\_\_  
PGC \_\_\_\_\_  
TFI \_\_\_\_\_  
DEF \_\_\_\_\_  
\_\_\_\_\_  
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<sup>1</sup> Simultaneously herewith, Viatel, Inc. and Viatel Services, Inc. have made a filing with the International Bureau for discontinuance of related international services pursuant to Section 63.19 of the Commission's rules.

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FEDERAL BUREAU OF RECORDS REPORTING

decommission these switches on May 6, 2001, and therefore requests that this discontinuance application be placed on public notice expeditiously.

Applicants provide the following information in support of this Application pursuant to Section 63.71 of the Commission's rules.

## **I. SECTION 63.71 INFORMATION**

(a) Name and address of Applicants:

Viatel, Inc.  
685 Third Avenue  
New York, NY 10017

Viatel Services, Inc.  
685 Third Avenue  
New York, NY 10017

(b) Date of planned service discontinuance:

May 6, 2001

(c) Geographic areas affected:

Viatel is decommissioning switches located in Florida, Illinois, Texas, and Washington, DC. This decommissioning of switches will affect customers in Florida, Pennsylvania, Texas, Colorado, Michigan, Indiana and Washington, DC.

(d) Brief description of type of service affected:

Viatel plans to discontinue its domestic dedicated access services provided via the switches listed above.

## **II. NOTIFICATION REQUIREMENTS**

The Applicants have mailed the required notification letter to all of their affected customers on March 7, 2001. This letter provides the information required by Section 63.71(a) of the Commission's rules, 47 C.F.R. §63.71(a). The Applicants certify that concurrently with the filing of this Application, the Applicants are submitting a copy of this Application to the public utility commissions and governors of the states listed above

and to the Secretary of Defense as required by Section 63.71(a) of the Commission's rules, 47 C.F.R. §63.71(a). (See attached Certificate of Service.)

### III. REGULATORY STATUS

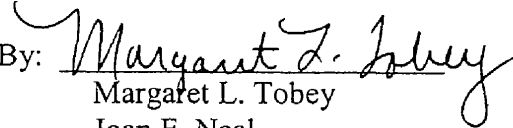
The Applicants are regulated as non-dominant carriers with respect to the domestic telecommunications service for which they seek authority to discontinue.

### IV. CONCLUSION

For the foregoing reasons, Viatel respectfully requests that the Commission approve this Application to discontinue the provision of the specified U.S. domestic telecommunications services.

Respectfully submitted,

VIATEL, INC. and  
VIATEL SERVICES, INC.

By:   
Margaret L. Tobey  
Joan E. Neal  
Morrison & Foerster LLP  
2000 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(202) 887-1500

Dated: March 7, 2001

**CERTIFICATION**

On behalf of Viatel, Inc. and Viatel Services, Inc., I hereby certify that the statements in the foregoing Section 63.71 Application are true, complete and correct to the best of my knowledge and made in good faith.

By: 

Name: Mindy J. Ginsburg

Title: Director, Regulatory Affairs

Date: March 7, 2001



March 7, 2001

VIA FEDERAL EXPRESS

CMS  
25 Bala Ave.  
Bala Cynwyd, PA 19004

Attention: Mark Gartenberg

**Re: Discontinuance of Dedicated Telecommunication Services**

Dear Customer:

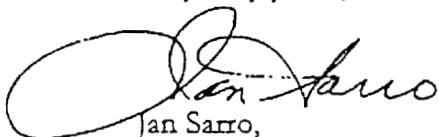
Due to recent events in the telecommunications industry, Viatel has decided to decommission its Chicago, Dallas, Miami, Washington DC and Toronto switches. While Viatel values all of its customer relationships, we will no longer be able to provide you with dedicated telecommunication services over your T-1 lines that are connected to these switches.

To minimize the inconvenience to you, Viatel intends to provide you with a reasonable time to examine alternative carrier choices and to arrange the transfer of your dedicated telecommunications business to an alternate carrier. Accordingly, all dedicated telecommunication services provided by Viatel to you over your T-1 lines will be cancelled on May 6, 2001 (the "Discontinuance Date"). In order to avoid interruption of your dedicated telecommunication services, please make immediate arrangements to obtain dedicated telecommunications services from another carrier in advance of the Discontinuance Date.

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 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 Viatel. 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.

Viatel has assigned Customer Service Representatives to assist you in the event you have questions or concerns with regard to the process for choosing a new carrier. You can reach these Customer Service Representatives at 800-900-1411. Please do not hesitate to contact Viatel if you have any questions or concerns.

Very truly yours,

  
Jan Sarro,  
President, North America

CERTIFICATE OF SERVICE

I, Theresa Pringleton, hereby certify on this 7th day of March, 2001, that I have served a copy of the foregoing Section 63.71 Application via first class mail, postage pre-paid, to the following:

SECRETARY OF DEFENSE  
Attn: Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301

Marty Schwimmer  
FEDERAL COMMUNICATIONS COMMISSION  
Common Carrier Bureau  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

COLORADO

Bruce N. Smith  
Director  
Colorado Public Utilities Commission  
Logan Tower, OL2  
1580 Logan Street  
Denver, CO 80203

Office of the Governor  
136 State Capitol  
Denver, CO 80203-1792

DISTRICT OF COLUMBIA

Secretary  
Public Service Commission of the District of Columbia  
1330 H Street, N.W., 2nd Floor West Tower  
Washington, D.C. 20005

Office of the Mayor  
Government of the District of Columbia  
441 4th Street, NW  
Washington, DC 20001

## FLORIDA

William Talbott  
Executive Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Governor Jeb Bush  
The Capitol  
Tallahassee, FL 32399-0001

## ILLINOIS

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62794-9280

Office of the Governor  
207 Statehouse  
Springfield, IL 62706

## INDIANA

Stan Sallier  
Assistant Director  
Telecommunications Division  
Indiana Utility Regulatory Commission  
302 W. Washington Street, Suite E-306  
Indianapolis, Indiana 46204

Office of the Governor  
206 State House  
Indianapolis, Indiana 46204

MICHIGAN

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

Office of the Governor  
P.O. Box 30013  
Lansing, Michigan 48909

PENNSYLVANIA

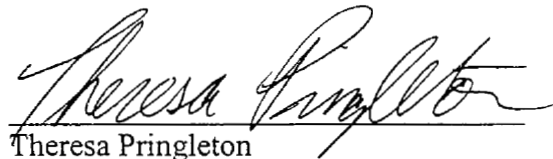
Mr. James McNulty  
Executive Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Room B-20, North Office Building  
North St. and Commonwealth Ave.  
Harrisburg, PA 17105-3265

Office of the Governor  
225 Main Capitol  
Harrisburg, Pennsylvania 17120

TEXAS

Public Utility Commission of Texas  
Attn: Central Records  
1701 N. Congress Avenue  
Austin, TX 78711

Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

  
Theresa Pringleton