

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date FEBRUARY 12, 2002

Docket No. 020113-TP

1. Division Name/Staff Name CMP/HAWKINS, B.H. *BHHS*

2. OPR HAWKINS, B.H.

3. OCR \_\_\_\_\_

4. Suggested Docket Title REQUEST FOR CANCELLATION OF IXC CERTIFICATE NO. 7995 AND ALEC  
CERTIFICATE NO. 7334 FOR BROADSLATE NETWORKS OF FLORIDA, INC., EFFECTIVE 3/31/02.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested persons and their representatives (if any):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

**Brenda Hawkins**

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**From:** Spilman, John [John.Spilman@broadslate.net]  
**Sent:** Tuesday, February 12, 2002 4:58 PM  
**To:** 'bhawkins@psc.state.fl.us'  
**Cc:** Rebecca Stone (E-mail); Don Hackney (E-mail); MacKenzie, Earle  
**Subject:** Certificate Cancellation

Brenda,

Per your request for clarification, Broadslate Networks of Florida, Inc. would like cancel both the ALEC Certificate 7334 and IXC Certificate 7995 effective March 31, 2002.

Sincerely,  
John L. Spilman  
Director Regulatory Affairs & Industry Relations  
Broadslate Networks, Inc.

**Arnall  
Golden  
Gregory** LLP

**FACSIMILE**

Direct phone: 404.873.8710  
Direct fax: 404.873.8711  
E-Mail: Rebecca.Stone@agg.com

<u>To</u>	<u>Company</u>	<u>Fax No.</u>	<u>Phone No.</u>
Mr. William Talbott	Florida Public Service Commission	(800) 511-0809 <i>850-413-6052</i>	

  

<u>From</u>	<u>Client/Matter Number</u>	<u>Date</u>
Rebecca C. Stone	14374-1	January 31, 2002

Total number of pages including this page: # 17  
If you do not receive all the pages, please call 404.873.8710.

Original will not follow  Original will follow via:  First Class Mail  Federal Express  Priority Mail  Hand Delivery

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1435296v1

2800 One Atlantic Center | 1201 West Peachtree Street | Atlanta, GA 30309-3450 | 404.873.8500 | Fax: 404.873.8501



January 31, 2002

Mr. William Talbott  
Executive Director  
Florida Public Service Commission  
Executive Director  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

RE: Discontinuance of Broadband Services and Cancellation of Certificate of  
Broadslate Networks of Florida, Inc.

Dear Mr. Talbott:

This letter is to inform the Florida Public Service Commission that Broadslate Networks of Florida, Inc. will discontinue its provision of broadband data services in Florida. The Company does not provide voice services and provides its data services only to business customers.

The service discontinuation is due to a determination by Broadslate and its Board of Directors that the operations of Broadslate have not achieved their financial goals because of the current economic climate. The Company has been unsuccessful in obtaining the financing necessary to operate its business and its sales operations have been impacted by the consequences of the terrorist acts of September 11, 2001. Several recent attempts to sell the Company or to find investors have now terminated.

Broadslate currently provides broadband data services to approximately 166 customers in Florida and the permanent discontinuance will affect all customers. Broadslate has agreed with DSL.net, Inc. to transition approximately 79 of those customers to DSL.net. The parties intend that those customers would be transferred to DSL.net to ensure that comparable service is provided to the discontinued customers as expeditiously as possible. The remaining customers will be transitioned to other service providers upon such customer's instructions to Broadslate.

The Application for Permanent Discontinuance filed with the Federal Communications Commission on January 31, 2002, is attached hereto as Attachment A. As stated therein, notification letters were mailed to the customers without a transition plan on January 29, 2002 via overnight delivery and to those customers transitioning to DSL.net on January 30, 2002 via overnight delivery. Broadslate intends to discontinue providing broadband services to customers in Florida on March 15, 2002.

There is a substantial risk that one or more of Broadslate's underlying service providers will terminate its services to Broadslate, thereby impacting its ability to provide service to its customers. Broadslate requests that the Commission request that those service providers listed on Attachment B hereto cooperate with Broadslate through March 15, 2002, so that Broadslate

may assist its customers in switching services to other carriers with a minimum of inconvenience and confusion. The cooperation of Broadslate's underlying service providers is absolutely critical for the transition of Broadslate's customers.

Effective immediately, please remove Broadslate from all Commission service lists and withdraw Broadslate from Docket No. 990649A-TP (UNE Docket).

Finally, on and not before March 31, 2002, please cancel Broadslate's certificate to provide local telecommunications in Florida and withdraw Broadslate's tariff.

If you require additional information, please do not hesitate to call me at (434) 220-7600.

Sincerely,



Earle A. MacKenzie, President

Attachments

ATTACHMENT A

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

IN THE MATTER OF )  
SECTION 63.71 APPLICATION OF )  
 )  
BROADSLATE NETWORKS, INC. )  
AND ITS WHOLLY-OWNED )  
SUBSIDIARIES FOR AUTHORITY )  
PURSUANT TO SECTION 214 OF THE )  
COMMUNICATIONS ACT OF 1934, AS )  
AMENDED, TO DISCONTINUE THE )  
PROVISION OF DOMESTIC )  
TELECOMMUNICATIONS SERVICES )  
TO CUSTOMERS IN THE STATES OF )  
FLORIDA, GEORGIA, )  
NORTH CAROLINA, PENNSYLVANIA )  
SOUTH CAROLINA, TENNESSEE AND )  
VIRGINIA )

**SECTION 63.71 APPLICATION**

**Earle A. MacKenzie, President  
Broadslate Networks, Inc.  
630 Peter Jefferson Parkway  
Suite 300  
Charlottesville, Virginia 22911  
Telephone: (434) 220-7700  
Facsimile: (434) 220-7701**

**Dated: January 30, 2002**

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

IN THE MATTER OF )  
SECTION 63.71 APPLICATION OF )  
 )  
BROADSLATE NETWORKS, INC. )  
AND ITS WHOLLY-OWNED )  
SUBSIDIARIES FOR AUTHORITY )  
PURSUANT TO SECTION 214 OF THE )  
COMMUNICATIONS ACT OF 1934, AS )  
AMENDED, TO DISCONTINUE THE )  
PROVISION OF DOMESTIC )  
TELECOMMUNICATIONS SERVICES )  
TO CUSTOMERS IN THE STATES OF )  
FLORIDA, GEORGIA, )  
NORTH CAROLINA, PENNSYLVANIA )  
SOUTH CAROLINA, TENNESSEE AND )  
VIRGINIA )

SECTION 63.71 APPLICATION

Broadslate Networks, Inc., a Delaware corporation (“Broadslate”), and its wholly-owned subsidiaries, Broadslate Networks of Florida, Inc., Broadslate Networks of Georgia, Inc., Broadslate Networks of North Carolina, Inc., Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc., Broadslate Networks of South Carolina, Inc., Broadslate Networks of Tennessee, Inc. and Broadslate Networks of Virginia (each referred to herein as a “Petitioner” or collectively referred to herein as the “Petitioners”), through which Broadslate provides broadband data services to customers, hereby seek authorization pursuant to Section 214(a) of the Communications Act of 1934,<sup>1</sup> and Section 63.71 of the Federal Communications Commission’s (the “Commission”) regulations<sup>2</sup>, to discontinue its provision of broadband data services in

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<sup>1</sup> 47 U.S.C. §214(a).  
<sup>2</sup> 47 C.F.R. §63.71.



the States of Florida, Georgia, North Carolina, Pennsylvania, South Carolina, Tennessee and Virginia.

#### **I. IDENTIFICATION OF THE PETITIONERS**

1. Petitioners are wholly-owned subsidiaries of Broadslate Networks, Inc., a Delaware corporation. Broadslate, through its wholly-owned subsidiaries, provides broadband data services to business customers in the following states: Florida, Georgia, North Carolina, Pennsylvania, South Carolina, Tennessee and Virginia. Petitioners do not provide voice services and Petitioners do not serve any residential customers. The Petitioners' principal place of business is: 630 Peter Jefferson Parkway, Suite 300, Charlottesville, Virginia 22911.

2. In the aggregate, the Petitioners currently service approximately 2386 active customers. Broadslate Networks of Florida ("BNF") is authorized to provide broadband data services in the State of Florida and serves currently approximately 166 active customers. Broadslate Networks of Georgia, Inc. ("BNG") is authorized to provide broadband data services in the State of Georgia and currently serves approximately 8 active customers. Broadslate Networks of North Carolina, Inc. ("BNNC") is authorized to provide broadband data services in the State of North Carolina and currently serves approximately 325 active customers. Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc. ("BNP") is authorized to provide broadband data services in the State of Pennsylvania and currently serves approximately 337 active customers. Broadslate Networks of South Carolina, Inc. ("BNSC") is authorized to provide broadband data services in the State of South Carolina and currently serves approximately 272 active customers. Broadslate

Networks of Tennessee, Inc. ("BNT") is authorized to provide broadband data services in the State of Tennessee and currently serves approximately 623 active customers. Broadslate Networks of Virginia, Inc. ("BNV") is authorized to provide broadband data services in the State of Virginia and currently serves approximately 655 active customers. Each of the Petitioners is considered a non-dominant carrier with respect to the services provided by it.

3. This permanent service discontinuance will affect all customers of Broadslate and its subsidiaries effective March 15, 2002.

## II. DESIGNATED CONTACTS

4. All correspondence, notices and inquiries regarding this Application should be addressed to:

Earle A. MacKenzie  
Broadslate Networks, Inc.  
630 Peter Jefferson Parkway  
Suite 300  
Charlottesville, Virginia 22911  
Telephone: (434) 220-7700  
Facsimile: (434) 220-7701

## III. REASON FOR REQUEST TO DISCONTINUE BROADBAND SERVICE

5. The service discontinuation is due to a determination by Broadslate and its Board of Directors that the operations of Broadslate have not achieved their financial goals because of the current economic climate. The Company has been unsuccessful in obtaining the financing necessary to operate its business and its sales operations have been impacted by the consequences of the terrorist acts of September 11, 2001. Several recent attempts to sell the Company or to find investors have now terminated.

#### IV. CUSTOMER NOTIFICATION AND TRANSITION PROCESS

6. Notification letters were mailed to all customers without a transition plan on January 29, 2002 via overnight delivery. Notification letters were mailed to all customers transitioning to DSL.net on January 30, 2002 via overnight delivery. The forms of notice sent to the customers are attached hereto as Attachment A. DSL.net, Inc. ("DSL.net"), Broadslate, BNF, BNG, BNNC, BNP, BNT and BNV have entered into an agreement to transition approximately 1158 customers to DSL.net on or before March 15, 2002. Of the 1158 customers being transitioned to DSL.net, 79 customers are located in Florida, 1 is located in Georgia, approximately 177 are located in North Carolina, approximately 177 are located in Pennsylvania, approximately 457 are located in Tennessee and approximately 267 are located in Virginia. The remaining 1228 customers will need to be transitioned to other service providers on or before March 15, 2002. Of the 1228 customers being discontinued without a transition plan, approximately 87 customers are located in Florida, approximately 7 are located in Georgia, approximately 148 are located in North Carolina, approximately 160 are located in Pennsylvania, approximately 272 are located in South Carolina, approximately 166 are located in Tennessee and approximately 388 are located in Virginia.

7. Petitioners believe that other carriers are interconnected at each of the central offices to which the Petitioners are interconnected and that DSL.net will provide substitute service to certain of Petitioners' customers or the customers will likely be able to obtain substitute service from other providers. Petitioners believe that the applicable ILEC provides similar DSL or T-1 services in the affected communities. The Petitioners are actively working with DSL.net and other providers, as appropriate, to ensure that

comparable service is provided to the discontinued customers as expeditiously as possible.

#### V. TIMEFRAME AND NOTICES

8. Petitioners intend to discontinue providing broadband services to all customers on March 15, 2002.

9. On January 31, 2002, the Petitioners will mail a copy of this Application to the Secretary of Defense and the Public Utility Commission and the Governor of each State in which the discontinuance is proposed.

10. There is a substantial risk that one or more of Broadslate's underlying service providers will terminate its services to Broadslate, thereby impacting its ability to provide service to its customers. Broadslate requests that the Commission request that those service providers listed on Attachment B hereto cooperate with Broadslate through March 15, 2002, so that Broadslate may assist its customers in switching services to other carriers with a minimum of inconvenience and confusion.

#### VI. CONCLUSION

11. WHEREFORE, Broadslate and the Petitioners respectfully request that the Commission grant them the authority to discontinue the provision of data services to all customers on an expedited basis. In consideration of this request, the Petitioners submit that the public convenience and necessity will not be adversely affected by the discontinuance of service in the aforementioned areas. The customers may choose from other carriers offering data services at competitive rates under reasonable terms and conditions.

Respectfully submitted,

BROADSLATE NETWORKS, INC.



Earle A. MacKenzie, President

Broadslate Networks, Inc.

630 Peter Jefferson Parkway

Suite 300

Charlottesville, Virginia 22911

Telephone: (434) 220-7700

Facsimile: (434) 220-7701

Dated: January 30, 2002

**ATTACHMENT A**

[INSERT LETTERHEAD OF BROADSLATE]

January 30, 2002

Dear Valued Broadslate Customer:

On January 2<sup>nd</sup>, I sent you an email giving you an update on the status of Broadslate Networks. In that correspondence, I shared with you that we were in discussions with various parties to transfer our operations to another carrier. As a result of those discussions, we are pleased to announce that we have entered into an agreement to assign your broadband circuit to DSL.net, Inc., a leading, national, publicly-traded broadband company that is currently operating in your area. DSL.net is one of the few national high-speed Internet providers that has its own broadband network, is funded and is a certified CLEC in all 50 states, plus Washington D.C. and Puerto Rico.

Upon migrating your circuit, DSL.net stands ready to assume your Broadslate service agreement or offer you comparable products and services on comparable terms to those detailed in your Broadslate service agreement. DSL.net will be contacting you in the next few days to begin the migration process, in an effort to transfer your service prior to March 15, 2002. In the interim, if you have any questions, telephone DSL.net Customer Service, toll-free, during the business hours of 8:00 a.m. and 8:00 p.m., Eastern Time (Monday-Friday), at 877-434-0636, or send an e-mail to [transitionhelp@dsl.net](mailto:transitionhelp@dsl.net). You are also invited to visit their website at the URL address of [www.dsl.net](http://www.dsl.net).

As I'm sure you are aware, current economic conditions have had a significant impact on many companies and, unfortunately, we at Broadslate were not immune. Therefore, it is with great sadness that I must inform you that Broadslate Networks will cease all operations as of the close of business on March 15, 2002, including the discontinuance of the delivery of DSL and T-1 service by Broadslate in all of Broadslate's service areas. We have informed the Federal Communications Commission and your state utilities commission of our plans to discontinue all service by March 15<sup>th</sup>.

We plan to continue to be staffed through this transaction to deal with your service issues and to assist in the transfer of your account to DSL.net. We will cease billing our customers at the end of February, and would ask that you bring your account current with Broadslate as soon as possible.

We at Broadslate are deeply sorry for the inconvenience that our announced cessation of operations may cause. However, I am confident that DSL.net represents an excellent choice as a provider of replacement broadband services, based on their history of offering quality service and successfully migrating customers from other ISPs to their network.

If you have any questions, please do not hesitate to call Broadslate Customer Support at 877-200-7020, or reach out to DSL.net at the above contacts.

We at Broadslate have appreciated the opportunity to service your broadband requirements and wish you all the best.

Sincerely,

Earle A. MacKenzie  
President, Broadslate Networks, Inc.

\*The FCC will normally authorize this proposed discontinuance of 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 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 Broadslate Networks, Inc. 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.





January 29, 2002

Dear Valued Broadslate Customer,

On January 2<sup>nd</sup>, I sent you an email giving you an update on the status of the company. In that correspondence, I shared that we were in discussions to transfer our operations to another carrier. Unfortunately those discussions have not resulted in a transaction.

The current economic conditions have had a significant impact on many companies and we are not immune. It is with great sadness that I am informing you that Broadslate Networks will cease all operation as of the end of business on March 15th, including the discontinuance of the delivery of DSL service by Broadslate in all of Broadslate's service areas. We have informed the Federal Communications Commission and your state utilities commission of our plans.

We urge you to seek another provider of service as soon as possible so that you will not be without DSL service. We plan to continue to be staffed through this transaction to deal with your service issues and to assist in the transfer of your account. You will only be billed for service through February. Please pay that charge and any past due amounts.

You will receive a mailing label in mid February that you should use to return the modem that we placed at your location. Once you have transitioned to your new provider, please return our equipment.

We are deeply sorry for the inconvenience that this change will cause. We appreciate the trust that you showed in selecting Broadslate and wish you the best.

If you have any questions or would like the names of alternative providers in your area, please do not hesitate to call Customer Support at 877-200-7020.

Sincerely,

Earle A. MacKenzie  
President

The FCC will normally authorize this proposed discontinuance of 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 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 Broadslate Networks, Inc. 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.

ATTACHMENT B

<u>Service Providers</u>	<u>States</u>	<u>Contact</u>	<u>Phone #</u>
Broadwing	PA	Mike Benson	513-397-6295
CFN	VA, NC, SC	Mandy Deller Nicole Price	803-329-7905 803-329-7905
Cox Communications	VA	Liz Rollins Michelle Loveless	757-222-8578 757-369-4521
Dominion Telecom	VA	Denise Bolda Cheryl Jones	804-775-5523 804-775-5584
Duke Communications	NC	Cheryl Kelly	704-382-4803
Dukenet	NC	Terri Stewart	704-382-7162
E.spire	KY	Dave Brown	301-361-4779
Interstate Fibernet	FL, TN, SC	David Boland Courtney Hunsicker	770-614-3368 706-385-8142
ITC Deltacom	TN, FL	Stephanie Atchley Shelly Walker	256-264-1048 800-239-5283 x2737
Kentucky Data Link	TN	David Ward	502-738-0294
MFS / Worldcom	VA	David Engel	804-553-4302
nTelos / R & B Comm.	VA		
Palmettonet	NC	Pete Steele James Thompson	803-407-7745 800-333-2949
SCANA	SC	Paul Stork	803-217-8559
South Carolina Net	SC	James Thompson	800-333-2949
Time Warner Telecom	FL, TN	Michael Hall	813-316-7779
Valley Fibertel	VA	Laura Jones	540-989-3232 x192
Valley Network Partnership	VA	Melanie Gain	540-946-3526

Worldcom	NC	Crystal Brown	636-793-2058
XO Comm. / Nextlink	PA, TN	Maria Stephenson Paul Douglas	480-367-3835 703-547-2657
BellSouth	FL, GA, NC, SC ,TN		
Verizon (Bell Atlantic)	VA, PA		
Verizon (GTE)	PA, VA, NC		
Sprint ILEC	PA, VA, TN, NC		