

Jeffrey A. Marks
Direct Dial: (202) 637-2120
jeffrey.marks@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200 Fax: (202) 637-2201
www.lw.com

LATHAM & WATKINS LLP

RECEIVED

JUL - 2 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FIRM / AFFILIATE OFFICES
Boston New Jersey
Brussels New York
Chicago Northern Virginia
Frankfurt Orange County
Hamburg Paris
Hong Kong San Diego
London San Francisco
Los Angeles Silicon Valley
Milan Singapore
Moscow Tokyo
Washington, D.C.

RECEIVED

JUL 0 8 2003

Policy Division
International Bureau

July 2, 2003

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
ATTN: International Bureau, Policy Division

Int'l Bureau

JUL 0 3 2003

Front Office

COPY

Re: Dunn & Associates, Inc. d/b/a Boulevard Phone Company, Surrender of
International Section 214 Authorization (File No. ITC-214-19990701-00441)
Dear Secretary Dortch:

Pursuant to Section 63.19(a) of the Commission's rules, Dunn & Associates, Inc. d/b/a Boulevard Phone Company ("Dunn") (FRN# 0003732351), a non-dominant carrier, through its undersigned counsel, hereby notifies the Commission that it intends to **discontinue** offering international services and surrender its international Section 214 authorization.¹ Dunn is authorized to provide international services pursuant to File No. ITC-214-19990701-00441.

Dunn currently has no customers for any services, including international services, and has had no customers for more than one year. In December 2001, in consultation with the Kansas Corporation Commission ("KCC") and consistent with Section 63.19(a)(1) of the Commission's rules, Dunn gave each affected customer 90-days notice of its intent to cease providing shared tenant services and worked with each of them to effect a transition to an alternative provider. At that time, Dunn provided telecommunications services to a total of 23 business customers located in a single office complex in Overland Park, Kansas. Dunn's December 10, 2001 letter notification to the KCC regarding the 90-day transitioning process is attached hereto as Exhibit A and a copy of the KCC order approving discontinuance is attached as Exhibit B.

At the time of the migration, Dunn consulted with the KCC, and observed all applicable KCC requirements. Subsequent to Dunn's parent company's recent restructuring and

¹ Although Dunn, a wholly owned subsidiary of Birch Telecom, Inc. ("Birch"), is surrendering its international Section 214 authority, three other Birch subsidiaries provide international services pursuant to File Number ITC-214-19990701-00441. Thus, Dunn requests that File Number ITC-214-19990701-00441 remain active for these other Birch subsidiaries.

LATHAM & WATKINS LLP

subsequent merger, Dunn discovered that it inadvertently had not yet provided the required notice to the Commission, and Dunn therefore does so at this time.² Dunn apologizes for the delay associated with this filing. Dunn did not retain records of, and has been unable to locate, its notification to customers and, therefore, respectfully requests that the Commission accept Exhibits A and B as satisfying Dunn's obligation under Section 63.19(a)(2) to file with the Commission a copy of its customer notification on or after the date that notice has been given to all affected customers.

Please contact the undersigned if you have any questions regarding this matter.

Sincerely yours,



Jeffrey A. Marks
of LATHAM & WATKINS LLP

cc: Mr. George Li
Ms. Susan O'Connell

² Dunn's current parent company, Birch Telecom, Inc. completed a corporate reorganization in September of 2002 and completed a merger with another competitive telecommunications provider in March 2003. Both transactions were approved by the Commission. See DA No. 03-281 (rel. Jan. 30, 2003) (restructuring); DA No. 03-765 (rel. Mar. 13, 2003) (merger).

EXHIBIT A

Staff Assignment: Christine Aarnes

In the Matter of Business Communication
Services, Inc. Filing to Cease It's Share
Tenant Services Effective March 31, 2002.

)
)
)
)
)

Docket No.
02-STST-447-CCS

FILE DATE: December 12, 2001



2001.12.17 14:41:12
Kansas Corporation Commission
/s/ Jeffery S. Wassaman

TD

December 10, 2001

VIA US MAIL

Mr. Thomas Behner,
Assistant Chief of Telecommunications
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604-2425

02-STST-447-CCS

Re: Discontinuation of Shared Tenant Services Provided by Dunn & Associates, Inc. dba
Boulevard Phone Company . 192, 510-4

Dear Mr. Behner:

Boulevard Phone Company, a dba of Dunn & Associates, Inc., which is a wholly-owned subsidiary of Birch Telecom, Inc., currently serves 23 shared tenant customers in the state of Kansas, all within the city of Overland Park. Boulevard provides only shared tenant services. Boulevard has recently determined that it is no longer profitable to provide shared tenant services in this market, and for this reason it desires to discontinue its business entirely. To this end, Boulevard has contacted each customer and is currently working out arrangements to allow customers to convert to Birch Telecom of Kansas, Inc.'s UNE-P network or select and convert to another telecommunications provider. Following conversion of all customers to Birch or an alternative provider, Dunn & Associates plans to cease conducting business.

Boulevard is sending out a letter to each customer allowing them ninety (90) days to make alternate arrangements before Boulevard will cease providing services on March 31, 2002. Since there are other options in this market in addition to service provided by either Boulevard or Birch, and since this represents a small number of customers, it is Boulevard's view that closing this business will not have an adverse impact on the customers or the market.

If you should have any questions about this matter, or wish to discuss this further, please contact me at (816) 300-3322. Thank you for your ongoing support.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Christopher Bunce".

Christopher Bunce
Regulatory Counsel

STATE CORPORATION COMMISSION

DEC 12 2001

UTILITIES DIVISION

EXHIBIT B

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
Cynthia L. Claus
Brian J. Moline

In the Matter of Dunn & Associates, Inc., d/b/a)
Boulevard Phone Co, (formerly d/b/a Business)
Communication Services, Inc.) Filing to Cease) Docket No. 02-STST-447-CCS
Its Shared Tenant Services Effective March)
31, 2002.)

ORDER

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On April 3, 1995, Dunn & Associates, Inc., d/b/a Boulevard Phone Co, formerly d/b/a Business Communication Services, Inc. ("Dunn & Associates") filed an application requesting approval to operate as a Shared Tenant Services ("STS") provider. Dunn & Associates applied for permission to resell local telephone service to the tenants of the Financial Plaza Office Complex, 6800 College Blvd., Overland Park, Kansas.
2. On July 6, 1995, the Commission issued an order approving Dunn & Associates' application to resell local telephone service, STS, to the tenants of Financial Plaza Office Complex.
3. On December 12, 2001, Dunn & Associates, a wholly-owned subsidiary of Birch Telecom, Inc. ("Birch"), filed a request to cease its STS in the State of Kansas.
4. On January 8, 2002 the Commission received a memorandum from Commission staff ("Staff") recommending the Commission grant Dunn & Associates' request to cease its STS in the State of Kansas. Staff indicated that Dunn & Associates currently serves twenty-three shared tenant customers in the State of Kansas and that the company recently determined that it was no longer profitable to provide STS in this market, and therefore, wishes to discontinue its business. Further,

Staff indicated that the company has contacted each customer and is currently working out arrangements to allow customers to convert to Birch's network or select and convert to another telecommunications provider. Following conversion of all customers to Birch or an alternative provider, Dunn & Associates intends to cease conducting business. Dunn & Associates has mailed a letter to each customer allowing ninety days to make alternative telecommunications arrangements before it ceases providing service on March 31, 2002. Staff stated it has no concerns with this filing.

5. The Commission finds that the request of Dunn & Associates, Inc. to cease operations as a Shared Tenant Services provider within the State of Kansas should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The request of Dunn & Associates, Inc., d/b/a Boulevard Phone Co, formerly d/b/a Business Communication Services, Inc., to cease operations as a Shared Tenant Services provider within the State of Kansas is hereby granted, effective March 31, 2002.

B. Any party may file a petition for reconsideration of this order within fifteen days of the date this order is served. If service is by mail, service is complete upon mailing and three days may be added to the above time frame.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Com.; Moline, Com.

Dated: JAN 29 2002

ORDER MAILED

JAN 30 2002


Executive Director

Jeffrey S. Wagaman
Executive Director

RLl:mm