

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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AUG 02 2010

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

_____)
In the Matter of)
Section 63.71 Application of)
Budget Call Long Distance, Inc.)

WC Docket No. _____

)
For Authority Pursuant to Section 214 of)
the Communications Act of 1934,)
To Discontinue the Provision of Service)
_____)

SECTION 63.71 APPLICATION OF BUDGET CALL LONG DISTANCE, INC.

Budget Call Long Distance, Inc. ("Budget Call" or "Applicant") seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214(a), and Section 63.71 of the Federal Communication Commission's ("Commission's") Rules, 47 C.F.R. § 63.71, to discontinue Budget Call's provision of domestic telecommunications services – namely, "dial-around" long distance calling services – to customers in 45 states.

Budget Call is a commercial reseller that provides dial-around long-distance telephone services. Budget Call is a corporation organized under the laws of the State of Delaware and is a wholly-owned indirect subsidiary of Global Crossing North America, Inc. Budget Call is authorized by the Commission to provide both interstate and international telecommunications services.

The proposed discontinuance will not result in harm to Budget Call's customers. As a dial-around service provider, Budget Call does not enter into contracts with or have other ongoing commitments to provide service to the customers who use Budget Call's services. Rather, Budget Call's customers are presubscribed to another long distance carrier and "dial-around" their presubscribed carrier to reach Budget Call's long distance service on an as-needed

basis to take advantage of Budget Call's long distance rates. All calls are billed through third-party billing services on the customer's local exchange carrier ("LEC") telephone bill. The discontinuance of Budget Call's dial-around service will not impact the ability of these customers to receive service from their existing LEC or presubscribed long distance carrier. Additionally, the dial-around services provided by many other carriers – e.g. Dial-Around Telecom, Inc., Telecom North America, Inc., and Total Call International, Inc., etc. – will still be available to customers.

Given the nature of Budget Call's business model as a dial-around service provider, Budget Call does not have customer contact lists or other information regarding its customers. Therefore, written notification by Budget Call to each affected customer is not possible. As such, pursuant to Section 63.71(a) of the Commission's Rules, good cause exists for using an alternate form of notice to customers. *See* 47 C.F.R. § 63.71(a).

As an alternative, Budget Call has recorded an automated audio message on its long-distance access code number to notify customers of the discontinuance of Budget Call's services. Budget Call will play the automated announcement for a period of 60 days before the discontinuation of service – from July 30, 2010 to September 30, 2010. An automated recorded message should serve as sufficient notice under the Commission's Rules to inform customers of the discontinuance of Budget Call's service. The Commission has previously granted an application for discontinuance where an audio recording served as a form of notice when individual written notification was impossible given customer anonymity. *See* AT&T Communications Application to Discontinue Interstate Sent-Paid Coin Service Granted, *Public Notice*, DA 01-2375, 16 FCC Rcd 18464, 18465, 18468 (Oct. 15, 2001) (granting AT&T's application for discontinuance and approving a transition plan that includes an "automated announcement" as a form of customer notice); *see also* AT&T Communications Application to

Discontinue Interstate Sent-Paid Coin Service Not Automatically Granted, *Public Notice*, DA 01-1870, 16 FCC Rcd 14935 (Aug. 3, 2001). Considering the nature of Budget Call's service, Budget Call's customers and the public are adequately protected by this form of notice.

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

1. Name and Address of the Carrier: Budget Call Long Distance, Inc. is located at 225 Kenneth Drive, Rochester, New York 14623.
2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue service on September 30, 2010, or as soon thereafter as any necessary regulatory approvals are obtained. Applicant understands that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the Applicant to the contrary. See 47 C.F.R. § 63.71(c).
3. Points of Geographic Areas of Service Affected: Applicant proposes to discontinue service in the states of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.
4. Brief Description of Type of Service Affected: Applicant proposes to discontinue its provision of dial-around long-distance telephone services.
5. Brief Description of the Dates and Methods of Notice to All Affected Customers: Budget Call has recorded an automated audio message on its long-distance carrier access code, which notifies customers that Budget Call will no longer provide dial-around long-

distance services. Budget Call will play the automated announcement for a period of 60 days before the discontinuation of service – from July 30, 2010 to September 30, 2010.

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(a) of the Commission's Rules, 47 C.F.R. § 63.71(a), a copy of this Application is being mailed concurrently with the filing of this application to the Governors and public utility commissions of the states of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming and to the Special Assistant for Telecommunications for the Secretary of Defense.

Additional questions regarding this application may be addressed to the undersigned counsel of record.

Respectfully submitted,

BUDGET CALL LONG DISTANCE, INC.

By: 

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Its Attorney

Dated: July 30, 2010

CERTIFICATE OF SERVICE

I, Christopher S. Koves, hereby certify that on the 30th day of July 2010, I served a true and correct copy of the foregoing Section 63.71 Application by U.S. Mail, postage prepaid, to the following parties:

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