

RECEIVED

JAN 29 2024

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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

_____)	
In the Matter of)	
)	
Section 63.71 Application of)	
Mitel Cloud Services Inc.)	WC Docket No. 24-____
)	
For Authority Pursuant to Section 214 of)	
the Communications Act of 1934, as)	
amended, to Discontinue the Provision of)	
Hosted Business Interconnected VoIP services.))	

SECTION 63.71 APPLICATION OF MITEL CLOUD SERVICES INC.

Mitel Cloud Services Inc. ("Applicant") seeks authorization 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 Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, to discontinuance certain hosted business interconnected voice over Internet protocol ("VoIP") services ("Services") in all states and jurisdictions where the Services are offered.

Applicant submits the following information pursuant to Section 63.71 of the Commission's rules:

1. Name and Address of the Carrier

Mitel Cloud Services Inc.
1146 North Alma School Rd.
Mesa, AZ 85201

2. Date of Planned Service Discontinuance

On June 30, 2024, subject to receipt of the necessary regulatory approvals, Applicant will discontinue provision of the Service to all customers. Applicant will allow existing customers to continue to add capacity or renew their contracts through June 30, 2024; however, all Services will be disconnected on June 30, 2024.

3. Points of Geographic Areas of Service Affected

Throughout the United States, including the District of Columbia and Puerto Rico.

4. Description of Services Affected

Applicant is discontinuing its MiCloud Hospitality service, which includes interconnected VoIP service.

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

On or before December 21, 2023, Mitel provided customers notice via email of the end of life/discontinuance of MiCloud Hospitality service effective June 30, 2024. A sample of the notice provided to customers is attached to this application as Attachment A.

On January 25, 2024, Applicant sent copies of this Application via electronic mail or First-Class Mail to the public utility commission and to the Governor of each affected state, federally- recognized tribal nations in each state, and the Secretary of Defense, Attention Special Assistant for Telecommunications, as required by Section 63.71(a) of the Commission's rules.

6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued.

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

CONCLUSION

The public convenience and necessity will not be adversely affected by the discontinuance of the services described herein. Therefore, Applicant respectfully requests that the Commission approve this Section 63.71 application and permit Applicant to discontinue its MiCloud Business services effective June 30, 2024.

Respectfully submitted,

Mitel Cloud Services Inc.

By: /S/ Michael P. Donahue
Michael P. Donahue
Marashlian & Donahue, PLLC
The CommLaw Group
1430 Spring Hill Road, Suite 310
Tysons, Virginia 22102
Tel: 703-714-1319
Email: mpd@CommLawGroup.com

Counsel for Mitel Cloud Services Inc.

Dated: January 25, 2024

Attachment A



Dear Mitel Customer,

We appreciate your continued business.

This email is your notice of Mitel's: (I) End of Life (EoL) of MiCloud Hospitality in the United States, and (II) termination of your MiCloud Hospitality Service Term (as defined in the Global Terms of Service (GTOS)). Pursuant to Section 16.9 of your GTOS, subject to regulatory approvals, your Service Term will terminate effective 11:59 PM EST June 30, 2024 (the "EoL Date"). After the EoL Date, Mitel will discontinue (decommission and disconnect) MiCloud Business services throughout the United States, including the District of Columbia and Puerto Rico¹. All customers must find alternative service prior to the EoL Date to avoid service disruption.

BEYOND THE EOL DATE, YOU WILL NOT BE ABLE TO ACCESS ANY OF THE FEATURES OF MICLOUD HOSPITALITY AND WILL LOSE ACCESS TO ANY DATA STORED THEREIN WHICH WILL BE PERMANENTLY DELETED IN ACCORDANCE WITH THE GTOS. AFTER THE EOL DATE, YOU WILL NO LONGER BE ABLE TO MAKE OR RECEIVE PHONE CALLS ON MICLOUD BUSINESS. CUSTOMERS SHOULD EXPORT ANY REPORTS, CALL RECORDINGS, OR OTHER DATA BEFORE THE EOL DATE, AS NEEDED. IN ADDITION, AFTER THE EOL DATE, YOU WILL NO LONGER BE ABLE TO PORT YOUR PHONE NUMBERS.

Customers must consider this and ensure sufficient lead time to complete number porting prior to the EoL date. For guidance, Mitel suggests you allow up to 45 days for the transfer of your phone numbers. Notwithstanding, customers should work with their new provider to identify timelines and processes required for porting phone numbers. Please be aware that you may experience temporary service interruptions between June 1 and June 30, 2024, as Mitel makes changes to the system before it turns down this platform. Mitel will endeavor to provide as much notice as possible to customers if and when this were to happen.

We know how vital it is for you to provide the best guest experience while making it as efficient and smooth as possible for your staff to run their daily activities. Whether you are a big hotel in a bustling city square or a series of cottages by a peaceful lake, having flexible and secure communications and collaboration tools are at the heart of the positive experience so crucial to your business. Customers are encouraged to contact their Mitel Partner to discuss their options.

Frequently Asked Questions

1. Why is Mitel announcing the End of Life of MiCloud Hospitality?

The MiCloud Hospitality solution is currently in sustain-only mode, and as such, Mitel has no longer invested in developing new capabilities for our MiCloud Hospitality customers. However, Mitel can offer existing MiCloud Hospitality customers new service options through your Mitel Partner.

2. As an existing customer, will I be able to add services or a new location to my account?

At this time, Mitel will allow customers to add capacity to their existing services. While service will continue until the EoL Date, all customers must find and complete migration to an alternative service prior to this date. Subject to regulatory approvals, services will be disconnected after the EoL Date.

3. Who should I contact for more information?

Customers are encouraged to contact their Mitel Partner.

4. I have a term left in my contract. Will I be charged an early termination fee?

You will not be liable for any Service Fees or Early Termination Fees in respect of any period after the EoL Date and, to the extent that you have prepaid any Service Fees in respect to any period after the EoL Date, Mitel will refund you the Service Fees paid by you in respect of such period.

Any customer that chooses RingCentral, in conjunction with the strategic partnership with Mitel, for their new service provider, Mitel will also waive any Early Termination Fees for any period prior to the EoL Date.

5. My current contract ends prior to the EoL. I am not able to find a replacement service prior to my current contract end date. Will I be able to renew?

Contracts ending prior to the EoL will continue to automatically renew per the Global Terms of Service unless notified otherwise. However, renewal of a contract will not change the EoL date. All services will be disconnected after the EoL Date.

6. I have signed for new service, when should I submit to my new provider to transfer my existing phone numbers?

For guidance, Mitel suggests you allow 45 days for transfer of your phone numbers. Notwithstanding, customers should work with the new provider to identify timelines and processes required for porting phone numbers.

7. I am not the decision maker for my company. What actions are required from me for this important announcement?

Recipients of this letter should ensure it reaches the appropriate decision maker for their company. Customers can update their decision maker contact by contacting Mitel Support.

¹ The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) 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 Mitel Cloud Services, Inc. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

CERTIFICATE OF SERVICE

I, Michael P. Donahue, do hereby certify that I have caused the foregoing **SECTION 63.71**

APPLICATION to be:

- 1) Filed with the Secretary of the FCC via ECFS;
- 2) Served via first-class U.S. Mail, postage prepaid, on the Governors of the States and territories listed on the attached service list;
- 3) Served via first-class U.S. Mail, postage prepaid, on the Public Utility Commissions listed on the attached service list;
- 4) Served via first-class U.S. Mail, postage prepaid, or via email on the Regulatory Authority for the Tribal Nations listed on the attached services list; and
- 5) Served via first-class U.S. Mail, postage prepaid, on the Special Assistant for Telecommunications under the Secretary of Defense¹.

/s/ Michael P. Donahue
Michael P. Donahue
Marashlian & Donahue, PLLC
The CommLaw Group
1430 Spring Hill Road, Suite 310
Tysons, Virginia 22102
Tel: 703-714-1319
Email: mpd@CommLawGroup.com

Counsel for Mitel Cloud Services Inc.

Dated: January 25, 2024

¹ Section 63.71(a) directs applicants to submit a copy of the application to the Secretary of Defense, Special Assistant for Telecommunications. However, due to restructuring within the Department of Defense, the position no longer exists. Commission staff has advised that a copy of the application be sent instead to the Department of Defense Chief Information Officer.