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KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

FACSIMILE

(202) 955-9792

www.kelleydrye.com

DIRECT LINE: (202) 955-9667

EMAIL: mconway@kelleydrye.com

NEW YORK, NY  
TYSONS CORNER, VA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ  
BRUSSELS, BELGIUM  
AFFILIATE OFFICES  
JAKARTA, INDONESIA  
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October 27, 2005

BY HAND DELIVERY

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RECEIVED-FPSC  
OCT 31 AM 11:33  
COMMISSION  
CLERK

Re: Section 63.71 Application of KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc.

Dear Ms. Dortch :

On behalf of KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. ("KMC" or "Applicants"), transmitted herewith are an original and six (6) copies of an application for authority to discontinue the provision of certain domestic services. Applicant respectfully requests that the Commission issue a Public Notice regarding this application as soon as possible. Please date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Should you have any questions with respect to this matter, please do not hesitate to contact the undersigned at (202) 955-9667.

Respectfully submitted,

Melissa Conway

Melissa S. Conway

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC   /
- OTH \_\_\_\_\_

Enclosures

cc: Service List  
Rodney McDonald, Competitive Policy Division, Wireline Competition Bureau

DC01/CONWM/240093.1

DOCUMENT NUMBER-DATE

10489 OCT 31 05

FPSC-COMMISSION CLERK

ORIGINAL

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

In the Matter of )  
)  
Section 63.71 Application of )  
KMC TELECOM V, INC. AND )  
KMC TELECOM OF VIRGINIA, INC. )  
)

SECTION 63.71 APPLICATION

KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. ("KMC" or "Applicants") 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 Commission's Rules, 47 C.F.R. § 63.71, to discontinue their provision of certain domestic telecommunications services – namely, select interstate data services – to carrier customers in all states where Applicants are authorized to provide telecommunications services.<sup>1</sup> Specifically, KMC seeks to discontinue the following services: enhanced termination service, enhanced origination service, dial access service and PRI services.

Although Applicants did not intend to discontinue these services, Applicants now do not have funding sufficient to maintain the provisioning of these service offerings to their customers. KMC simply cannot pay its underlying network providers. The affected customers

<sup>1</sup> KMC Telecom V, Inc. is authorized to provide service in the following states: Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming. KMC Telecom of Virginia, Inc. is authorized to provide service in Virginia.

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are all carrier customers that have already been notified by telephone of the proposed discontinuance. There are approximately twenty-four (24) carrier customers that will be affected by this discontinuance. All of the customers have adequate alternative services available to them from competitive local exchange carriers and incumbent local exchange carriers.

Applicants provide the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of the Carrier: KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. are indirect, wholly owned subsidiaries of KMC Telecom Holdings, Inc. Applicants are located at 1545 Route 206, Suite 300, Bedminster, NJ 07921.
2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicants plan to discontinue service to the affected customers in the states listed above as soon as the necessary regulatory approvals are obtained. Applicants understand that this application will be automatically granted on the 31<sup>st</sup> day after public notice of filing unless the Commission notifies the Applicants to the contrary.
3. Points of Geographic Areas of Service Affected: Applicants will discontinue the provision of the services listed above to the affected customers in the states listed in footnote 1 above.
4. Brief Description of Type of Service Affected: KMC intends to discontinue the provision of the following data services: enhanced origination service, enhanced termination service, dial access services and PRI services. Enhanced origination service is the provisioning of telephone numbers to customers in order to enable them to complete calls to their enhanced services and/or VoIP end users. Enhanced termination service enables the hand-off of VoIP and/or enhanced services calls, generated by the customers' end users, to KMC's network.

Dial access service is an end-to-end service enabling customers to outsource their dial-up network management to KMC. The PRI services include both 1-way and 2-way circuits.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: Applicants provided written customer notice in accordance with the requirements of Section 63.71(a) of the Commission's Rules by notice dated October 26, 2005. Notice was sent by overnight delivery to the affected customers on October 26, 2005. A copy of the notice is appended hereto as *Exhibit A*.

6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired: Applicants are considered non-dominant carriers with respect to the affected services.

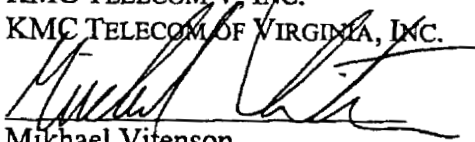
In accordance with Section 63.71 of the Commission's Rules, a copy of this Application is being mailed to the Governors and public services commissions of the states listed above, and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrently with the filing of this application.

Additional questions regarding this application may be addressed to the undersigned or to Melissa Conway, KELLEY DRYE & WARREN LLP, 1200 19<sup>th</sup> Street, N.W., Suite 500, Washington, D.C. 20036, (202) 955-9667, mconway@kelleydrye.com.

Respectfully submitted,

KMC TELECOM V, INC.  
KMC TELECOM OF VIRGINIA, INC.

By:

  
Mikhael Vitenson  
Associate General Counsel  
KMC Telecom Holdings, Inc.  
1545 Route 206, Suite 300  
Bedminster, NJ 07921  
Phone: (908) 470-3619  
Fax: (908) 719-8774

Dated: October 27, 2005

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 27<sup>th</sup> day of October 2005, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense  
ATTN: Special Assistant for  
Telecommunications  
Pentagon  
Washington, DC 20301

Secretary  
Alabama Public Service Commission  
PO Box 304260  
100 N. Union Street  
RSA Union, Suite 850  
Montgomery, AL 36130

The Honorable Bob Riley  
Governor of Alabama  
State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130

Secretary  
Arkansas Public Service Commission  
1000 Center Street  
Little Rock, Arkansas 72201

The Honorable Mike Huckabee  
Governor of Arkansas  
Governor's Office  
State Capitol Rm 250  
Little Rock, Arkansas 72201

Secretary  
Arizona Corporation Commission  
Utilities Division  
1200 West Washington  
Phoenix, AZ 85007-2996

The Honorable Janet Napolitano  
Governor of Arizona  
1700 West Washington  
Phoenix, Arizona 85007

Secretary  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Arnold Schwarzenegger  
Governor of California  
State Capitol Building  
Sacramento, CA 95814

Secretary  
State of Connecticut  
Department of Public Utility Control  
Ten Franklin Square  
New Britain, CT 06051

The Honorable M. Jodi Rell  
Governor of Connecticut  
Executive Office of the Governor  
State Capitol  
210 Capitol Avenue  
Hartford, Connecticut 06106

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

The Honorable Jeb Bush  
Governor of Florida  
Executive Office of the Governor  
The Capitol  
Tallahassee, Fl. 32399-0001

Secretary  
Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta GA, 30334

The Honorable Sonny Perdue  
Governor of Georgia  
Office of the Governor  
Georgia State Capitol  
Atlanta, GA 30334

Secretary  
Idaho Public Utilities Commission  
472 W Washington  
Boise, ID 83702

The Honorable Dirk Kempthorne  
Governor of Idaho  
Office of the Governor  
PO Box 83720  
Boise, Idaho 83720

Secretary  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

The Honorable Rod R. Blagojevich  
Governor of Illinois  
Office of the Governor  
207 State House  
Springfield, IL 62706

Secretary  
Indiana Utility Regulatory Commission  
Indiana Government Center South  
302 West Washington Street  
Suite E-306  
Indianapolis Indiana 46204

The Honorable Mitch Daniels  
Governor of Indiana  
Office of the Governor  
Statehouse  
Indianapolis, Indiana 46204-2797

Secretary  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

The Honorable Kathleen Sebelius  
Governor of Kansas  
Office of the Governor  
Capitol, 300 SW 10th Ave., Ste. 212S  
Topeka, KS 66612-1590

Secretary  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

The Honorable Ernie Fletcher  
Governor of Kentucky  
700 Capitol Avenue  
Suite 100  
Frankfort, KY 40601

Secretary  
Louisiana Public Service Commission  
Galvez Building, 12th Floor  
602 North Fifth Street  
PO Box 91154  
Baton Rouge, Louisiana 70821-9154

The Honorable Kathleen Babineaux Blanco  
Governor of Louisiana  
Office of the Governor  
P.O. Box 94004  
Baton Rouge, LA 70804-9004

Secretary  
Massachusetts DTE  
One South Station  
Boston, MA. 02110

The Honorable Mitt Romney  
Governor of Massachusetts  
Office of the Governor  
Room 360  
Boston, MA 02133

Secretary  
Maryland Public Service Commission  
William Donald Schaefer Tower  
6 St. Paul St., 16th Floor  
Baltimore, MD 21202

The Honorable Robert L. Ehrlich, Jr.  
Governor of Maryland  
Office of the Governor  
State House  
Annapolis, Maryland 21401-1925

Secretary  
Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

The Honorable Jennifer M. Granholm  
Governor of Michigan  
P.O. Box 30013  
Lansing, Michigan 48909

Secretary  
Minnesota Public Utilities Commission  
121 7th Place E., Suite 350  
Saint Paul, MN 55101-2147

The Honorable Tim Pawlenty  
Governor of Minnesota  
Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Secretary  
Missouri Public Service Commission  
Public Information Office  
Governor Office Building  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102-0360

The Honorable Matt Blunt  
Governor of Missouri  
Office of the Governor  
Room 216, State Capitol Building  
Jefferson City MO 65101

Secretary  
Mississippi Public Service Commission  
P.O. Box 1174  
Jackson, MS 39215-1174

The Honorable Haley Barbour  
Governor of Mississippi  
501 N. West Street  
Governor's Office, 15th Floor  
Jackson, MS 39201

Secretary  
State of Montana  
Public Service Commission  
1701 Prospect Ave  
P.O. Box 202601  
Helena, MT 59620-2601

The Honorable John Bohlinger  
Governor of Montana  
Office of the Governor  
State Capitol  
PO Box 200801  
Helena, MT 59620-0801

Secretary  
North Carolina Utilities Commission  
430 North Salisbury Street  
Dobbs Building  
Raleigh, NC 27603-5918



The Honorable Michael F. Easley  
Governor of North Carolina  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Secretary  
Nebraska Public Service Commission  
1200 N Street, Suite 300  
Lincoln, NE 68508

The Honorable Dave Heineman  
Governor of Nebraska  
Office of the Governor  
P.O. Box 94848  
Lincoln, NE 68509-4848

Secretary  
New Jersey Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

The Honorable Richard J. Codey  
Acting Governor of New Jersey  
PO Box 001  
Trenton, NJ 08625  
609-292-6000

Secretary  
New Mexico Public Regulation Commission  
Marian Hall  
224 E. Palace Ave.  
Santa Fe, New Mexico 87501

The Honorable Bill Richardson  
Governor of New Mexico  
Office of the Governor  
490 Old Santa Fe Trail  
Room 400  
Santa Fe, NM 87501

Secretary  
Public Utilities Commission of Nevada  
1150 E. William Street  
Carson City, NV 89701-3109

The Honorable Kenny C. Guinn  
Governor of Nevada  
Capitol Building  
Carson City, NV. 89701

Secretary  
New York State  
Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350

The Honorable George E. Pataki  
Governor of New York  
State Capitol  
Albany, NY 12224

Secretary  
The Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, OH 43215

The Honorable Bob Taft  
Governor of Ohio  
30th Floor  
77 South High Street  
Columbus, Ohio 43215-6117

Secretary  
Oklahoma Corporation Commission  
Jim Thorpe Building  
2101 North Lincoln Blvd.  
Oklahoma City, OK 73105

The Honorable Brad Henry  
Governor of Oklahoma  
State Capitol Building  
2300 N. Lincoln Blvd., Room 212  
Oklahoma City, OK 73105

Secretary  
Public Utility Commission of Oregon  
550 Capitol St NE #215  
PO Box 2148  
Salem OR 97308-2148

The Honorable Ted Kulongoski  
Governor of Oregon  
160 State Capitol  
900 Court Street  
Salem, Oregon 97301-4047

Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

The Honorable Edward G. Rendell  
Governor of Pennsylvania  
225 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Secretary  
Public Service Commission of South  
Carolina  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

The Honorable Mark Sanford  
Governor of South Carolina  
Office of the Governor  
P.O. Box 12267  
Columbia, SC 29211

Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

The Honorable Phil Bredesen  
Governor of Tennessee  
Governor's Office  
Tennessee State Capitol  
Nashville, TN 37243-0001

Secretary  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326

The Honorable Rick Perry  
Governor of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Secretary  
Public Service Commission of Utah  
Heber M. Wells Building  
Fourth Floor  
160 East 300 South  
Salt Lake City, UT 84111

The Honorable Jon Huntsman, Jr.  
Governor of Utah  
Utah State Capitol Complex  
East Office Building, Suite E220  
PO Box 142220  
Salt Lake City, Utah 84114-2220

Secretary  
Commonwealth of Virginia  
State Corporation Commission  
Tyler Building, 1300 E. Main St.  
Richmond, Virginia 23219

The Honorable Mark R. Warner  
Governor of Virginia  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Secretary  
Washington UTC  
P.O. Box 47250  
1300 Evergreen Park Dr. SW  
Olympia, WA 98504-7250

The Honorable Christine Gregoire  
Governor of Washington  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

Secretary  
Public Service Commission of Wisconsin  
610 North Whitney Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

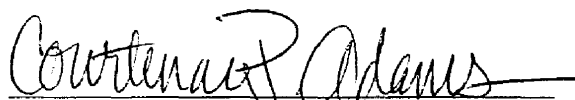
The Honorable Joe Manchin III  
Governor of West Virginia  
1900 Kanawha Boulevard, E.  
Charleston, WV 25305

The Honorable Jim Doyle  
Governor of Wisconsin  
Office of the Governor  
115 East State Capitol  
Madison, WI 53702

Secretary  
Wyoming Public Service Commission  
Hansen Building Suite 300  
2515 Warren Avenue  
Cheyenne, WY 82002

Secretary  
Public Service Commission  
West Virginia  
201 Brooks Street  
PO Box 812  
Charleston, WV 25323

The Honorable Dave Freudenthal  
Governor of Wyoming  
Governor's Office  
State Capitol, 200 West 24th Street  
Cheyenne, WY 82002-0010

  
\_\_\_\_\_  
Courtenay P. Adams

**EXHIBIT A**



PHONE • DATA • INTERNET

Corporate Office  
1545 Route 206, Suite 300  
Bedminster, NJ 07921  
Tel 908.470.2100  
Fax 908.719.8774  
www.kmctelecom.com

October 26, 2005

VIA FEDERAL EXPRESS/FACSIMILE

TXLink, LLC  
PO Box 2116  
Red Oak, TX 75154  
Fax: (775)-796-4339  
Attn: Matthew Simpson/President

**IMPORTANT NOTIFICATION**

Dear Valued Customer:

As you may already know, effective thirty (30) days after the date of this letter, or as soon thereafter as the necessary regulatory approvals are obtained, KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. ("KMC")<sup>1</sup> will be discontinuing your telephone service (including enhanced termination service, enhanced origination service, dial access service and PRI services). This discontinuance affects service in all states where KMC is authorized to provide telecommunications service. This notice clarifies and supercedes any previous communications on this issue.

*Your action is required! You must subscribe to a telephone service provider other than KMC prior to the end of the thirty (30) day period referenced above or you will not have access to the services currently available to you through KMC.*

KMC will cooperate with you through the date of discontinuance concerning the transition of your telephone service to an alternative carrier of your choice and will assist you in transitioning your existing local telephone number(s) where permitted. Please consult your local telephone directory or the incumbent local exchange carrier(s) in your area for a list of other possible providers. Should you need KMC's assistance, please contact Sharon Schaub at (785) 290-9019. We regret to inform you that certain underlying vendors of critical services have threatened to cease providing service to

<sup>1</sup> Please note that you may have a contract with an affiliate of KMC, including, without limitation, KMC Telecom Solutions, LLC, KMC Telecom III LLC or KMC Telecom LLC.

~~KMC. If any such vendor stops providing service to KMC, the effect could be to render us unable to provide service to you for reasons beyond our control even before the thirty (30) day period has expired. Thus, it is vital that you obtain service from a substitute provider immediately.~~

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 fifteen (15) days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the §63.71 Application of KMC Telecom V, Inc. and KMC Telecom of Virginia, 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.

KMC appreciates your business, and we regret that we will no longer be providing your telephone services. It has been our pleasure serving you.

KMC Telecom V, Inc.  
KMC Telecom of Virginia, Inc.