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CLERK

November 22, 2010

**VIA ECFS AND OVERNIGHT COURIER**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

100000-07

ATTN: Competition Policy Division, Wireline Competition Bureau

Re: A.R.C. Networks, Inc. Section 63.71 Application to  
Discontinue the Provision of Local Exchange and  
Domestic Intrastate, Interexchange Telecommunications Services

Dear Ms. Dortch:

Enclosed herewith, on behalf of A.R.C. Networks, Inc., please find the Application of A.R.C. Networks, Inc., pursuant to Section 63.71 of the Commission's Rules to Discontinue the Provision of Local Exchange Telecommunications Services in the States of California, Florida, Ohio and Texas and to Discontinue the Provision of Domestic Intrastate, Interexchange Telecommunications Services in the States of Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee and Texas.

For your convenience, a file/stamp copy of this transmittal letter is also enclosed. Please return it in the enclosed stamped, addressed envelope.

To the extent you have any questions concerning this submission, please do not hesitate to contact the undersigned telephonically at (240) 461-0412 or electronically at [channan@broadviewtel.com](mailto:channan@broadviewtel.com).

Respectfully submitted,

Catherine M. Hannan

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
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- SSC \_\_\_\_\_
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- CLK Grant

Enclosures

DOCUMENT NUMBER DATE  
09635 NOV 30 2010  
FPSC-COMMISSION CLERK

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Section 63.71 Application of )  
 )  
A.R.C. Networks, Inc. )  
For Authority Pursuant to Section 63.71 )  
Of the Commission's Rules, 47 C.F.R. )  
§63.71, to Discontinue the Provision of )  
Local Exchange Telecommunications )  
Services in the States of California, Florida, )  
Ohio and Texas and to Discontinue the )  
Provision of Intrastate Interexchange )  
Services in the States of Arizona, Arkansas, )  
California, Colorado, Florida, Georgia, )  
Illinois, Indiana, Kansas, Kentucky, )  
Louisiana, Michigan, Minnesota, Missouri, )  
Nevada, North Carolina, Ohio, Oklahoma, )  
South Carolina, Tennessee And Texas )

**SECTION 63.71 APPLICATION OF  
A.R.C. NETWORKS, INC.**

A.R.C. Networks, Inc. ("A.R.C.") requests authority under Section 63.71 of the Commission's Rules, 47 C.F.R. §43.71 to discontinue the provision of local exchange telecommunications services throughout the States of California, Florida, Ohio and Texas and to discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, North Carolina, Ohio, Oklahoma, South Carolina Tennessee and Texas. A.R.C. is certificated to provide the above-described services in each of the listed jurisdictions; however, over time, a significant portion of A.R.C.'s customer base has been consolidated into the operations of A.R.C.'s sister corporation,

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Broadview Networks, Inc., in accordance with federal and state commission rules and regulations.<sup>1</sup>

While most customers opted to participate in the customer base consolidation, certain customers chose instead to transition to new providers (with A.R.C.'s full cooperation and without charge for the service provider change). A few customers, however, opted to remain with A.R.C. rather than to be consolidated into the Broadview Networks customer base or to select a new service provider. In order that A.R.C. might continue to legally provide service to those of A.R.C.'s customers which, for reasons of their own, chose to remain with A.R.C., the Company has, of necessity, retained its telecommunications service authority in each named jurisdiction. With the passage of time, the natural attrition of these remaining customers has finally reduced the number of customers to whom A.R.C. provides local exchange and intrastate, interexchange services in the above-listed states to zero.

A.R.C. does not actively market telecommunications services to consumers in the listed states and has no plans to resume marketing telecommunications services in these states in the future. Accordingly, coincident with the filing of this Section 63.71 Application, A.R.C. is taking steps to surrender back to the relevant state commissions the Company's telecommunications service authority. In this way, A.R.C. will facilitate the efficient use of both its own corporate resources and the resources of the Federal Communications Commission and each listed state public utility commission.

As required by Section 63.71(a) and (b) of the Commission's Rules, A.R.C. provides the following information:

**1. Name and Address of Carrier (47 C.F.R. §§63.71(a)(2), (b)(2)):**

A.R.C. Networks, Inc.  
800 Westchester Avenue, Suite N-501

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<sup>1</sup> See, e.g., Section 64.1120(e)(3) submission of Broadview Networks, Inc., et al., Docket No. 000257, July 31, 2008.

Rye Brook, NY 10573

**2. Date of Planned Service Discontinuance (47 C.F.R. §§63.71(a)(2), (b)(2)):**

Because A.R.C. is considered non-dominant with respect to all of the services to be discontinued, the Company anticipates the automatic grant of the instant Application on the 31<sup>st</sup> day following release by the Federal Communications Commission of a *Public Notice* on the Application. Because Applicant currently serves no telecommunications services customers in the above-listed states, A.R.C. will officially discontinue service in those states on the date of automatic grant of the instant Application, which Applicant anticipates will be on or about December 31, 2010. It is possible that a small number of states will not have formally approved the surrender of A.R.C.'s operating authority and/or withdrawal of tariffs by that date; in such states, service will be officially discontinued upon the date authorized by the relevant state commission.

**3. Points of Geographic Areas of Service Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):**

A.R.C. will discontinue the provision of local exchange services throughout the States of California, Florida, Ohio and Texas and will discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee and Texas.

**4. Brief Description of Type of Services Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):**

In the States of California, Florida, Ohio and Texas, A.R.C. is authorized to provide all forms of local telecommunications services as a Competitive Local Exchange Carrier. In the States of Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee and Texas, A.R.C. is authorized to provide all types of intrastate long

distance telecommunications services; A.R.C. has not, however, provided long distance services on a prepaid basis in any listed jurisdiction.

The discontinuance of the above services does not adversely affect the public convenience and necessity because consumers in these states have a wide range of alternative local exchange and intrastate, interexchange services from which to choose. Furthermore, as noted above, no consumer in any of these states is presently subscribed to A.R.C.'s services; each such customer has already transitioned to another authorized carrier or otherwise ceased to subscribe to A.R.C.'s services.

**5. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. §§63.71(b)(3)):**

As noted above, no customers exist which will be affected by A.R.C.'s proposed discontinuance of the above-described services in the listed states. Section 63.71(a) requires that "the carrier shall notify *all affected customers* of the planned discontinuance;"<sup>2</sup> since A.R.C. has no affected customers here, no notice is required; Section 63.71(a)'s notice requirement is an impossibility and a nullity here. That no consumer protection goal which the FCC's notice language is designed to protect are at issue in this circumstance is apparent from the very text of Section 63.71(5)(i), where the Federal Communications Commission directs non-dominant carriers to inform customers as follows:

"The FCC will normally authorize this proposed discontinuance or 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 as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed

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<sup>2</sup> 47 C.F.R. §43.71(a).

discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.”<sup>3</sup>

Here, no A.R.C. customer exists in the impacted states; therefore, no individual or entity is capable of providing specific information of *any impact whatsoever* that the proposed discontinuance upon it. All customers have already transitioned to alternative providers; clearly there has been no inability to acquire reasonable substitute service. Indeed, the ease with which A.R.C.’s remaining customers have been able to transition to new providers is a result of a vibrant array of *telecommunications service alternatives* in the listed states; accordingly, there is no realistic possibility that A.R.C.’s surrender of existing telecommunications service authority in these states would adversely impact the public convenience and necessity.

As noted above, coincident with the filing of this Application, A.R.C. is taking steps, consistent with relevant state commission rules and regulations, to surrender its existing telecommunications operating authority and, where required, to withdraw its telecommunications services tariffs in the affected states. Additionally, in satisfaction of Section 63.74(a), copies of this Section 63.71 Application are also being sent today, via First Class U.S. mail, to the Special Assistant for Telecommunications to the Secretary of Defense and the governors and public utilities commissions of each state in which discontinuance is proposed. Thus, A.R.C.’s discontinuance of service in the listed states will be fully transparent to regulators and consumers alike.

**6. Regulatory Classification of Carrier (47 C.F.R. §63.71(b)(4)):**

A.R.C. is considered non-dominant with respect to all of the services to be discontinued in the listed states.

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<sup>3</sup> 47 C.F.R. §63.71(a)(5)(1).

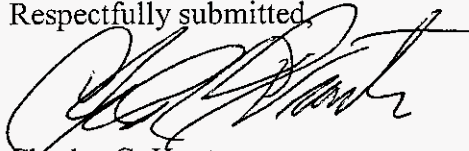
**7. Designated Contacts:**

Correspondence concerning this Application should be directed to:

Catherine M. Hannan  
A.R.C. Networks, Inc.  
800 Westchester Avenue, Suite N-501  
Rye Brook, NY 10573  
Tel: (240) 461-0412  
Fax: (347) 287-0223  
E-mail: [channan@broadviewtel.com](mailto:channan@broadviewtel.com)

In view of the foregoing, A.R.C. Networks, Inc., respectfully requests that the Federal Communications Commission automatically approve this Section 63.71 Application for discontinuance of services in the listed states as set forth above.

Respectfully submitted,



Charles C. Hunter  
Executive Vice President and General Counsel  
A.R.C. Networks, Inc.

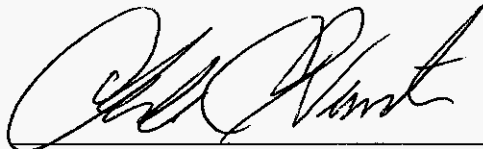
800 Westchester Avenue, Suite N-501  
Rye Brook, NY 10573  
Tel: (914) 922-7589  
Fax: (347) 287-0223  
E-mail: [chunter@broadviewnet.com](mailto:chunter@broadviewnet.com)

November 22, 2010

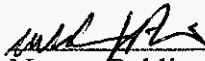
VERIFICATION

State of New York )  
 )  
County of Westchester ) ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Network Holdings, Inc., and its operating subsidiary, A.R.C. Networks, Inc. ("A.R.C."); that I am authorized to and do make this Verification for it; that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief, and that I expect A.R.C. to be able to prove the same at any hearing hereof; and that A.R.C. understands that, if the contents of the Application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the Application has been properly granted.

  
\_\_\_\_\_  
Charles C. Hunter

Subscribed and sworn before me this 2<sup>ND</sup> day of NOVEMBER, 2010.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 9/20/12

WILSON ROCAFUERTE JR.  
Notary Public, State of New York  
Registration #01RO6116202  
Qualified In Westchester County  
Commission Expires Sept. 20, 2012



**CERTIFICATE OF SERVICE**

I, Catherine M. Hannan, certify that I have this 22nd day of November, 2010, served a copy of the foregoing Section 63.71 Application of A.R.C. Networks, Inc., by U.S. Mail, Postage Prepaid, to the following:

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

Rodney McDonald  
Wireline Competition Bureau  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Governor Jan Brewer  
State Capitol, West Wing  
1700 W. Washington, 9<sup>th</sup> Floor  
Phoenix, AZ 85007

Docket Control Center  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007

Governor Mike Beebe  
Governor's Office  
State Capitol Room 250  
Little Rock, AR 72201

Diane K. Wilson, Secretary  
Arkansas Public Service Commission  
1000 Center Street  
Little Rock, AR 72203-0400

Governor Arnold Schwarzenegger  
Governor's Office  
State Capitol Building  
Sacramento, CA 95814

Michael R. Peevey  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Governor Bill Ritter, Jr.  
136 State Capitol  
Denver, CO 80203-1792

Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

Governor Charlie Crist  
Office of the Governor  
The Capitol  
Tallahassee, FL 32399-0001

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

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

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

Governor Pat Quinn  
Office of the Governor  
207 State House  
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Governor Mitchell E. Daniels, Jr.  
Office of the Governor  
Statehouse  
Indianapolis, IN 46204

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

Governor Mark Parkinson  
Office of the Governor  
Capitol, 300 SW 10<sup>th</sup> Avenue  
Suite 212 S  
Topeka, KS 66612-1590

Susan Duffy, Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Governor Steve Beshear  
700 Capital Avenue  
Suite 100  
Frankfort, KY 40601

Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

Governor Bobby Jindal  
Office of the Governor  
P. O. Box 94004  
Baton Rouge, LA 70804-9004

Lawrence C. St. Blanc, Secretary  
Louisiana Public Service Commission  
Galvez Building, 12<sup>th</sup> Floor  
602 North Fifth Street  
P. O. Box 91154  
Baton Rouge, LA 70821-9154

Governor Jennifer M. Granholm  
P. O. Box 30013  
Lansing, MI 48909

Mary Jo Kunkle, Executive Secretary  
Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

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

Burl W. Harr, Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East  
Suite 350  
St. Paul, MN 55101

Governor Jeremiah W. Nixon  
Office of the Governor  
Room 216, State Capitol Building  
Jefferson City, MO 65101

Colleen M. Dale, Secretary to the Commission  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

Governor Jim Gibbons  
State Capitol  
101 N. Carson Street  
Carson City, NV 89701

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

Governor Beverly Perdue  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Renee Vance, Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Dobbs Building  
Raleigh, NC 27603-5918

Governor Ted Strickland  
30<sup>th</sup> Floor  
77 South High Street  
Columbus, OH 43215

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 53215-3793

Governor Brad Henry  
State Capitol Building  
2300 N. Lincoln Boulevard  
Room 212  
Oklahoma City, OK 73105

Oklahoma Corporation Commission  
P. O. Box 52000  
Oklahoma City, OK 73152-2000

Governor Mark Sanford  
Office of the Governor  
P. O. Box 12267  
Columbia, SC 29211

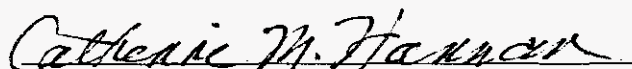
South Carolina Public Service Commission  
101 Executive Center Drive  
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Columbia, SC 29210

Governor Phil Bredesen  
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Office of the Governor  
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James Galloway, Clerk  
Public Utilities Commission of Texas  
1701 North Congress Avenue  
Austin, TX 78711-3326

  
Catherine M. Hannan