

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

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File No. DEC 13 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)
TCI WIRELESS, INC.)
For Authority Under Section 214)
of the Communications Act of 1934,)
as Amended, to Discontinue Service)
Via Coast Station KCK (Hilo, Hawaii))

APPLICATION

TCI Wireless, Inc. ("TCIW") hereby requests authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.19(a) of the Commission's rules, 47 C.F.R. § 63.19(a), to discontinue service via coast station KCK (Hilo, Hawaii).

The Commission granted TCIW Section 214 authority to provide international services via coast station KCK on October 29, 1998. Overseas Common Carrier Section 214 Applications and Section 310(b)(4) Actions Taken, Report No. TEL-00024 (released October 29, 1998). KCK was placed into operation on August 13, 1998. TCIW is a non-dominant international carrier as that term is defined in Section 63.10 of the Commission's rules.

The standard for assessing a request for authority to discontinue service is set forth in Section 214 of the Communications Act, which provides that the Commission may grant such a request upon a finding that "neither the present nor the future public convenience will be adversely affected" by discontinuance of service. The Commission's assessment of whether this test has been met involves a balancing of the financial burden that would be imposed upon the applicant by continuing to offer service with the needs of the users of the discontinued service. AT&T Corporation, Memorandum Opinion and Order, File No. ITC-MS-C-19981229-00905, DA 99-1567 (released August 9, 1999), at ¶ 7.

Permitting TCIW to discontinue service satisfies the Section 214 test. The market for high seas services is shrinking, and TCIW's ability to serve that market is limited by the fact that it holds only a single coast station license, for a site outside the contiguous United States, authorizing communications on most of its authorized frequencies solely

on a secondary basis. Based upon this and other considerations, TCIW recently has decided to refocus its business pursuits and no longer intends to offer communications services, including high seas services. Under these circumstances, it would impose an unreasonable financial burden on TCIW to force it to continue to serve the high seas market.

Equally importantly, TCIW has not yet provided service to any customers via coast station KCK. Thus, there are no customers who rely upon TCIW for high seas service. Even if there were, the Commission recently concluded that reasonable available alternatives exist for high seas customers. *AT&T Corporation, supra*, at ¶ 8. Granting this application thus will not adversely affect users of high seas services.

TCIW has not issued customer notifications pursuant to 47 C.F.R. § 63.19(a)(1) because, as noted above, TCIW is not currently providing service to any customers.

For the reasons set forth above, TCIW respectfully requests that the Commission grant this application.

Respectfully submitted,
TCI WIRELESS, INC.

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December 13, 1999
[date]