



Making Connections That Make a Difference.

2585-1-1
800 Westchester Avenue
Suite N501
Rye Brook, NY 10573

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TRAFFIC ROOM

(2)

November 22, 2010

VIA FEDERAL EXPRESS

00-00089

Ms. Sharla Dillon, Docket Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: ATX Licensing, Inc.
Discontinuance of Interexchange Telecommunications Services
and Withdrawal of Interexchange Telecommunications Services Tariff

Dear Ms. Dillon:

On behalf of ATX Licensing, Inc. ("ATX"), please be advised that ATX intends to discontinue the offering of interexchange telecommunications services within the State of Tennessee effective December 31, 2010.

ATX was granted a Certificate of Convenience and Necessity to provide interexchange telecommunications services in the State of Tennessee by Order of the TRA, Docket No. 00-00089 (March 14, 2000). ATX respectfully requests that the Authority cancel this Certificate as of December 31, 2010. ATX also requests the withdrawal of its tariff governing the provision of interexchange telecommunications services within the State of Tennessee on the same date.

ATX presently has no interexchange telecommunications services customers in Tennessee; accordingly, there are no customers upon whom notice of cessation of service may be served. Furthermore, ATX is current with all reports and other filings required by the Authority.

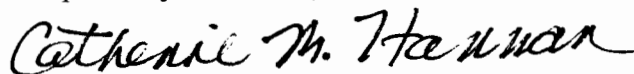
It is ATX's understanding that no formal approval is required from the Authority to surrender its authorization and associated tariffs. However, should the Commission determine that approval is required, ATX respectfully requests that the Commission approve the cancellation of its authority as discussed herein.

SHARLA DILLON, DOCKET MANAGER
NOVEMBER 22, 2010
PAGE TWO

For the TRA's convenience, an original and four (4) copies of this notice are enclosed. An extra copy of this letter is also enclosed. Please date-stamp this "file/stamp" copy and return it in the enclosed self-addressed, stamped envelope.

To the extent you have any questions concerning this notice, please do not hesitate to contact me at channan@broadviewtel.com or (240) 461-0412.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine M. Hannan". The signature is written in black ink and is positioned below the typed name.

Catherine M. Hannan



Making Connections That Make a Difference.

800 Westchester Avenue
Suite N501
Rye Brook, NY 10573

November 22, 2010

VIA ECFS AND OVERNIGHT COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

ATTN: Competition Policy Division, Wireline Competition Bureau

Re: ATX Licensing, Inc. Section 63.71 Application to
Discontinue the Provision of Domestic Intrastate, Interexchange
Telecommunications Services

Dear Ms. Dortch:

Enclosed herewith, on behalf of ATX Licensing, Inc. ("ATX"), please find the Application of ATX Licensing, Inc., pursuant to Section 63.71 of the Commission's Rules to Discontinue the Provision of Domestic Intrastate, Interexchange Telecommunications Services in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin.

For your convenience, a file/stamp copy of this transmittal letter is also enclosed. Please return it in the enclosed stamped, addressed envelope.

To the extent you have any questions concerning this submission, please do not hesitate to contact the undersigned telephonically at (240) 461-0412 or electronically at channan@broadviewtel.com.

Respectfully submitted,

RECEIVED

NOV 30 2010

A handwritten signature in black ink, reading "Catherine M. Hannan".

Catherine M. Hannan

Enclosures

TN REGULATORY AUTHORITY
UTILITIES DIVISION

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Section 63.71 Application of)
)
ATX Licensing, Inc.)
For Authority Pursuant to Section 63.71)
Of the Commission's Rules, 47 C.F.R.)
§63.71, to Discontinue the Provision of)
Intrastate Interexchange Services in the)
States of Alabama, Arkansas, California,)
Colorado, Florida, Georgia, Idaho, Illinois,)
Indiana, Iowa, Kansas, Kentucky, Louisiana,)
Michigan, Minnesota, Mississippi, Missouri,)
Montana, Nebraska, Nevada, New Mexico,)
North Carolina, North Dakota, Ohio,)
Oklahoma, Oregon, South Carolina,)
Tennessee, Texas, Washington and)
Wisconsin)

**SECTION 63.71 APPLICATION OF
ATX LICENSING, INC.**

ATX Licensing, Inc. ("ATX") requests authority under Section 63.71 of the Commission's Rules, 47 C.F.R. §43.71 to discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin. ATX is certificated to provide the above-described services in each of the listed jurisdictions; however, over time, a significant portion of ATX's customer base has been consolidated into the operations of ATX's sister corporation, Broadview Networks, Inc., in accordance with federal and state commission rules and regulations.¹

¹ See, e.g., Section 64.1120(e)(3) submission of Broadview Networks, Inc., et al., Docket No. 000257, July 31, 2008.

While most customers opted to participate in the customer base consolidation, certain customers chose instead to transition to new providers (with ATX's full cooperation and without charge for the service provider change). A few customers, however, opted to remain with ATX rather than to be consolidated into the Broadview Networks customer base or to select a new service provider. In order that ATX might continue to legally provide service to those of ATX's customers which, for reasons of their own, chose to remain with ATX, the Company has, of necessity, retained its telecommunications service authority in each named jurisdiction. With the passage of time, the natural attrition of these remaining customers has finally reduced the number of customers to whom ATX provides intrastate, interexchange services in the above-listed states to zero.

ATX does not actively market telecommunications services to consumers in the listed states and has no plans to resume marketing telecommunications services in these states in the future. Accordingly, coincident with the filing of this Section 63.71 Application, ATX is taking steps to surrender back to the relevant state commissions the Company's telecommunications service authority. In this way, ATX will facilitate the efficient use of both its own corporate resources and the resources of the Federal Communications Commission and each listed state public utility commission.

As required by Section 63.71(a) and (b) of the Commission's Rules, ATX provides the following information:

1. Name and Address of Carrier (47 C.F.R. §§63.71(a)(2), (b)(2)):

ATX Licensing, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573

2. Date of Planned Service Discontinuance (47 C.F.R. §§63.71(a)(2), (b)(2)):

Because ATX is considered non-dominant with respect to all of the services to be discontinued, the Company anticipates the automatic grant of the instant Application on the 31st

day following release by the Federal Communications Commission of a *Public Notice* on the Application. Because Applicant currently serves no telecommunications services customers in the above-listed states, ATX will officially discontinue service in those states on the date of automatic grant of the instant Application, which Applicant anticipates will be on or about December 31, 2010. It is possible that a small number of states will not have formally approved the surrender of ATX's operating authority and/or withdrawal of tariffs by that date; in such states, service will be officially discontinued upon the date authorized by the relevant state commission.

3. Points of Geographic Areas of Service Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

ATX will discontinue the provision of intrastate, interexchange telecommunications services throughout the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin.

4. Brief Description of Type of Services Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

In the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington and Wisconsin, ATX is authorized to provide all types of intrastate long distance telecommunications services; ATX has not, however, provided long distance services on a prepaid basis in any listed jurisdiction.

The discontinuance of the above services does not adversely affect the public convenience and necessity because consumers in these states have a wide range of alternative intrastate, interexchange services from which to choose. Furthermore, as noted above, no consumer in any of these states is presently subscribed to ATX's services; each such customer

has already transitioned to another authorized carrier of its own choosing or otherwise ceased to subscribe to ATX's services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. §§63.71(b)(3)):

As noted above, no customers exist which will be affected by ATX's proposed discontinuance of the above-described services in the listed states. Section 63.71(a) requires that "the carrier shall notify *all affected customers* of the planned discontinuance;"² since ATX has no affected customers here, no notice is required; Section 63.71(a)'s notice requirement is an impossibility and a nullity here. That no consumer protection goal which the FCC's notice language is designed to protect are at issue in this circumstance is apparent from the very text of Section 63.71(5)(i), where the Federal Communications Commission directs non-dominant carriers to inform customers as follows:

"The FCC will normally authorize this proposed discontinuance or 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. 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 Sec. 63.71 Application of (carrier's name). 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."³

Here, no ATX customer exists in the impacted states; therefore, no individual or entity is capable of providing specific information of *any impact whatsoever* that the proposed discontinuance upon it. All customers have already transitioned to alternative providers; clearly there has been no inability to acquire reasonable substitute service. Indeed, the ease with which ATX's remaining customers have been able to transition to new providers is a result of a vibrant array of telecommunications service alternatives in the listed states; accordingly, there is no

² 47 C.F.R. §43.71(a).

³ 47 C.F.R. §63.71(a)(5)(1).

realistic possibility that ATX's surrender of existing telecommunications service authority in these states would adversely impact the public convenience and necessity.

As noted above, coincident with the filing of this Application, ATX. is taking steps, consistent with relevant state commission rules and regulations, to surrender its existing telecommunications operating authority and, where required, to withdraw its telecommunications services tariffs in the affected states. Additionally, in satisfaction of Section 63.74(a), copies of this Section 63.71 Application are also being sent today, via First Class U.S. mail, to the Special Assistant for Telecommunications to the Secretary of Defense and the governors and public utilities commissions of each state in which discontinuance is proposed. Thus, ATX's discontinuance of service in the listed states will be fully transparent to regulators and consumers alike.

6. Regulatory Classification of Carrier (47 C.F.R. §63.71(b)(4)):

ATX is considered non-dominant with respect to all of the services to be discontinued in the listed states.

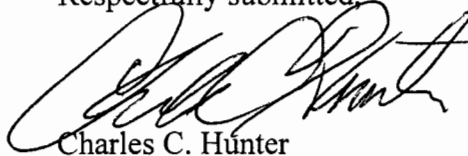
7. Designated Contacts:

Correspondence concerning this Application should be directed to:

Catherine M. Hannan
BridgeCom International, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (240) 461-0412
Fax: (347) 287-0223
E-mail: channan@broadviewtel.com

In view of the foregoing, ATX Licensing, Inc., respectfully requests that the Federal Communications Commission automatically approve this Section 63.71 Application for discontinuance of services in the listed states as set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles C. Hunter', is written over the typed name.

Charles C. Hunter
Executive Vice President and General Counsel
ATX Licensing, Inc.

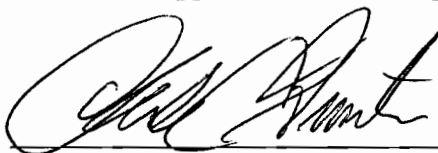
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (914) 922-7589
Fax: (347) 287-0223
E-mail: chunter@broadviewnet.com

November 22, 2010

VERIFICATION

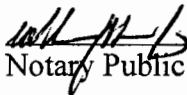
State of New York)
)
County of Westchester) ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Network Holdings, Inc., and its operating subsidiary, ATX Licensing, Inc. ("ATX"); that I am authorized to and do make this Verification for it; that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief, and that I expect ATX to be able to prove the same at any hearing hereof; and that ATX understands that, if the contents of the Application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the Application has been properly granted.



Charles C. Hunter

Subscribed and sworn before me this 22ND day of NOVEMBER, 2010.


Notary Public

My Commission expires: 9/20/12

WILSON ROCAFUERTE JR. Notary Public State of New York Registration #01RO6116202 Qualified in Westchester County Commission Expires Sept. 20, 2012
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CERTIFICATE OF SERVICE

I, Catherine M. Hannan, certify that I have this 22nd day of November, 2010, served a copy of the foregoing Section 63.71 Application of ATX Licensing, Inc., by U.S. Mail, Postage Prepaid, to the following:

Secretary of Defense
ATTN: Special Assistant for Telecommunications
Pentagon
Washington, DC 20301

Rodney McDonald
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554

Govenor Bob Riley
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Walter L. Thomas, Jr. Secretary
Alabama Public Service Commission
3 RSA Union Building
100 North Union Street
Montgomery AL 36104

Governor Mike Beebe
Governor's Office
State Capitol Room 250
Little Rock, AR 72201

Diane K. Wilson, Secretary
Arkansas Public Service Commission
1000 Center Street
Little Rock, AR 72203-0400

Governor Arnold Schwarzenegger
Governor's Office
State Capitol Building
Sacramento, CA 95814

Michael R. Peevey
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Governor Bill Ritter, Jr.
136 State Capitol
Denver, CO 80203-1792

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

Governor Charlie Crist
Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Anne Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Governor Sonny Perdue
Office of the Governor
Georgia State Capitol
Atlanta, GA 30334

Reese McAllister, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

Governor C.L. "Butch" Otter
State Capitol Building
West Wing, 2nd Floor
P. O. Box 83720
Boise, ID 83720-0034

Ms. Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, ID 83702

Governor Pat Quinn
Office of the Governor
207 State House
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Governor Mitchell E. Daniels, Jr.
Office of the Governor
Statehouse
Indianapolis, IN 46204

Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington Street
Suite E-306
Indianapolis, IN 46204

Governor Chet Culver
Office of the Governor and Lt. Governor
State Capitol
1007 East Grand Avenue
Des Moines, IA 50319

Executive Secretary
Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319

Governor Mark Parkinson
Office of the Governor
Capitol, 300 SW 10th Avenue
Suite 212 S
Topeka, KS 66612-1590

Susan Duffy, Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Governor Steve Beshear
700 Capital Avenue
Suite 100
Frankfort, KY 40601

Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602-0615

Governor Bobby Jindal
Office of the Governor
P. O. Box 94004
Baton Rouge, LA 70804-9004

Lawrence C. St. Blanc, Secretary
Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
P. O. Box 91154
Baton Rouge, LA 70821-9154

Governor Jennifer M. Granholm
P. O. Box 30013
Lansing, MI 48909

Mary Jo Kunkle, Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI 48911

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

Burl W. Harr, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East
Suite 350
St. Paul, MN 55101

Governor Haley Barbour
P. O. Box 139
Jackson, MS 39205

Brian U. Ray, Executive Secretary
Mississippi Public Utilities Commission
Woolfolk Building, Suite 201-A
Jackson, MS 39201

Governor Jeremiah W. Nixon
Office of the Governor
Room 216, State Capitol Building
Jefferson City, MO 65101

Colleen M. Dale, Secretary to the Commission
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

Governor Brian A. Schweitzer
Office of the Governor
Montana State Capitol Building
P. O. Box 202601
Helena, MT 59620

Montana Public Service Commission
1701 Prospect Avenue
P. O. Box 202601
Helena, MT 59620-2601

Governor Dave Heineman
Office of the Governor
P. O. Box 94848
Lincoln, NE 68509-4848

M. Gene Hand, Director
Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

Governor Jim Gibbons
State Capitol
101 N. Carson Street
Carson City, NV 89701

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

Governor Bill Richardson
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

New Mexico Public Regulation Commission
1120 Pasco de Peralta
P. O. Box 1269
Santa Fe, NM 87501

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Renee Vance, Chief Clerk
North Carolina Utilities Commission
430 North Salisbury Street
Dobbs Building
Raleigh, NC 27603-5918

Governor John Hoeven
State Capitol, Dept. 101
600 East Boulevard
Bismark, ND 58505

Jon Mielke, Executive Director
North Dakota Public Service Commission
State Capitol, Dept. 408
600 East Boulevard
Bismarck, ND 58505

Governor Ted Strickland
30th Floor
77 South High Street
Columbus, OH 43215

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 53215-3793

Governor Brad Henry
State Capitol Building
2300 N. Lincoln Boulevard
Room 212
Oklahoma City, OK 73105

Oklahoma Corporation Commission
P. O. Box 52000
Oklahoma City, OK 73152-2000

Governor Ted Kulongoski
160 State Capitol
900 Court Street
Salem, OR 97301-4047

Public Utility Commission of Oregon
550 Capitol Street NE #215
P. O. Box 2148
Salem, OR 97308-2148

Governor Mark Sanford
Office of the Governor
P. O. Box 12267
Columbia, SC 29211

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

Governor Phil Bredesen
State Capitol
Nashville, TN 37243-0001

Ms. Sharla Dillon, Docket Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Governor Rick Perry
Office of the Governor
P. O. Box 12428
Austin, TX 78711-2428

James Galloway, Clerk
Public Utilities Commission of Texas
1701 North Congress Avenue
Austin, TX 78711-3326

Governor Christine Gregoire
Office of the Governor
P. O. Box 40002
Olympia, WA 98504-0002

Carole J. Washburn, Executive Director
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, S.W.
P. O. Box 47250
Olympia, WA 98504-7250

Governor Jim Doyle
Madison Office
P. O. Box 7863
Madison, WI 53707

Sandra J. Paske, Secretary
Wisconsin Public Service Commission
601 North Whitney Way
P. O. Box 7854
Madison, WI 53707-7854


Catherine M. Hannan