

HOGAN & HARTSON
L.L.P.

ORIGINAL

Writer's Direct Dial:
(202) 637-3678

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910

October 5, 2001

BY FIRST CLASS MAIL

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Attention: Telecommunications Advisor

Re: FCC Application of LCI International Telecom Corp. and
Phoenix Network, Inc.

To Whom It May Concern:

Enclosed for your information is an application of LCI International
Telecom Corp. and Phoenix Network, Inc., filed today with the U.S. Federal
Communications Commission, for approval of a discontinuance of service. The
FCC's rules require that a copy of such an application be sent to the governor and
public service commission of each state in which discontinuance is proposed. No
action on your part is required.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,



Douglas A. Klein
Attorney for LCI International Telecom
Corp. and Phoenix Network, Inc.

APP _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
LES Enclosures
CPC _____
PAI _____
RGO _____
SEC _____
SER _____
OTH _____

01 OCT 10 AM 8 28

DISTRIBUTION CENTER

BRUSSELS BUDAPEST* LONDON MOSCOW PARIS* PRAGUE* WARSAW

\\\\ - 0/0 - #1405995 v1

BALTIMORE, MD BOULDER, CO COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA McLEAN, VA NEW YORK, NY

*Affiliated Office

DOCUMENT NUMBER - DATE
12885 OCT 10 5

ORIGINAL

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

In the Matter of)
)
LCI International Telecom Corp. and)
Phoenix Network, Inc.)
)
Application for Authority to Discontinue)
U.S. Domestic Telecommunications Service)

File No. _____

SECTION 63.71 APPLICATION

LCI International Telecom Corp. and Phoenix Network, Inc. ("Applicants") hereby request authority pursuant to Section 214(a) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 214(a), and Section 63.71 of the rules of the Federal Communications Commission ("Commission"), 47 C.F.R. § 63.71, to discontinue the provision of U.S. domestic interstate telecommunications services. Applicants, which are wholly-owned, indirect subsidiaries of Qwest Communications International, Inc. ("Qwest"), are non-dominant with respect to the services being discontinued. Applicants will be merged into Qwest Communications Corporation ("QCC"), which is also a wholly-owned, indirect subsidiary of Qwest. Following this reorganization, QCC will provide services to the transferred customers of Applicants. This discontinuance application applies only to services provided by Applicants and not to any services provided by other affiliates or subsidiaries of Qwest.

Prior to the merger of Qwest and U S WEST, Inc. ("U S WEST") in June 2000, Applicants offered long-distance telecommunications services nationwide. Upon the close of the Qwest-U S WEST merger, Applicants divested their interLATA business in the

DOCUMENT NUMBER-DATE

12885 OCT 10 06

FPSC-COMMISSION CLERK

fourteen states¹ where Qwest Corporation is the regional Bell operating company in order to comply with Section 271 of the Communications Act.²

Currently, all of Applicants' customers receive service under the "Qwest" brand. The proposed discontinuance of service by Applicants will allow Qwest to reorganize and streamline its operations by providing all such services through QCC, which will be the surviving company of the merger with Applicants. QCC owns a nationwide telecommunications network and is one of the top five providers of long-distance service in the United States. Because all of Applicants' customers already receive service under the "Qwest" brand, they will not see a change in the name of the service provider or contact or billing information on their bills. Nor will the reorganization result in any changes to the rates or terms of services for the transferred customers.

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

I. SECTION 63.71(a) INFORMATION

(1) Name and address of carriers:

LCI International Telecom Corp.
1801 California St., Suite 3100
Denver, CO 80202

Phoenix Network, Inc.
1801 California St., Suite 3100
Denver, CO 80202

¹ Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

² See *In the Matter of Qwest Communications International Inc. and U S WEST, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 11909 (2000).

(2) Date of planned service discontinuance:

Applicants plan to discontinue service on or before December 31, 2001.

(3) Geographic areas affected:

The areas affected are all locations that had been served by Applicants in the entire United States with the exception of the states of Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

(4) Brief description of type of service affected:

Applicants hereby seek authority to discontinue the provision of U.S. domestic interstate telecommunications services. Applicants will also be complying with Section 63.19 of the Commission's rules with respect to discontinuance of international services.

II. NOTIFICATION REQUIREMENTS

Applicants respectfully submit that, in the context of this discontinuance, customer authorization and notification is unnecessary. Applicants, which will be merging into QCC, already provide service under the "Qwest" brand. Consequently, customers of Applicants that are transferred to QCC will not see a change in the name of the service provider or contact or billing information on their bills. Nor will the reorganization result in any changes to the rates or terms of services for the transferred customers.

The FCC issued on May 15, 2001, an order streamlining its process for compliance with its anti-slamming rules in situations involving carrier-to-carrier sale or transfer of subscriber bases. *See 2000 Biennial Review -- Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, 16 FCC Rcd 11218 (2001) ("*Biennial Review Order*"). In particular, the *Biennial Review Order* provides that a corporate restructuring that does not result in changes in name, contact information, billing information and rates and terms of services is exempt from any certification or customer notification requirement under the pre-subscribed carrier change authorization rules. *See*

Biennial Review Order at ¶ 13. The Commission reasoned that, “in such cases, requiring notice of a change that is imperceptible to the affected subscribers might cause confusion where there would otherwise be none.” *Id.* at n.24. Consequently, no notification to or authorization from the customers of Applicants is required for this reorganization.

Applicants certify that concurrent with the filing of this Application, Applicants are submitting a copy of this Application to the public utility commission and governor of each state in which discontinuance is proposed, and also to the Special Assistant for Telecommunications 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

Applicants are regulated as non-dominant carriers with respect to the service that they seek authority to discontinue.

IV. CONCLUSION

Neither the present nor future public convenience and necessity will be adversely affected by this proposed termination of service. Service will continue to be provided by Applicants’ affiliate, QCC, following this internal corporate reorganization. As explained above, Applicants already provide service under the “Qwest” brand, and consequently customers that are transferred to QCC will not notice a change in service providers on their bills after this discontinuance. In addition, the public clearly has access to comparable domestic interstate telecommunications services offered at competitive prices by many other domestic telecommunications carriers.

For the foregoing reasons, Applicants respectfully request, pursuant to Section 214(a) of the Act, 47 U.S.C. § 214(a), and Section 63.71 of the Commission’s rules,

47 C.F.R. § 63.71, that the Commission approve its Section 63.71 Application to discontinue the provision of U.S. domestic interstate telecommunications services.

Respectfully submitted,

**LCI International Telecom Corp.
and Phoenix Network, Inc.**

By: *Douglas A. Klein*
Mace J. Rosenstein
Marissa G. Repp
Douglas A. Klein

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
(202) 637-5600

Its Attorneys

October 5, 2001