Service Copy (12-2-22)

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EXECUTIVE SECRETARY
G.P.S.C.

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

DOCKET # 3
DOCUMENT # 192337

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| In the Matter of<br>Section 63.71 Application of<br>Fusion Cloud Services, LLC, Fusion<br>Communications, LLC, and Fusion<br>Telecom of Texas, Ltd., L.L.P. | )<br>)<br>)<br>)<br>) | WC Docket No. |

**SECTION 63.71 APPLICATION**

Fusion Cloud Services, LLC ("Fusion Cloud"), Fusion Communications, LLC ("Fusion Communications"), and Fusion Telecom of Texas, Ltd., L.L.P. ("Fusion Texas" and. together with Fusion Cloud and Fusion Communications, the "Fusion Companies")[1] 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 Federal Communications Commission's ("Commission") Rules, 47 C.F.R. § 63.71, to discontinue the provision of certain copper-based broadband T-1 Internet access and VoIP services (collectively, the "Services") provided to their respective customers (the "Customers") in one or more of the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Texas, Virginia, Washington and the District of Columbia (the "Impacted Jurisdictions").[2]

The Fusion Companies provide a wide range of communications services to business customers throughout the United States, including unified communications; digital voice and data communications services, for example hosted Voice over Internet Protocol ("VoIP") and

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[1] The FCC Registration Number (FRN) for Fusion Cloud is 0005044375, the FRN for Fusion Communications is 0003759602, and the FRN for Fusion Texas is 0003732336.

[2] In order to provide a complete record, Fusion identifies a full list of the services proposed for discontinuance; however, Fusion understands that any Commission approval will be limited to services regulated under Section 214 of the Act.

Session Initiated Protocol trunking; broadband Internet access service; data networks; cloud-based services; other enhanced communications services and features; and traditional voice solutions. The Fusion Companies hold domestic Section 214 authority pursuant to operation of law[3] and provide international section 214 services pursuant to the authority of their parent, Fusion Connect, Inc. ("Fusion Connect").[4]

As part of their migration of services to newer technologies and platforms, upon receipt of all required regulatory approvals the Fusion Companies will discontinue the provision of the Services to their respective Customers. This discontinuance will affect approximately 416 Customers in the Impacted Jurisdictions.[5] The Fusion Companies will continue to offer their other services at most of these end-user locations and will work with the affected Customers to transition them from the Services they receive today from the Fusion Companies to an alternative service offered by the Fusion Companies should alternatives exist and the Customers choose to do so. These Customers and other consumers in the Impacted Jurisdictions will not be harmed generally by the discontinuance of the Services because they have access to a number of alternative providers, including the incumbent local exchange carrier, the local cable company and competitive carriers offering wireline, wireless, VoIP and other services.

The Fusion Companies provide the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of Carrier: Each of the Fusion Companies, named above, is located at 210 Interstate North Parkway, Suite 200, Atlanta, GA 30339.

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[3] 47 C.F.R. § 63.01.

[4] File No. ITC-214-19971001-00592; FCC Filer ID 825160.

[5] The numbers of Customers receiving notices of discontinuance in each of the Impacted states are as follows: California – 100; Colorado – 21; Florida – 50; Georgia – 1; Illinois – 95; Massachusetts – 2; Maryland – 1; Michigan – 70; Minnesota – 3; Texas – 65; Virginia – 1; Washington – 5; and the District of Columbia – 2.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Fusion Companies plan to discontinue the provision of the Services on or about January 28, 2023, subject to receipt of regulatory approvals. The Fusion Companies understand that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the Fusion Companies to the contrary.

3. Points of Geographic Areas of Service Affected: The Fusion Companies propose to discontinue the provision of the Services to their respective Customers in California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Texas, Virginia, Washington and the District of Columbia.

4. Brief Description of Type of Service Affected: The Services for which approval is requested in this application consist of VoIP services provided to business customers in the Impacted Jurisdictions.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: The Fusion Companies have provided the affected Customers over thirty days' advance notice, via first-class mail, of the proposed discontinuance of the Services.[6] A copy of the notices, which comply with the requirements of 47 C.F.R. § 63.71, is attached.

6. Whether the Carrier Is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Each of the Fusion Companies is considered non-dominant with respect to the Services.

In accordance with Section 63.71 of the Commission's Rules and concurrent with the filing of this Application, a copy of this Application is being mailed to the Special Assistant for

[6] Notices were sent to the affected Customers on November 28, 2022.

Telecommunications for the Secretary of Defense and to the Governor and the public utility commission for each of the Impacted Jurisdictions.

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

Respectfully submitted,

By: _____

Winafred Brantl
Kelley Drye & Warren LLP
3050 K Street, N.W., Suite 400
Washington, D.C. 20007
Tel: (202) 945-6649
Fax: (202) 342-8451
Email: wbrantl@kelleydrye.com

*Counsel for Fusion Cloud Services, LLC, Fusion Communications, LLC, and Fusion of Texas, Ltd., L.L.P.*

Dated: December 2, 2022

Sample Customer Notices

210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
**www.fusionconnect.com**

November 28, 2022

[redacted]

**Notice of Discontinuance**
**of copper-based Internet Access and VoIP Services in [redacted]**
**Provided by Fusion Cloud Services, LLC, Fusion Communications, LLC**
**or Fusion Telecom of Texas, Ltd., L.L.P.**

Dear Customer:

**Fusion Cloud Services, LLC, Fusion Communications, LLC and Fusion Telecom of Texas, Ltd., L.L.P.** ("we" or "us" or "our") regret to inform you that, on or shortly after January 28, 2023 (the "Service Termination Date"), we will be discontinuing the provision of your copper-based Internet Access and associated VoIP services at [redacted] (the "Affected Location").[1]

**We have identified a new service to replace your soon to be discontinued copper-based service at the Affected Location, in order to prevent service interruption, you must have a replacement service order placed no later than December 28, 2022. However, as new construction may be required at the Affected Location, even if we receive your order by December 28, 2022, we cannot guarantee that the replacement service will be available prior to the Service Termination Date. Please call your Migration Advisor at (888) 635-2221 to discuss this alternative service offering.**

*Alternatively, you may transition all your services at the Affected Location to a new service provider before the Service Termination Date; in such case, you will need to contact a new service provider of your choice to make such arrangements.* There are a number of other choices available at the Affected Location.[2]

If you do not make appropriate arrangements prior to the Service Termination Date, you will experience a loss of service. **Specifically, if you currently receive voice service from us at the Affected Location, you will be unable to make local calls, including 911 emergency calls or any long-distance calls.** You will also lose any data services you may have at the Affected

1. The discontinuance of your service is part of a multi-state operational transition that we are implementing in 2022, involving service locations in the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Texas, Virginia, and Washington as well as in the District of Columbia.

Location. Further, should you fail to make appropriate arrangements prior to the Service Termination Date, you may not be able to keep your current telephone number(s). We urge you not to delay in arranging a new service. *Important Note: If you arrange for a new service before your service with us is terminated and wish to keep your current telephone number(s), please be sure to address this with your new service provider.*

We thank you for your patronage and we remain committed to ensuring that your service transition is as smooth as possible.[3] If you have any further questions regarding the discontinuance of your services at the Affected Location, please contact Migration Advisor at **(888) 635-2221**.

Sincerely,

**Fusion Cloud Services, LLC**
**Fusion Telecom of Texas, Ltd., L.L.P.**
**Fusion Communications, LLC**

**The Federal Communications Commission requires us to provide you with the following notice:**
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. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may 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 Fusion Cloud Services, LLC, Fusion Communications, LLC and Fusion Telecom of Texas, Ltd., L.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.

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2. Information regarding alternative service providers is available online. Information may also be obtained from your state communications regulatory commission (e.g., Public Service Commission") at the phone number and link set forth on the **Schedule** attached hereto.

3. We will pay the switching fees, if any, associated with the transfer of any regulated services to another service provider. If the Service Termination Date is not the last day of your billing cycle, if you migrate your services to an alternative service provider, we will issue you a refund check (within forty-five (45) days of the discontinuance) equal to the pro rata portion of the month for which prepayment was received but services were not provided.

## State Public Utility Commission Information

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| Colorado Public Utilities Commission<br>1560 Broadway, Suite 250<br>Denver, CO 80202 | Phone: (303) 894-2070<br>Toll Free Phone: (800) 456-0858 (outside Denver)<br>Link: www.puc.colorado.gov |
| Public Service Commission<br>of the District of Columbia<br>1325 G Street, N.W., Suite 800<br>Washington, D.C. 20005 | Phone: (202) 626-5100<br>Link: https://dcpsc.org/ |
| Florida Public Service Commission<br>2540 Shumard Oak Blvd.<br>Tallahassee, FL 32399-0850 | Toll Free Phone: (800) 342-3552<br>Link: www.psc.state.fl.us |
| Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta GA, 30334-9052 | Toll Free Phone: (800) 282-5813<br>Link: www.psc.ga.gov |
| Illinois Commerce Commission<br>527 E. Capitol Avenue, 8th Floor<br>Springfield, Illinois 62701 | Toll Free Phone: (800) 524-0795<br>Link: www.icc.illinois.gov |
| Massachusetts Department of<br>Telecommunications and Cable<br>1000 Washington Street, Suite 600<br>Boston, MA 02118-6500 | Phone: (617) 305-3500<br>Toll Free Phone: (800) 392-6066<br>Link: www.mass.gov/orgs/department-of-publicutilities |
| Maryland Public Service Commission<br>6 St. Paul Street<br>Baltimore, MD 21202 | Toll Free Phone: (800) 492-0474<br>Link: https://www.psc.state.md.us/ |
| Michigan Public Service Commission<br>7109 W. Saginaw Highway<br>Lansing, MI 48917 | Toll Free Phone: (800) 292-9555<br>Link: www.michigan.gov/mpsc |
| Minnesota Public Utilities Commission<br>121 7th Place East, Suite 350<br>St. Paul, MN 55101 | Toll Free Phone: (800) 657-3782<br>Link: www.mn.gov/puc/ |
| Public Utility Commission of Texas<br>1701 N. Congress Avenue<br>Austin, Texas 78711 | Phone: (512) 936-7120<br>Toll Free Phone: (888) 782-8477 or<br>Link: www.puc.texas.gov |
| Virginia State Corporation Commission<br>Tyler Building – 9th Floor<br>1300 East Main Street<br>Richmond, Virginia 23219 | Toll Free Phone: (800) 552-7945<br>Link: www.scc.virginia.gov/pages/utility-regulation |
| Washington Utilities and<br>Transportation Commission<br>621 Woodland Square Loop SE<br>Lacey, WA 98503 | Toll Free Phone: (888) 333-9882<br>Link: www.utc.wa.gov |

210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
www.fusionconnect.com

November 28, 2022

[redacted]

**Notice of Discontinuance**
**of Copper-based Internet Access and VoIP Services in California**
**Provided by Fusion Cloud Services, LLC**

Dear Customer:

**Fusion Cloud Services, LLC** ("we" or "us" or "our") regrets to inform you that, on or shortly after January 28, 2023 (the "Service Termination Date"), we will be discontinuing the provision of your copper-based Internet access and associated VoIP services at [redacted] (the "Affected Location").[1]

**We have identified a new service to replace your soon to be discontinued copper-based service at the Affected Location, in order to prevent service interruption, you must have a replacement service order placed by no later than December 28, 2022. However, as new construction may be required at the Affected Location, even if we receive your order by, December 28, 2022, we cannot guarantee that the replacement service will be available prior to the Services Termination Date. Please call your Migration Advisor at (888) 635-2221 to place this alternative service order.**

*Alternatively, you may choose to transition all of your services at the Affected Location to a new service provider before the Service Termination Date; in such case you will need to contact a new service provider of your choice to make such arrangements. There are a number of other choices available at the Affected Location.*

If you do not make appropriate arrangements prior to the Service Termination Date, you will experience a loss of service. **Specifically, if you currently receive voice service from us at the Affected Location, you will be unable to make local calls, including 911 emergency calls or any long-distance calls.** You will also lose any data services that you may have at the Affected

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1. The discontinuance of your service is part of a multi-state operational transition that we are implementing in 2022, involving service locations in the following states: California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Texas, Virginia and Washington as well as in the District of Columbia. In California, we are filing Advice Letter No. 74 with the California Public Utilities Commission ("CPUC") on November 30, 2022 for approval of the proposed discontinuance and you may submit objections to the Advice Letter. A copy of this Advice Letter may be obtained from the CPUC or by email request to Ron Sheehan at ronald.sheehan@fusionconnect.com.

Location. Further, should you fail to make appropriate arrangements prior to the Service Termination Date, you may not be able to keep your current telephone number(s). We urge you not to delay in arranging for new service.[2] *Important Note: If you arrange for new service before your service with us is terminated and wish to keep your current telephone number(s), please be sure to address this with your new service provider.*

We thank you for your past patronage and we remain committed to ensuring that your service transition is as smooth as possible.[3] If you have any further questions regarding the discontinuance of your services at the Affected Location(s), please contact Migration Advisor at **(888) 635-2221**.

Sincerely,

**Fusion Cloud Services, LLC**

**The Federal Communications Commission requires us to provide you with the following notice:**
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. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may 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 Fusion Cloud Services, 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.

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2. Information regarding alternative service providers is available online. Information may also be obtained from the CPUC at Toll Free Phone: (800) 649-7570, Link; www.cpuc.ca.gov.

3. We will pay the switching fees, if any, associated with the transfer of any regulated services to another service provider. If the Service Termination Date is not the last day of your billing cycle, if you migrate your services to an alternative service provider, we will issue you a refund check (within forty-five (45) days of the discontinuance) equal to the pro rata portion of the month for which prepayment was received but services were not provided.

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 2nd day of December, 2022 by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

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| Governor Gavin Newsom<br>1021 O Street, Suite 9000<br>Sacramento, CA 95814 | California Public Utility Commission<br>505 Van Ness Avenue<br>San Francisco, CA 94102 |
| Governor Jared Polis<br>State Capitol Building<br>200 E. Colfax Ave., Rm. 136<br>Denver, CO 80203 | Mr. Doug Dean<br>Colorado Public Utilities Commission<br>1560 Broadway, Suite 250<br>Denver, CO 80202 |
| Office of Mayor Muriel Bowser<br>John A. Wilson Building<br>1350 Pennsylvania Avenue, NW<br>Washington, DC 20004 | Public Service Commission of the District of Columbia<br>1325 G Street N.W., Suite 800<br>Washington, D.C. 20005 |
| Office of Governor Ron DeSantis<br>State of Florida<br>The Capitol<br>400 S. Monroe St.<br>Tallahassee, FL 32399-0001 | Mr. Adam Teitzman, Commission Clerk<br>Florida Public Service Commission<br>2540 Shumard Oak Blvd.<br>Tallahassee, FL 32399-0850 |
| Governor Brian P. Kemp<br>206 Washington Street<br>111 State Capitol<br>Atlanta, GA 30334 | Ms. Sallie Tanner<br>Executive Secretary<br>Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta GA, 30334-9052 |
| Office of the Governor<br>207 State House<br>Springfield, IL 62706 | Ms. Elizabeth Rolando<br>Chief Clerk's Office<br>Illinois Commerce Commission<br>527 E. Capitol Avenue, 8th Floor<br>Springfield, Illinois 62701 |
| Governor Charlie Baker's Office<br>Massachusetts State House<br>Office of the Governor, Room 280<br>24 Beacon St.<br>Boston, MA 02133 | Shonda D. Green<br>Department Secretary<br>Massachusetts Department of<br>Telecommunications and Cable<br>1000 Washington Street, Suite 600<br>Boston, MA 02118-6500 |

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| Governor Larry Hogan<br>100 State Circle<br>Annapolis, Maryland 21401-1925 | Andrew S. Johnston, Executive Secretary<br>Maryland Public Service Commission<br>6 St Paul St #1600<br>Baltimore, MD 21202 |
| Governor Gretchen Whitmer<br>P.O. Box 30013<br>Lansing, Michigan 48909 | Michigan Public Service Commission<br>7109 W. Saginaw Highway<br>Lansing, MI 48917 |
| Office of Governor Tim Walz<br>130 State Capitol<br>75 Rev Dr. Martin Luther King Jr. Blvd.<br>St. Paul, MN 55155 | Mr. Will Seuffert<br>Executive Secretary<br>Minnesota Public Utilities Commission<br>121 7th Place East, Suite 350<br>St. Paul, MN 55101 |
| Office of the Governor<br>State Insurance Building<br>1100 San Jacinto<br>Austin, Texas 78701 | Central Records Filing Clerk<br>Public Utility Commission of Texas<br>1701 N. Congress Avenue<br>Austin, Texas 78711 |
| Governor Glenn Youngkin<br>P.O. Box 1475<br>Richmond, VA 23218 | Bernard Logan, Clerk of the Commission<br>Virginia State Corporation Commission<br>Tyler Building – 9th Floor<br>1300 East Main Street<br>Richmond, Virginia 23219 |
| Governor Jay Inslee<br>Office of the Governor<br>PO Box 40002<br>Olympia, WA 98504-0002 | Washington Utilities and Transportation Commission<br>621 Woodland Square Loop SE<br>Lacey, WA 98503 |
| Secretary of Defense<br>Attn: Special Assistant for Telecommunications<br>Pentagon<br>Washington, D.C. 20301 | |



Winafred R. Brantl