

# Morgan Lewis

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December 2, 2019

## **VIA IBFS**

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

**Attn: International Bureau**

Re: XFone USA, LLC (ITC-214-20040706-00251)  
Notification of Discontinuance of Certain International Telecommunication Services

Dear Secretary Dortch:

XFone USA, LLC (the "Company"), by undersigned counsel and pursuant to Section 63.19 of the Commission's Rules, 47 C.F.R. § 63.19, notifies the Commission of the planned discontinuance of international telecommunications services to customers in Mississippi. XFone will continue to provide other international telecommunications services to its customers in other states and therefore does not seek to surrender its international Section 214 authorization (IB File No. ITC-214-20040706-00251). The proposed discontinuance will not result in material harm to the affected customers because they easily can obtain alternative services from other wireline carriers or other providers such as interconnected voice over Internet protocol providers.

XFone expects that it will consolidate into its affiliate, NTS Communications, LLC ("NTS"), before it has obtained all the regulatory authorizations to complete the planned discontinuance. Therefore, this notice also notifies the Commission that NTS will discontinue services currently provided by XFone in Mississippi. NTS does not currently provide telecommunications services in Mississippi and will not do so until the consolidation is completed and then, only until the services currently provided by XFone are discontinued. Therefore, all references to the "Company" in this letter apply to XFone and NTS.

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Washington, DC 20004  
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1. Name and Address of Carrier:

XFone USA, LLC  
c/o Vast Broadband  
912 South Main Street  
Suite 106, Sikeston, Missouri 63801

Correspondence concerning this filing should be sent to:

Catherine Wang  
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1111 Pennsylvania Ave., N.W.  
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2. Date of Planned Service Discontinuance, Reduction or Impairment:

The Company plans to discontinue providing international (as well as intrastate and interstate) telecommunications services as of February 1, 2019, or as soon thereafter as regulatory approvals can be obtained.

3. Points of Geographic Areas of Service Affected:

The Company will discontinue all telecommunications services throughout the state of Mississippi.

4. Brief Description of Types of Service Affected:

The Company intends to discontinue all voice and data services, including but not limited to local exchange (via UNEs and resale) and interexchange (intrastate, interstate and international) services, private line services, DSL and dial-up Internet services in Mississippi. The Company is separate filing an Application with respect to its discontinuance of interstate telecommunications services. The discontinuance will not affect the Company's operations in other states.

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

The Company 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 November 29, 2019. A copy of the notice is appended hereto as Exhibit A.

6. Non-Dominance of the Carrier With Respect to the Service to be Discontinued:

The Company is non-dominant with respect to the services that the Company proposes to discontinue.

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\* \* \* \*

The Company believes that the proposed discontinuance is reasonable and necessary. The Company will take 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.

Please acknowledge receipt and acceptance of this Notification. Please feel free to contact us if you have any questions regarding this filing.

Respectfully submitted,

*/s/ Brett P. Ferenchak*

Catherine Wang  
Brett P. Ferenchak

Counsel for XFone USA, LLC

cc: Chief, International Bureau

**Exhibit A**

**Sample Customer Notice**

912 South Main Street Suite 106  
Sikeston, MO 63801



## NOTICE OF VOICE, DATA AND INTERNET ACCESS SERVICES DISCONTINUANCE DO NOT DISREGARD THIS NOTICE

December 1, 2019

RE: Account # [Each Telephone # here] (Provide this information to your new local service provider).

Dear Customer:

We regret to inform you that the services, including local and long distance voice services, private line services DSL, and dial-up Internet access services, you currently receive in Mississippi from XFone USA, LLC, an affiliate of NTS Communications, LLC (together, the "Company") will be discontinued on or after February 1, 2020, subject to regulatory approval, because the Company is ceasing its Mississippi operations. **Your service will be affected by this discontinuance.** Services you may receive from the Company at locations outside of Mississippi will not be affected by the discontinuance.

Please select a new provider(s) for your service(s) as soon as possible, but no later than January 31, 2020, to avoid interruption of your service(s). Some providers may require several days or weeks to initiate new service. To help avoid any lapses in service(s), please also check carefully that all services you currently receive from the Company are moved to your new provider. If you are not certain of your options for obtaining replacement service, you may also contact AT&T, Comcast, and C-Spire or any of the other providers of telecommunications or Internet access services as listed in your local telephone directory. An Internet search for "voice, private line, DSL and dial-up Internet provider" in your area also should provide you with several alternatives.

Please be aware that you are responsible for paying for all services provided to you by the Company through the discontinuance date. You may be subject to suspension or termination of your service(s) in accordance with applicable contracts, tariffs and rules if you fail to pay your bills. **So that we stop sending you invoices, please let us know as soon as you have switched to provider(s) by contacting our Customer Service at 800-658-2150.** Any deposit held by the Company shall be applied to your final bill and a refund will be issued within forty-five (45) calendar days of issuance of the final bill if the deposit amount exceeds the final bill amount.

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 (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 XFone USA, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

We are pleased to have had the opportunity to serve you, and remain committed to making your transition to a new provider as smooth as possible. If you have any questions regarding the discontinuance of services, please contact Customer Service at 800-658-2150.

Sincerely yours,  
Customer Service  
XFone USA, LLC  
NTS Communications

**VERIFICATION**

I, Keith Davidson, state that I am Chief Financial Officer of NTS Communications, LLC and XFone USA, LLC, the "Company" in the foregoing filing; that I am authorized to make this Verification on behalf of Company; that I have read the foregoing letter 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 29th day of November 2019.

**NTS Communications, LLC**  
**XFone USA, LLC**



By: Keith Davidson  
Title: Chief Financial Officer