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November 20, 2002

**FILED<sup>3</sup>**

NOV 20 2002

Missouri Public  
Service Commission

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, MO 65102-0360

**RE:** Cable & Wireless USA and Primus Telecommunications, Inc.  
Case No. XM-2003-0111  
**Limited Discontinuance of Service of Cable & Wireless USA, Inc.**

Dear Judge Roberts:

In its order of November 5, 2002, in which it authorized the transfer of assets proposed in the referenced case, the Commission ordered *inter alia* that the applicants notify the customers of Cable & Wireless USA, Inc. ("C&W") of the transaction, and thereafter advise the Commission that notice has been sent in compliance with the Commission's order.

This is to advise that each affected C&W customer was duly notified of the sale described in the application. In the notice, the customers were informed that they would be transferred to Primus Telecommunications, Inc. (Primus) between the dates of October 20, 2002 and January 13, 2003. (Primus anticipates having approved tariffs effective on or before January 13, 2003) In addition, the customers were informed of their right to arrange service from an alternative long-distance telephone provider and that to do so they should contact that carrier or their own local phone company prior to October 20, 2002.

C&W and Primus have tried to accommodate any special needs of these customers in order to assure an orderly transition and continuity of service. Nevertheless, C&W and Primus have identified approximately 19 customers in Missouri for whom a transfer to Primus may not be feasible. Consequently, C&W is notifying such affected customers that their service will be terminated unless they make alternative arrangements by January 18, 2003. A copy of this second notice letter is attached hereto, along with a copy of C&W's application filed at the Federal Communications Commission relating to this matter. In addition, C&W will comply separately with any applicable tariff amendment requirement.

The Honorable Dale Hardy Roberts  
Missouri Public Service Commission  
November 20, 2002  
Page 2

This contingency was not anticipated at the time the application was filed and therefore was not expressly addressed therein. C&W and Primus believed that the Commission should be informed that a notice of discontinuance of service would be issued to the few affected customers mentioned above. If there are any questions, please do not hesitate to contact me, or any of the company representatives identified below.

In addition to the undersigned, please address any correspondence regarding this letter to:

LaRene Flack  
Cable & Wireless USA, Inc.  
8219 Leesburg Pike  
Vienna, VA 22182  
Telephone: (703) 760-3741  
Fax: (703) 442-8891  
E-mail: Larene.Flack@cwusa.com

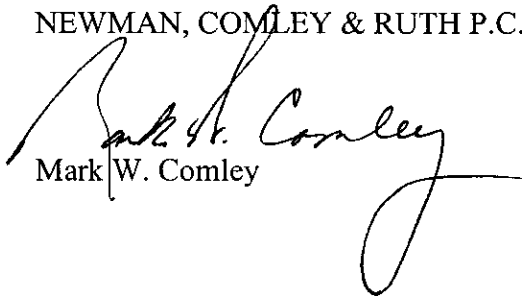
Please also send a copy of any correspondence to the following:

Joel S. Winnik  
Hogan & Hartson L.L.P.  
555 Thirteenth Street N.W.  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Fax: (202) 637-5910  
E-mail: jswinnik@hhlaw.com

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley

Enclosures

[On C&W Letter Head]

<Customer Name>  
<Address Line 1>  
<Address Line 2>  
<City>, <State> <Zip>

<Date>

Dear Customer,

This is an important notice to customers of Cable & Wireless with dedicated access voice services. (This notice does not affect switched access services.)

Recently, Cable & Wireless announced it was restructuring its US business to focus on delivering high quality Internet, hosting and web services to business customers. By concentrating on these specific areas, we can better focus on our customers and hopefully exceed their expectations regarding Internet, hosting, and web services.

As part of this restructuring, we notified you by letter dated September 18 that we had concluded an agreement with Primus Telecommunications Inc. ('Primus') for Primus to become your new provider of long-distance telephone services.

If you have not received confirmation from Primus that all of the necessary technical information to migrate your service has been received, please be advised your services will not be migrated to Primus January 13, 2003. **You need to find an alternative provider and complete your migration to that alternative provider and off of the C&W network by January 18, 2003. On January 18, 2003, C&W will discontinue your long-distance telephone service.**

If you have already been in contact with Primus regarding the migration of your dedicated access for long-distance telephone service and have received confirmation from Primus that they have the necessary technical information to migrate your dedicated services, it is our understanding that Primus will continue working directly with you to migrate your service prior to January 13, 2003.

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 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, and by e-mail to [JKAdams@fcc.gov](mailto:JKAdams@fcc.gov), referencing the Section 63.71 Application of Cable & Wireless. 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.

Decisions that impact our customers are never easy, and we are committed to keeping you informed of all changes that may affect you. Please note that this letter only affects your long-distance telephone services. This letter does not affect any other services that you may have with Cable & Wireless. If you have any questions about the account(s) referenced above, please contact the Cable & Wireless, Customer Care Hotline at 1-866-239-0746.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Drolet", followed by a period.

Robert Drolet  
CEO, US Communications Solutions  
Cable & Wireless

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

\_\_\_\_\_  
In the Matter of )  
 )  
Cable & Wireless USA, Inc. )  
 )  
Application for Authority to Discontinue )  
Certain U.S. Domestic Telecommunications )  
Services )  
\_\_\_\_\_ )

File No. \_\_\_\_\_

**SECTION 63.71 APPLICATION**

Cable & Wireless USA, Inc. ("C&W") hereby requests authority 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 rules of the Federal Communications Commission, 47 C.F.R. § 63.71, to discontinue the provision of certain U.S. domestic interstate telecommunications services. C&W is non-dominant with respect to the services being discontinued. Affected customers have been notified in the manner described in Section 63.71(a).

C&W, a global leader in high-performance Internet, data, messaging and voice services, is restructuring its U.S. business. This restructuring will allow C&W to provide the highest-quality services that best meet the needs of its customers in these areas. In connection with this restructuring, C&W is selling its voice customer base to Primus Telecommunications, Inc. ("Primus"). To effectuate that sale, C&W and Primus complied with Section 64.1120(e) of the Commission's rules by notifying all affected customers and, on September 18, 2002, filing a copy of the

notification with the Commission in CC Docket No. 00-257. C&W and Primus have also sought and obtained authority from the Wireline Competition Bureau and the International Bureau pursuant to Section 214 of the Communications Act for that transfer of customer base. See Public Notice, Domestic Section 214 Application for Authorization Filed for Acquisition of Assets of Cable & Wireless USA, Inc. by Primus Telecommunications, Inc., DA 02-2445, WC Docket No. 02-308 (Sept. 27, 2002); Public Notice Report No. TEL-00592, International Authorizations Granted, DA 02-2796, File No. ITC-ASG-20020923-00463 (Oct. 24, 2002).

As described in the Section 64.1120(e) filing on September 18, C&W and Primus notified C&W's customers that their service would be transferred to Primus between October 20, 2002, and January 13, 2003. That customer-notification letter also informed C&W customers of their right to arrange service from a different long-distance telephone provider and that to do so they should contact that carrier or their own local phone company prior to October 20, 2002.

C&W and Primus have tried to accommodate any special needs of these customers in order to assure an orderly transition and continuity of service. C&W and Primus have identified a limited number of customers for whom a transfer to Primus is not feasible and who have not informed C&W or Primus that they have arranged for alternative voice service. Because C&W's U.S. domestic voice network will be shut down on January 18, 2003, C&W is providing appropriate notice to those customers that they have until January 18, 2003, to arrange alternative

service. C&W now files this application seeking FCC authority to discontinue services to those customers.

C&W provides the following information in support of this Application pursuant to Section 63.71 of the Commission's rules:

#### **I. SECTION 63.71(a) INFORMATION**

**(1) Name and address of carrier:**

Cable & Wireless USA, Inc.  
8219 Leesburg Pike  
Vienna, VA 22182

**(2) Date of planned service discontinuance:**

Applicant plans to discontinue these services on January 18, 2003.

**(3) Geographic areas affected:**

Affected customers may be located in the states of Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, West Virginia, and the District of Columbia.

**(4) Brief description of type of service affected:**

Applicant hereby seeks authority to discontinue the provision of U.S. domestic interstate voice telecommunications services to a limited number of dedicated-access customers as described above. C&W provides other domestic and international telecommunications and information services that will not be affected by this discontinuance.

## **II. NOTIFICATION REQUIREMENTS**

All customers were notified of this proposed discontinuance by personalized letters on November 19, 2002. These letters included all content required by Section 63.71(a) and were sent 60 days in advance of the proposed discontinuance.

Applicant certifies that Applicant will be submitting a copy of this Application to the public utility commission and governor of each state in which discontinuance is proposed, and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a).

## **III. REGULATORY STATUS**

Applicant is regulated as a non-dominant carrier with respect to the service that it seeks authority to discontinue.



#### IV. CONCLUSION

Neither the present nor future public convenience and necessity will be adversely affected by this proposed termination of service. Customers have been provided adequate notice, and the public clearly has access to comparable domestic interstate telecommunications services offered at competitive prices by many other telecommunications carriers.

For the foregoing reasons, Applicant respectfully requests, pursuant to Section 214(a) of the Act, 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 as described herein.

Respectfully submitted,

Cable & Wireless USA, Inc.

By: 

Cathy L. Slesinger  
Senior Vice President  
Public Policy USA

November 19, 2002