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PUBLIC UTILITY COMMISSION  
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December 27, 2002

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Marlene H. Dortch  
Secretary

Office of the  
Executive Director

Federal Communications Commission  
9300 East Hampton Drive,  
Capitol Heights, MD 20743

**Re:** Section 63.71 Application To Discontinue Service In Texas of IP  
Communications

Dear Ms. Dortch:

Enclosed please find for filing an original and five copies of the above-referenced application on behalf of IP Communications.

Please file stamp the extra copy and return it in the self-addressed, stamped envelope. If you have any questions concerning this filing, do not hesitate to contact me.

Thank you for your consideration in this matter.

Sincerely,

Howard Siegel  
Vice President of External Affairs and  
Regulatory Policy

Cover letter

1500

**Before the  
Federal Communications Commission  
Washington, D.C.**

**In the Matter of** )  
 )  
**IP Communications, L.P.** )  
**Section 63.71 Application** )

**SECTION 63.71 APPLICATION TO DISCONTINUE SERVICE**

IP Communications, L.P. ("IP"), through its undersigned counsel, hereby requests authority to discontinue broadband services, mostly comprised of digital subscriber line ("DSL") service in its last remaining operating state: Texas. IP believes that the discontinuance is reasonable and necessary and customers will not be unduly inconvenienced.

Pursuant to Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, IP offers the following information:

**1. Name and address of carriers**

IP Communications, L.P.  
17300 Preston Road  
Suite 300  
Dallas, TX 75252

**2. Date of planned service discontinuance**

IP Communications, L.P. ("IP") proposes to discontinue broadband service on February 17, 2002 in the selected central offices described in paragraph 3 below.

**3. Points of geographic areas of service affected**

IP proposes to discontinue all broadband services described herein in the following state: Texas. IP previously filed an application to discontinue all broadband services in its other

operating states: Kansas, Missouri, and Oklahoma. . In addition, there are off-network circuits that are provided by third-party carriers, not IP, which interconnect with circuits located on IP's network. In an abundance of caution, notice is provided for each such circuit/service.

**4. Brief description of the type of service affected**

IP proposes to discontinue its provision of its broadband services in the State of Texas. IP's broadband service is used for high-speed Internet access and corporate data networking. IP provides broadband service to wholesale customers that are Internet Service Providers ("ISP") and directly to end user retail customers.

**5. Brief description of the dates and methods of notice to all affected customers**

IP provided mail written customer notice in accordance with the requirements of Section 63.71(a) of the Commission's Rules on December 26, 2002. Representative samples of IP's customer notice letters are attached. Direct notice was provided to IP's customers of record, either IP's retail customers or Internet Service Providers ("ISP") to which IP provides service on a wholesale basis. In the wholesale situation, IP has committed to assist the ISP in the customer conversion process and work with the ISP to help assure that end users receive specific notice if service through the ISP will be disconnected, *i.e.*, when a conversion to another provider through the ISP is not possible. In addition to the information required by Rule 63.71, IP has provided customer contact information to assist customers in their attempt to identify alternative providers, if any, that would be able to provide comparable service in a manner that would avoid or at least minimize service disruption and inconvenience.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

IP is non-dominant with respect to broadband, e.g. DSL and data T1, services that it proposes to discontinue.

**7. Other Information Pursuant to Rule 63.71(b)(5)**

Although the proposed service to be discontinued is interstate in nature pursuant to *GTE Telephone Operating Cos.*, *GTOC Tariff No. 1*, *Trans. No. 1148*, 13 FCC Rcd. 22,466 (1998), IP has served a copy of this application on the Texas Public Utility Commission ("TPUCC") in order to apprise it of IP's efforts to assist in the identification of and migration to alternative providers that would be able to provide comparable service in a manner that would avoid or at least minimize service disruption and inconvenience. Moreover, IP will cooperate with the TPUC to comply with that state utility commission's requirements without regard to the suggestion in *GTE Telephone Operating Cos.* that state utility commission would not have jurisdiction over such services. IP does not have any federal licenses.

**8. Service**

In accordance with FCC Rules 63.71 and 63.90(d) and (e), IP has mailed a copy of this application to the Governor and State Commission (as defined by the Communications Act of 1934) of Texas, and to the Special Assistant for Telecommunications for the Secretary of Defense.

**9. Additional questions regarding this application may be addressed to:**

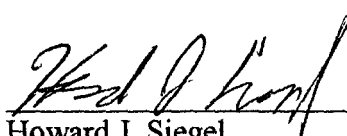
Howard Siegel  
IP Communications, L.P.  
9430 Research Blvd,  
Echelon II, Suite 340  
Austin, Texas 78759  
(512) 418-0376

**10. Conclusion**

IP believes that the discontinuance is reasonable and necessary and not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, IP respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and 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 U.S. domestic interstate telecommunications services in the State of Texas.

Respectfully submitted,

By:

  
Howard J. Siegel  
TX Bar No. 00788412  
9430 Research Blvd,  
Echelon II, Suite 340  
Austin, Texas 78759  
(512) 418-0376

Counsel for IP Communications, L.P.

Dated: December 27, 2002

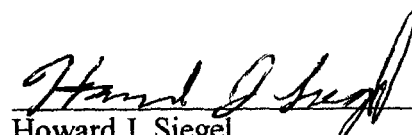
## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of IP Communications, L.P. was served this 27<sup>th</sup> day of December, 2002, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Lane Lanford, Executive Director  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Room G-113  
Austin, TX 78711-3326

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

Secretary of Defense  
Attn: Special Asst. for Telecommunications  
Pentagon  
Washington, DC 2030

  
Howard J. Siegel

**CERTIFICATION OF APPLICANT**

On behalf of IP Communications, L.P., I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.


**IP COMMUNICATIONS, L.P.**

By:

Name:

Title:

Date:

  
Howard J. Siegel  
Vice President of External Affairs and  
Regulatory Policy  
12/26/02





December 26, 2002

**<Customer Name>**  
**<Company Name>**  
**<Customer Address>**  
**<City, State, Zip>**

ILEC Circuit ID: <xxxxxxxxxxxx>

This letter is in reference to your broadband data service provided by IP Communications.

It is with deep regret that we must inform you that financial circumstances have forced IP Communications to reevaluate its ability to continue operations in their current configuration. Based on this evaluation, IP Communications will be discontinuing provision of all existing services in the state of Texas. The anticipated last day you will be provided service will be February 17, 2003.

**As a result of this discontinuation of service, IP Communications is releasing you from any termination liability in your existing contract for those circuits affected by this discontinuation. You may instruct us to discontinue your service at any point prior to February 17 without penalty; however, you continue to be responsible for payment of service charges up to that point, or until the scheduled discontinuation of service, whichever is earlier.**

It will be your responsibility to take the steps necessary to obtain alternative or replacement services from another carrier. If you choose to get broadband service from another provider in your area, you may be able to re-use the existing line already installed at your location. Please accept this letter as our permission to release this circuit to a new provider. To do this, you will have to provide the circuit ID to your new provider. If you are a single site customer, your ILEC Circuit ID is shown above, just to the right of your name and address. If you are a multi-site or VPN customer, please contact our Customer Call Center at the number below to obtain your ILEC Circuit ID's.

To minimize the inconvenience to you, we will make our best efforts, subject to the circumstances, to assist you in your transfer of service to another provider, should you choose to do so and should such broadband service alternatives be available in your area.

If you have any questions, please contact us via email at [customercare@ip.net](mailto:customercare@ip.net) or call our Customer Call Center toll free number (888) 243-8375, Option 3.

We will be immediately advising the Federal Communications Commission (FCC) of our plan to discontinue broadband service in this state. The FCC will normally authorize 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 Section 63.71 application of Southwestern Broadband Holdings I, L.P. (f.k.a. IP Communications, L.P.). 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.

Again, we at IP Communications sincerely apologize for the inconvenience this action on our part may cause you. We regret that it is unavoidable

Steven P. Nowick  
Chief Executive Officer



www.ip.net

December 26, 2002

**ISP Name**  
**ISP Address**

Dear **ISP Owner**,

This letter is in reference to your broadband data services provided by IP Communications.

It is with deep regret that we must inform you that financial circumstances have caused a reevaluation of the ability of IP Communications to continue operations in certain states. Based on this evaluation, IP Communications will be shutting down all existing services in the States of Texas, IP Communications' last remaining operating state. This shutdown of service will be effective on February 17, 2003.

To minimize the inconvenience to you, we will assist you in every way we can to facilitate your transfer to another provider should such alternatives be available in your area and should you choose to get broadband service from another provider(s). To do this you will have to provide the circuit ID of your customers to your new provider. A copy of your end user's with their circuit ID's will be sent to you via email. Please accept this letter as our permission to release your circuits to a new provider. For any other questions regarding this information, please contact your Account Manager at 877-265-0076.

We will be advising the Federal Communications Commission (FCC) of our plan to discontinue DSL service in the specified areas. The FCC will normally authorize proposed discontinuance of service unless it show 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 IP Communications, L.P. 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.

Again, we at IP Communications understand and sincerely apologize for any and all inconvenience this circumstance will cause you.

Steve Nowick  
Chief Executive Officer