

ORIGINAL

November 2, 2001



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

Re: Lightyear Communications, Inc. – Notification of the Discontinuance of the Provision of Certain Telecommunication Services To a Certain Discrete Group of Subscribers

Dear Ms. Bayo:

The purpose of this letter is to provide this Commission with a copy of the Section 63.71 Application (“Application”) that Lightyear Communications, Inc. (“Lightyear”) has filed with the Federal Communications Commission regarding the discontinuance of the provision of certain telecommunication services provided to a discrete group of Lightyear subscribers. This discontinuance will affect less than one percent (1%) of Lightyear’s customer base, or two (2) customers in Florida.

The service to be discontinued is Lightyear’s SmartStream Solutions (“SmartStream”). SmartStream provides integrated communications services packages over a single T-1 access line. This service was designed for use by business Customers. Services included in the Lightyear SmartStream family include Long Distance, Internet Access, Web Hosting, and E-mail<sup>1</sup>, which can be purchased together or separately.

As stated in the Application, in order to ensure the seamless transition of customers to an alternative service with Lightyear or with an alternative provider, Lightyear has developed a customer notification and transfer plan that is intended to provide the greatest opportunity for customer awareness and the informed exercise of customer choice with no service interruption. Lightyear customers will receive adequate written notices regarding the discontinuance of this particular Lightyear service, and the need to elect a new service provider, or select an alternative Lightyear product. The date of the planned partial service discontinuance is on or about December 31, 2001.

It is important to note that Lightyear will continue to provide all remaining services to its subscribers, and such services will including a long distance service not associated with the SmartStream package. The vast majority of Lightyear's customers will continue to receive high quality telecommunications services without any interruption whatsoever.

If you have any questions or need additional information please contact me at 800.805.8383 Ext. 1019.

Sincerely,

Linda Hunt  
Manager of Regulatory Affairs and  
Paralegal to General Counsel

LH:  
Enclosure

<sup>1</sup>Enhanced services, such as Internet access, web hosting, and e-mail are not regulated by this Commission.

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

\_\_\_\_\_  
In the Matter of the Application of )  
 )  
LIGHTYEAR COMMUNICATIONS, INC. )  
 )  
For Authority to Discontinue the Provision )  
of Certain U.S. Domestic Telecommunications )  
Service )  
\_\_\_\_\_ )

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

**SECTION 63.71 APPLICATION**

Lightyear Communications, Inc. ("Lightyear" or "Applicant") hereby requests authority pursuant to Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, to discontinue the provisioning of certain of its U.S. domestic telecommunications services. This discontinuance will affect less than one percent (1%) of Lightyear's customer base (approximately 300 business customers) targeting a certain discrete group of subscribers in the states of California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Texas, Virginia, Vermont and District of Columbia. The service to be discontinued is Lightyear's SmartStream Service. Lightyear is currently realigning its business operations to assure efficiency and profitability. Lightyear requests expedited processing of this application so that it may discontinue service as soon as practical and transfer customers to other Lightyear products and services, or so that customers may transfer to other carriers, as necessary.

Lightyear respectfully requests Commission approval to discontinue service to those customers that cannot be transferred within sixty (60) days' notice to the customer. To ensure the seamless transition of customers to an alternative service with Lightyear or with an alternative provider, Lightyear has developed a customer notification and transfer plan that is

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intended to provide the greatest opportunity for customer awareness and the informed exercise of customer choice with no service interruption. Lightyear customers will receive adequate written notices regarding the discontinuance of this particular Lightyear service, and the need to elect a new service provider, or select an alternative Lightyear product.

Applicant provides 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 carrier:**

Lightyear Communications, Inc.  
1901 Eastpoint Parkway  
Louisville, Kentucky 40223

**(2) Date of planned service discontinuance, reduction or impairment:**

On or about December 31, 2001.

**(3) Points of geographic areas affected:**

The areas affected are specifically identified customers of Lightyear's SmartStream Products in the States of Arizona, California, Colorado, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas and Washington.

**(4) Brief description of type of service affected:**

Lightyear seeks authority to discontinue providing a service known as Lightyear SmartStream Solutions ("SmartStream"). SmartStream provides integrated communications services packages over a single T-1 access line. This service was designed for use by business Customers. Services included in the Lightyear SmartStream family include Long Distance, Internet Access, Web Hosting, and E-mail<sup>1</sup>, which can be purchased together or separately.

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<sup>1</sup>Enhanced services, such as Internet access, web hosting, and e-mail are not regulated by this Commission.

## **II. NOTIFICATION REQUIREMENTS**

In compliance with Section 63.71 (a) of the Commission's Rules, 47 C.F.R. § 63.71(a), the notice will include the following information: (1) Lightyear's name and address; (2) the date of planned service discontinuance; and (3) the affected service and service areas. The notice will also include the following statement:

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 § 63.71 Application of Lightyear Communications, Inc. 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.

Lightyear certifies that concurrent with the filing of this Application, Lightyear is submitting a copy of the 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**

Lightyear is regulated as a non-dominant carrier with respect to each domestic interstate telecommunications service which it seeks authority to discontinue.

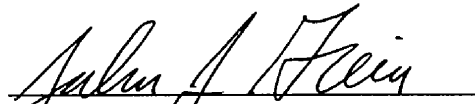
## **IV. CONCLUSION**

Lightyear hereby states that this termination of this specific service is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity. The public will not be unduly harmed by Lightyear's withdrawal of this service because the public has access to other telecommunications carriers that have the ability to provide these customers with comparable telecommunications services at competitive prices, and Lightyear

itself has comparable services. Furthermore, as indicated above, Lightyear is undertaking a comprehensive customer notification initiative that is aimed at providing its customers with sufficient notice and opportunity to select another provider and minimize service interruptions. For the foregoing reasons, Lightyear respectfully requests, pursuant to 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 certain of its U.S. domestic telecommunications services.

Respectfully submitted,

**Lightyear Communications, Inc.**

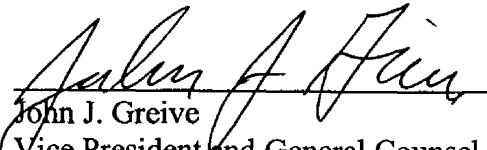
By:   
John J. Greive  
Vice President and General Counsel  
1901 Eastpoint Parkway  
Louisville, Kentucky 40223  
Telephone: (502) 244-6666  
Facsimile: (502) 515-4138

Dated: November 2, 2001

**CERTIFICATION**

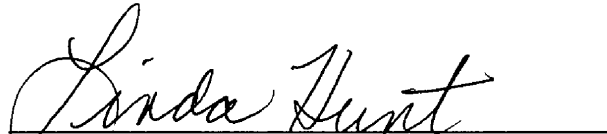
On behalf of Lightyear Communications, Inc. I hereby certify that the statements in the foregoing *Section 63.71 Application* are true, complete and correct to the best of my knowledge and are made in good faith.

**Lightyear Communications, Inc.**

By:   
John J. Greive  
Title: Vice President and General Counsel  
Date: November 2, 2001

**CERTIFICATE OF SERVICE**

I, Linda Hunt, hereby certify that on this 2nd day of November, 2001, I served a copy of the foregoing document via First Class Mail, postage pre-paid to the persons listed below:

  
Linda Hunt

**SECRETARY OF DEFENSE:**

Attn: Special Assistant for  
Telecommunications  
Pentagon  
Washington, DC 20301

**FEDERAL COMMUNICATIONS  
COMMISSION:**

Johanna Mikes  
Federal Communications Commission  
Common Carrier Bureau  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

Martin L. Schwimmer  
Federal Communications Commission  
Common Carrier Bureau  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

Justin Connor  
Federal Communications Commission  
International Bureau  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

**CALIFORNIA:**

California Gov. Gray Davis  
Office of the Governor  
State Capitol  
Sacramento, CA 95814

Docket Clerk  
California Public Utilities Commission  
State Building  
505 Van Ness Avenue  
San Francisco, CA 94102

**COLORADO:**

Colorado Gov. Bill Owens  
Office of the Governor  
136 State Capitol  
Denver, CO 80203-1792

Bruce N. Smith, Director  
Colorado Public Utilities Commission  
1580 Logan Street  
Suite 2  
Denver, CO 80203

**FLORIDA:**

Florida Gov. Jeb Bush  
Office of the Governor  
The Capitol  
Tallahassee, FL 32399-0001

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

**GEORGIA:**

Georgia Gov. Roy Barnes  
Office of the Governor  
203 State Capitol  
Atlanta, GA 30334

Helen O'Leary, Secretary  
Georgia Public Service Commission  
244 Washington Street  
Atlanta, GA 30334

**ILLINOIS:**

Illinois Gov. George Ryan  
Office of the Governor  
State Capitol  
207 Statehouse  
Springfield, IL 62701

Donna Caton, Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

**INDIANA:**

Indiana Gov. Frank O'Bannon  
Office of the Governor  
206 State House  
Indianapolis, IN 46204

Joseph M. Sutherland, Executive Secretary

Indiana Utility Regulatory Commission  
302 West Washington Street  
Suite E306  
Indianapolis, IN 46204

**KENTUCKY:**

Kentucky Gov. Paul Patton  
The Capitol  
Room 100  
Frankfort, KY 40602

Thomas M. Dorman, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

**MAINE:**

Maine Gov. Angus King, Jr.  
Office of the Governor  
1 State House Station  
Augusta, ME 04333

Dennis Keschl  
Administration Director  
Maine Public Utilities Commission  
242 State Street  
Augusta, ME 04333

**MARYLAND:**

Maryland Gov. Parris Glendening  
Office of the Governor  
State House  
100 State Circle  
Annapolis, MD 21401

Felecia L. Greer, Executive Secretary  
Maryland Public Service Commission  
6 St. Paul Street  
William Donald Schaefer Tower  
Baltimore, MD 21202



**MASSACHUSETTS:**

Massachusetts Gov. Jane Swift  
Office of the Governor  
State House  
Room 360  
Boston, MA 02133

Mary Cottrell, Secretary  
Massachusetts Department of Telecom.  
and Energy  
One South Station  
Boston, MA 02110

**NEW HAMPSHIRE:**

New Hampshire Gov. Jeanne Shaheen  
Office of the Governor  
State House  
Concord, NH 03301

Thomas B. Getz  
Executive Director and Secretary  
New Hampshire Public Utilities  
Commission  
8 Old Suncook Road  
Concord, NH 03301

**NEW JERSEY:**

New Jersey Gov. Donald DiFrancesco  
Office of the Governor  
125 West State Street  
P.O. Box 001  
Trenton, NJ 08625

Frances L. Smith, Secretary  
Board of Public Utilities  
2 Gateway Center  
Newark, NJ 07102

**NEW YORK:**

New York Gov. George Pataki  
Office of the Governor  
State Capitol

Albany, NY 12224

Janet Hand Deixler, Secretary  
New York Public Service Commission  
Agency Building 3  
Three Empire State Plaza  
Albany, NY 12223-1350

**OHIO:**

Ohio Gov. Bob Taft  
Office of the Governor  
77 South High Street  
30th Floor  
Columbus, OH 43266-0601

Daisy Crockron, Chief  
Docketing Department  
Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, OH 43215

**TEXAS:**

Texas Gov. Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711

Garvis Cunningham, Filing Clerk  
Texas Public Utility Commission  
1701 N. Congress Avenue  
Austin, TX 78711

**VERMONT:**

Vermont Gov. Howard Dean  
Office of the Governor  
109 State Street  
Montpelier, VT 05609

Susan Hudson, Clerk  
Vermont Public Service Board  
112 State Street  
Drawer 20  
Montpelier, VT 05609

**VIRGINIA:**

Virginia Gov. James Wigmore, III  
Office of the Governor  
State Capitol  
Richmond, VA 23209

Joel H. Peck, Clerk  
Virginia State Corporation Commission  
1300 East Main Street  
Richmond, VA 23219