

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

DIRECT LINE: (202) 342-8819

EMAIL: wbrantl@kelleydrye.com

April 3, 2013

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RECEIVED-FPSC
13 APR -9 AM 7:59
COMMISSION
CLERK

Re: Unity Telecom, LLC. Section 63.71 Application

Dear Ms. Dortch:

On behalf of Unity Telecom, LLC and pursuant to Section 63.71 of the Federal Communications Commission's rules, 47 C.F.R. § 63.71(b), enclosed please find an original and four copies of the Company's Section 63.71 Application for the discontinuance of selected domestic telecommunications services.

Also enclosed is a duplicate of this filing. Kindly date-stamp the duplicate and return it to the courier.

Respectfully submitted,



Winafred Brantl

Counsel to Unity Telecom, LLC

Enclosures

DC01\BRANW\503525.1

DOCUMENT NUMBER-DATE

01795 APR-9 2

FPSC-COMMISSION CLERK

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

In the Matter of)
)
Section 63.71 Application of)
Unity Telecom, LLC)

SECTION 63.71 APPLICATION

Unity Telecom, LLC f/k/a dPi Teleconnect, LLC (“Unity Telecom” or “Applicant”) hereby seeks 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 its provision of selected domestic telecommunications within the Company’s service territory – specifically the Company’s *Home Phone* plans, which consist of prepaid residential local exchange and long distance services – in AL, AR, CA, DE, FL, GA, IN, KY, LA, MA, MD, MO, NC, NJ, NV, NY, OK, PA, SC, TN, TX, VA, and WV.

Unity Telecom, a Delaware limited liability company, operates as a provider of domestic competitive telecommunications services throughout the United States. Currently, Unity Telecom offers its customers a range of wireline, wireless and Voice-over-Internet-Protocol communications services. Unity Telecom does not provide international services.

In response to changing market conditions, Unity Telecom has determined that it is no longer feasible to offer its current *Home Phone* service package in the above-listed states.¹ The proposed discontinuance will not result in harm to the affected customers because they are being

¹ Following implementation of this decision, Unity Telecom will review the intrastate and interstate communications markets and determine in what manner the Company can most effectively compete with other service offerings and/or in other service territories.

DOCUMENT NUMBER-DATE

01795 APR -9 02

FPSC-COMMISSION CLERK

provided with ample notice of the discontinuance and equivalent service offerings are available from other carriers. One or more other carriers in each state provide similar prepaid packages and many more carriers, including the incumbent carriers, provide these services on a post-paid basis.

The Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of Carrier: Applicant's name and address is Unity Telecom, LLC, 1330 Capital Parkway, Carrollton, TX 75006.

2. Date of Planned Service Discontinuance, Reduction or Impairment: Subject to receipt of necessary federal and state regulatory authorizations², the proposed discontinuance is scheduled to take place on May 31, 2013.

3. Points of Geographic Areas of Service Affected: Unity Telecom proposes to discontinue the provision of its residential *Home Phone* service offerings in AL, AR, CA, DE, FL, GA, IN, KY, LA, MA, MD, MO, NC, NJ, NV, NY, OK, PA, SC, TN, TX, VA, and WV .

4. Brief Description of Type of Service Affected: The services affected by the proposed discontinuance consist of prepaid residential wireline local exchange and interexchange services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: On March 27, 2013, Unity Telecom sent written notice to affected customers by first-class mail in accordance with the requirements of Section 63.71(a) of the Commission's rules, informing them that the Company will cease provision of their prepaid residential local and long distance services effective May 31, 2013. The notice clearly underscores that customers must make

² Unity Telecom understands that this application will be granted automatically on the 31st day after public notice of filing unless the Commission notifies the Company to the contrary.

arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach Unity Telecom service representatives for assistance with this transition. A sample copy of the notice sent to Unity Telecom's customers is appended as *Exhibit A*.

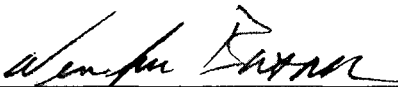
6. Whether the Carrier is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.

In accordance with Section 63.71 of the Commission's Rules and concurrent with this filing, a copy of this Application is being mailed to (i) the Governors and Public Service Commissions (or equivalent) of AL, AR, CA, DE, FL, GA, IN, KY, LA, MA, MD, MO, NC, NJ, NV, NY, OK, PA, SC, TN, TX, VA, and WV and (ii) to the Special Assistant for Telecommunications for the Secretary of Defense.

Additional questions regarding this application should be addressed to the undersigned.

Respectfully submitted,

Unity Telecom, LLC

By: 

John J. Heitmann
Winafred R. Brantl
Kelley Drye & Warren LLP
3050 K Street, NW – Suite 400
Washington, DC 20007
Tel: (202) 342-8819
Fax: (202) 342-8451
E-Mail: wbrantl@kelleydrye.com

Its Attorneys

Dated: April 3, 2013

Exhibit A
Sample Customer Notice



March 27, 2013

[Customer Name]
[Address Line 1]
[City, State, Zip]
[Telephone Number]

Notice of Discontinuance of Your *Home Phone* Telephone Service by Unity Telecom, LLC

Dear Customer:

Unity Telecom, LLC (“Unity Telecom”) regrets to inform you that it is preparing to cease providing its *Home Phone* prepaid local and long distance service to customers in a significant part of its service area.¹ **In order to avoid a disruption in telephone service, you must make arrangements for new service before the cut-off date noted below. You may choose any local telephone service company that operates in your area.** Unity Telecom would be pleased to continue to serve you with one of our other telephone plans. Please call us at 855-864-8983 for more information. Alternatively, the names and telephone numbers of other local telephone service companies, which also typically provide long distance service, are listed in your telephone directory. Customer service representatives at these companies will help you to select services to most effectively replace your current Unity Telecom service. If you arrange for service with a new provider before your Unity Telecom *Home Phone* service is terminated and wish to keep your current telephone number(s), please be sure to address this with your new service provider.²

Subject to regulatory approvals, your service cut-off date is May 31, 2013. If you do not arrange to have your telephone service provided by a new telephone company (or change to a different Unity Telecom service plan) prior to May 31, 2013, you may lose telephone service (which means that you will be unable to make local calls including 911) and you may not be able to keep your current telephone number(s) with a new service provider. Effective with this notice, Unity Telecom will no longer make any changes to or reconnect existing *Home Phone* service and will not accept orders for new *Home Phone* service.

¹ The Company is revising its business plan and continued provision of *Home Phone* service in a number of states is no longer feasible. This discontinuance affects customers for Unity Telecom’s *Home Phone* service plans in AL, AR, AZ, CA, DE, FL, GA, IN, KY, LA, MA, MD, MI, MO, NC, NJ, NV, NY, OK, PA, SC, TN, TX, VA, WV.

² Please be aware that Unity Telecom will not charge any switching fees in connection with your transition to a new provider.

The Federal Communications Commission requires us to provide you with the following notice in connection with its review of the proposed discontinuance:

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 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 § 63.71 Application of Unity Telecom, LLC. 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.

We thank you for being a Unity Telecom *Home Phone* customer and wish you well with your new provider. Should you have any questions or be interested in discussing other Unity Telecom service offerings, please contact Unity Telecom at 855-864-8983.

Sincerely,

Unity Telecom, LLC
1330 Capital Parkway
Carrollton, TX 75006

Note: State law in various jurisdictions requires that we clarify the timing for return of deposits in connection with this discontinuance; however, Unity Telecom does not collect deposits from its customers.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Section 63.71 Application were served this 3rd day of April, 2013 upon the following persons, at the addresses listed below, by U.S. mail, postage prepaid, or as otherwise noted.

Secretary of Defense
Attn: Special Assistant for
Telecommunications
Pentagon
Washington, D.C. 20301

William O'Brien, Executive Director
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, DE 19904

Alabama
Office of Governor Robert Bentley
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Delaware
Office of Governor Jack Markell
150 William Penn Street
2nd Floor
Dover, DE 19901

Walter Thomas, Secretary
Alabama Public Service Commission
100 North Union Street, Suite 850
Montgomery, AL 36104-3702

Florida
Office of Governor Rick Scott
PL 05 The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Arkansas
Office of Governor Mike Beebe
State Capitol
Room 250
Little Rock, AR 72201

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Ms. Jan Sanders
Commission Secretary
Arkansas Public Service Commission
1000 Center Street
Little Rock, AR 72201

Georgia
Office of Governor Nathan Deal
203 State Capitol
Atlanta, GA 30334

California
Office of Governor Edmund Brown
State Capitol
Sacramento, CA 95814

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington Street
Atlanta, GA 30334

Mr. Michael Amato
Director, Telecommunications Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Indiana
Office of Governor Mitch Daniels
State House, Room 206
Indianapolis, IN 46204-2797

Indiana Utility Regulatory Commission
Communications Division
101 West Washington Street
Suite 1500 East
Indianapolis, IN 46204

Kentucky
Office of Governor Steven L. Beshear
700 Capitol Avenue, Suite 100
Frankfort, KY 40601

Mr. Jeff R. Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

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

Eve Kahao Gonzalez
Secretary
Louisiana Public Service Commission
602 North 5th Street
Baton Rouge, LA 70802

Maryland
Office of Governor Martin O'Malley
State House
100 State Circle
Annapolis, MD 21401

Mr. David Collins
Executive Secretary
Maryland Public Service Commission
William Donald Schaeffer Tower
6 St. Paul Street
Baltimore, MD 21202

Massachusetts
Office of Governor Deval Patrick
State House
Office of the Governor, Room 360
Boston, MA 02133

Catrice Williams
Secretary
Massachusetts Department of
Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118

Missouri
Office of Gov. Jeremiah W. (Jay) Nixon
Capitol Building
Room 218, P.O. Box 720
Jefferson City, MO 65102

Steven C. Reed
Secretary
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65102-0306

Nevada
Office of Governor Brian Sandoval
Capitol Building
Carson City, NV 89701

Ms. Donna Skau
Commission Secretary
Nevada Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701
New Jersey

Office of Governor Chris Christie
The State House
P.O. Box 001
Trenton, NJ 08625

Ms. Kristi Izzo, Secretary
New Jersey Board of Public Utilities
Two Gateway Center
Suite 801
Newark, New Jersey 07102

New York
Office of Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Mr. Jeffrey Cohen, Acting Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Ms. Gail L. Mount
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

North Carolina
Office of Governor Bev Perdue
20301 Mail Service Center
Raleigh, NC 27699-0301

Oklahoma
Office of Governor Mary Fallin
Capitol Building
2300 Lincoln Blvd., Room 212
Oklahoma City, OK 73105

Ms. Peggy Mitchell
Secretary
Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, OK 73152

Pennsylvania
Office of Governor Tom Corbett
Room 225
Main Capitol Building
Harrisburg, PA 17120

Ms. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

South Carolina
Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, SC 29201

Jocelyn Boyd
Executive Director
South Carolina Public Service Commission
PO Drawer 11649
Columbia, SC 29211

Tennessee
Office of Governor Bill Haslam
Tennessee State Capitol
Nashville, TN 37243-0001

Ms. Sharla Dillon
Dockets & Records
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

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

James Galloway
Central Records Clerk
Texas Public Utilities Commission
PO Box 13326
Austin, TX 78701

Virginia
Office of Governor Bob McDonnell
State Capitol
Third Floor
Richmond, VA 23219

Mr. Joel Peck
Clerk of the Commission
Virginia Corporation Commission
P.O. Box 2118
Richmond, Virginia 23218

Office of Governor Earl Ray Tomblin
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Ms. Sandra Squire
Executive Secretary
Public Service Commission of West
Virginia
201 Brooks Street
Charleston, WV 25301



A handwritten signature in black ink, appearing to read "Sandra Squire", is written over a horizontal line.