# Morgan Lewis

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## RECEIVED

## MAR 2 0 2017 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

March 17, 2017

#### VIA ECFS

Marlene Dortch, Secretary Office of the Secretary Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

#### Re: Section 63.71 Application of ANPI Business, LLC

Dear Secretary Dortch:

On behalf of ANPI Business, LLC ("Applicant"), attached for filing is an Application regarding Applicant's planned discontinuance of all residential long distance services on June 1, 2017.

Should you have any questions concerning this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,

## /s/ Brett P. Ferenchak

Russell M. Blau Brett Ferenchak

Counsel to ANPI Business, LLC

#### Morgan, Lewis & Bockius LLP

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

In the Matter of

Section 63.71 Application of ANPI Business, LLC

WC Docket No. 17-\_\_\_\_

#### **SECTION 63.71 APPLICATION**

ANPI Business, LLC ("Applicant"), hereby seeks authorization pursuant to Section 214(a) of the Communication Act of 1934, as amended, and 47 C.F.R. Section 63.71, to discontinue the provision of all residential long distance services,<sup>1</sup> including but not limited to 1+, MTS and toll free services, throughout the United States. The proposed discontinuance will not result in material harm to the affected customers because they easily can obtain alternative services from other wireline interexchange carriers or other providers such as interconnected voice over Internet protocol providers.

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

1. Name and Address of Carrier:

ANPI Business, LLC 2300 Berkshire Lane North, Suite 4 Minneapolis, MN 55441

<sup>1</sup> Since some small businesses may receive residential long distance services, the discontinuance may also affect certain small businesses customers in addition to residential customers.

#### 2. Date of Planned Service Discontinuance, Reduction or Impairment:

Applicant plans to discontinue providing residential long distance services as of June 1, 2017, or as soon thereafter as Commission approval can be obtained. Applicant's largest underlying provider, Sprint Communications Company L.P. ("Sprint"), has notified Applicant that the services that Applicant uses to provide long distance services to Applicant's customers will not be available beyond June 2017.<sup>2</sup> Therefore, it is critical that this Application be approved to allow Applicant to discontinue residential long distance services as of June 1, 2017.

#### 3. Points of Geographic Areas of Service Affected:

Applicant is discontinuing residential long distance services throughout the United States. Specifically, the proposed discontinuance will affect approximately 2,266 customers located in the District of Columbia and every state except Alaska, Hawaii, North Dakota and South Dakota.

#### 4. <u>Brief Description of Types of Service Affected</u>:

Applicant intends to discontinue all residential long distance services, including but not limited to 1+, MTS and Toll Free services. Since some small businesses may receive the affected residential long distance product, the discontinuance may also affect certain small businesses customers. Applicant will continue to provide services to other non-residential customers. Applicant is separate filing a notification with respect to its discontinuance of international long distance services to residential (and certain small business) customers.

#### 5. Brief Description of Dates and Methods of Notice to All Affected Customers:

Applicant provided written customer notice of the planned discontinuance in accordance with the requirements of Section 63.71(a) of the Commission's Rules. The notice was sent to all affected customers via first class mail on March 17, 2017. A copy of the notice is appended hereto as

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Applicant uses Sprint's services to serve about half of the affected customers.

Exhibit A. A copy of this Application has also been sent to the relevant state regulatory agencies, governors' offices and the Department of Defense, as required under Section 63.71, concurrent with this filing, as set forth in the attached Certificate of Service. Customers in certain states may be provided additional notice(s) of the discontinuance in compliance with state law.

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#### 6. <u>Non-Dominance of the Carrier With Respect to the Service to be Discontinued:</u>

Applicant is non-dominant with respect to the services to be discontinued.

WHEREFORE, Applicant believes that the proposed discontinuance is reasonable and necessary. Applicant will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. Pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U. S. C. Section 214, and Section 63.71 of the Commission's Rules, Applicant understands that this application will be automatically granted on the 31<sup>st</sup> day after the Public Notice is released, with no Commission notification to the Applicant, unless the Commission has notified the company that the grant will not be automatically effective.

Respectfully submitted,

#### By: /s/ Brett P. Ferenchak

Russell M. Blau Brett P. Ferenchak MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, N.W. Washington, DC 20004-2541 202-739-3000 (Tel) 202-739-3001 (Fax) russell.blau@morganlewis.com brett.ferenchak@morganlewis.com

Counsel to Applicant

Dated: March 17, 2017

## <u>Exhibit A</u>

### **Customer Notice**

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2300 Berkshire Lane North, Suite 4 Minneapolis, MN 55441



#### NOTICE OF LONG DISTANCE SERVICES DISCONTINUANCE DO NOT DISREGARD THIS NOTICE

March 17, 2017

RE: Account #[Customer Acct # here]

Dear Customer:

We regret to inform you that ANPI Business, LLC will be discontinuing all <u>residential</u> long distance services (including such services provided to small businesses). As a result, your ANPI Business, LLC service(s), including intrastate, interstate and international long distance services, will be discontinued on or after June 1, 2017, subject to regulatory approval.

Please take action in selecting a new carrier as soon as possible to avoid any interruption of your long distance service. We urge you not to delay in arranging for a new long distance service provider, as some providers may require several days or weeks to initiate new services. To help avoid any lapses in service, please check carefully that all long distance services you currently receive from ANPI Business, LLC, along with any toll free numbers that are assigned to you, are moved to your new provider. If you are not certain of your options for obtaining replacement pre-subscribed long distance service, you should contact your local telephone service provider and ask which carriers are accepting pre-subscribed customers. You may also contact any of the service provider" in your area should provide you with several alternatives.

Please be aware that you are responsible for paying for all services provided to you by ANPI Business, LLC during the transition. You may be subject to suspension or termination of your long distance service in accordance with applicable contracts, tariffs, and rules if you fail to pay your long distance bills. So that we stop sending you invoices, please let us know as soon as you have switched to a new long distance provider by sending an email to <u>care@voyant.com</u>.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

"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 ANPI Business LLC. Comments should include specific information about the impact of this proposed discontinuance upon you, including any inability to acquire reasonable substitute service."

ANPI Business, LLC is pleased to have had the opportunity to serve you, and remains committed to making your long distance service transition as smooth as possible. If you have any questions regarding our discontinuance of long distance services, please contact Customer Service at 1-800-262-9043.

Sincerely yours, ANPI Business, LLC Customer Service

#### **VERIFICATION**

I, Scott Sawyer, state that I am General Counsel and Secretary of ANPI Business, LLC, the Applicant in the foregoing *Section 63.71 Application of ANPI Business, LLC*; that I am authorized to make this Verification on behalf of Applicant; that I have read the foregoing Application and know the contents thereof; and that the same are true and correct to the best of my knowledge, information and belief and are made in good faith.

I declare under penalty of perjury that the foregoing is true and correct. Executed this day of 3/17/2017.

#### ANPI Business, LLC

— Docusigned by: Scott Sawycr — CF60854175481405......

By: Scott Sawyer Title: General Counsel and Secretary

#### **CERTIFICATE OF SERVICE**

I, Brett P. Ferenchak, certify that on this 17th day of March, 2017, the foregoing Section

63.71 Application of ANPI Business, LLC was sent via first class mail, postage prepaid, to the

following persons listed below.

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

Governor Doug Ducey Office of the Governor State Capitol 1700 West Washington Street Phoenix, AZ 85007

Governor Asa Hutchinson Office of the Governor State Capitol 500 Woodlane Street Little Rock, AR 72201

Governor Jerry Brown Office of the Governor State Capitol Suite 1173 Sacramento, CA 95814

Governor John Hickenlooper Office of the Governor State Capitol 200 E. Colfax Avenue Denver, CO 80203

Governor Dannel P. Malloy Office of the Governor State Capitol 210 Capitol Avenue Hartford, CT 06106

Governor John Carney Office of the Governor Tatnall Building 150 Martin Luther King Jr. Blvd. South Dover, DE 19901 Alabama Public Service Commission RSA Building, 100 N. Union Street, Room 850 Montgomery, AL 36104-3719 ſ

Arizona Corporation Commission Utilities Division 1200 W. Washington Street Phoenix, AZ 85007-2927

Arkansas Public Service Commission 1000 Center Street Little Rock, AR 72201-4300

California Public Utilities Commission California State Building 505 Van Ness Avenue San Francisco, CA 94102-3298

Colorado Public Utilities Commission 1560 Broadway, Suite 250 Denver, CO 80202

Connecticut Public Utilities Regulatory Authority 10 Franklin Square New Britain, CT 06051

Delaware Public Service Commission Cannon Building 861 Silver Lake Boulevard Suite 100 Dover, DE 19904

Certificate of Service – Page 1

Governor Rick Scott Office of the Governor State Capitol 400 S. Monroe Street Tallahassee, FL 32399-0001

Governor Nathan Deal Office of the Governor State Capitol 206 Washington Street 111 State Capitol Atlanta, GA 30334

Governor C.L. Otter Office of the Governor State Capitol P.O. Box 83720 Boise, ID 83720

Governor Bruce Rauner Office of the Governor State Capitol 207 State House Springfield, IL 62706

Governor Eric J. Holcomb Office of the Governor State Capitol 200 W. Washington Street Indianapolis, IN 46204

Governor Terry Branstad Office of the Governor State Capitol 1007 East Grand Avenue Des Moines, IA 50319

Governor Sam Brownback Office of the Governor State Capitol 300 SW 10th Avenue Suite 212S Topeka, KS 66612-1590

Governor Matt Bevin Office of the Governor State Capitol 700 Capitol Avenue, Suite 100 Frankfort, KY 40601 Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Georgia Public Service Commission 244 Washington Street, S.W. Atlanta, GA 30334

Idaho Public Utilities Commission 472 W. Washington Street Boise, ID 83702

Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701

Indiana Utility Regulatory Commission National City Center 101 W. Washington Street Suite 1500 East Indianapolis, IN 46204

Iowa Utilities Board 1375 E. Court Avenue, RM 69 Des Moines, Iowa 50319-0069

Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, KS 66604-4027

Kentucky Public Service Commission 211 Sower Boulevard Frankfort, KY 40602-8294

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Governor John Bel Edwards Office of the Governor State Capitol P.O. Box 94004 Baton Rouge, LA 70804

Governor Paul R. LePage Office of the Governor State Capitol #1 State House Station Augusta, ME 04333-0001

Governor Larry Hogan Office of the Governor State Capitol 100 State Circle Annapolis, MD 21401

Governor Charlie Baker Office of the Governor Massachusetts State House Room 280 Boston, MA 02133

Governor Rick Snyder Office of the Governor State Capitol P.O. Box 30013 Lansing, MI 48909

Governor Mark Dayton Office of the Governor 130 State Capitol 75 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155

Governor Phil Bryant Office of the Governor State Capitol P.O. Box 139 Jackson, MS 39205

Governor Jay Nixon Office of the Governor Capitol Building, Room 218 P.O. Box 720 Jefferson City, MO 65102 Louisiana Public Service Commission Galvez Building, 12th Floor 602 North Fifth Street P.O. Box 91154 Baton Rouge, LA 70821-9154

Maine Public Utilities Commission 242 State Street 18 State House Station Augusta, ME 04333-0018

Maryland Public Service Commission 6 St. Paul Street William Donald Schaefer Tower Baltimore, MD 21202

Massachusetts Department of Telecommunications and Cable 1000 Washington Street, Suite 820 Boston, MA 02118-6500

Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, MI 48911

Minnesota Public Utilities Commission 121 Seventh Place East Suite 350 St. Paul, MN 55101-2147

Mississippi Public Service Commission 501 North West Street Suite 201-A Woolfolk State Office Building Jackson, MS 39201

Missouri Public Service Commission 200 Madison Street POB 360 Jefferson City, MO 65101-0360 Governor Steve Bullock Office of the Governor State Capitol P.O. Box 200801 Helena, MT 59620-0801

Governor Pete Ricketts Office of the Governor State Capitol Office of the Governor P.O. Box 94848 Lincoln, NE 68509-4848

Governor Brian Sandoval Office of the Governor State Capitol Building 101 N. Carson Street Carson City, NV 89701

Governor Chris Sununu Office of the Governor State House 107 North Main Street Concord, NH 03301

Governor Chris Christie Office of the Governor State Capitol P.O. Box 001 Trenton, NJ 08625

Governor Susana Martinez Office of the Governor State Capitol 490 Old Santa Fe Trail Room 400 Santa Fe, NM 87501

Governor Andrew M. Cuomo Office of the Governor NYS State Capitol Building Albany, NY 12224

Governor Roy Cooper Office of the Governor State Capitol 20301 Mail Service Center Raleigh, NC 27699-0301 Montana Public Service Commission 1701 Prospect Avenue Helena, MT 59601-4500

Nebraska Public Service Commission 300 The Atrium 1200 N Street Lincoln, NE 68508

Public Utilities Commission of Nevada 1150 E. William Street Carson City, NV 89701-3109

New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301-2429

New Jersey Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, NJ 08625-0350

New Mexico Public Regulation Commission P.E.R.A. Building 1120 Paseo De Peralta Santa Fe, NM 87501

New York Public Service Commission Agency Building 3 Three Empire State Plaza Albany, NY 12223-1350

North Carolina Utilities Commission 430 North Salisbury Street Dobbs Building Raleigh, NC 27603-5918 Governor John R. Kasich Office of the Governor State Capitol Riffe Center, 30th Floor 77 South High Street Columbus, OH 43215-6117

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

Governor Kate Brown Office of the Governor State Capitol Building 900 Court Street NE, 160 Salem, OR 97301

Governor Tom Wolf Office of the Governor State Capitol 508 Main Capitol Building Harrisburg, PA 1710

Governor Gina M. Raimondo Office of the Governor State Capitol 82 Smith Street Providence, RI 02903

Governor Henry McMaster Office of the Governor State House 1100 Gervais Street Columbia, SC 29201

Governor Bill Haslam Office of the Governor State Capitol 600 Charlotte Avenue, 1st Floor Nashville, TN 37243 Public Utilities Commission of Ohio 180 E. Broad Street Columbus, OH 43215-3793

Oklahoma Corporation Commission 2101 N. Lincoln Blvd. Jim Thorpe Office Building Oklahoma City, OK 73105

Oregon Public Utility Commission 201 High St SE, Suite 100 Salem, OR 97301

Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120

Rhode Island Public Utilities Commission 89 Jefferson Boulevard Warwick, RI 02888-1046

Public Service Commission of South Carolina Saluda Building 101 Executive Center Drive, Suite 100 Columbia, SC 29210

Tennessee Regulatory Authority Andrew Jackson State Office Building, 4th Floor 502 Deaderick Street, 4th Floor Nashville, TN 37243 Governor Greg Abbott Office of the Governor State Capital P.O. Box 12428 Austin, TX 78711

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Governor Gary Herbert Office of the Governor State Capitol 350 North State Street, Suite 200 P.O. Box 142220 Salt Lake City, UT 84114-2220

Governor Phil Scott Office of the Governor State Capitol 109 State Street, Pavilion Montpelier, VT 05609

Governor Terry McAuliffe Office of the Governor State Capitol P.O. Box 1475 Richmond, VA 23218

Governor Jay Inslee Office of the Governor State Capitol P.O. Box 40002 Olympia, WA 98504-0002

Governor Jim Justice Office of the Governor State Capitol 1900 Kanawha Blvd. E Charleston, WV 25305

Governor Scott Walker Office of the Governor State Capitol 2 E Main Street Madison, WI 53702-0100

Governor Matt Mead Office of the Governor Idelman Mansion 2323 Carey Ave. Cheyenne, WY 82002-0010 Public Utility Commission of Texas 1701 N. Congress Avenue Austin, Texas 78711-3326

Public Service Commission of Utah Heber M. Wells Building, 4th Floor 160 East 300 South Salt Lake City, UT 84111

Vermont Department of Public Service 112 State Street Third Floor Montpelier, VT • 05620-2601

Virginia State Corporation Commission Tyler Building 1300 East Main Street Richmond, VA 23219

Washington Utilities and Transportation Commission1300 South Evergreen Park Drive, S.W.Olympia, WA 98504

Public Service Commission of West Virginia 201 Brooks Street Charleston, West Virginia 25301

Public Service Commission of Wisconsin 610 N. Whitney Way Madison, WI 53705-2750

Wyoming Public Service Commission 2515 Warren Avenue, Suite 300 Cheyenne, WY 82002 Secretary of Defense Attn: Special Assistant for Telecommunications Pentagon Washington, D.C. 20301

/s/ Brett P. Ferenchak Brett P. Ferenchak