



Regulation is a maze. We can show you the way!

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April 10, 2025

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Application of Everstream Solutions, LLC for the Approval of the Discontinuance of Competitive Access Services; Docket No. A-2025-3053757; **PROTEST OF T-MOBILE USA, INC. TO EVERSTREAM SOLUTIONS, LLC'S APPLICATION TO ABANDON SERVICE (PUBLIC VERSION)**

Dear Secretary Chiavetta:

Enclosed you will find T-Mobile USA, Inc.'s Protest ([Public Version](#)) in the above-referenced proceeding. Copies have been served in accordance with the attached Certificate of Service. The confidential version of T-Mobile USA, Inc.'s Protest will be uploaded to the PUC SharePoint and marked confidential.

If you have any questions regarding this filing, please contact me.

Very truly yours,

/s/ Whitney E. Snyder

Whitney E. Snyder
Thomas J. Sniscak

Counsel for T-Mobile USA, Inc.

WES/das
Enclosure

cc: Per Certificate of Service

PUBLIC VERSION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of)
Everstream Solutions, LLC for the Approval) Docket No. A-2025-3053757
Of the Discontinuance of Competitive Access Services)

**PROTEST OF T-MOBILE USA, INC. TO EVERSTREAM SOLUTIONS, LLC'S
APPLICATION TO ABANDON SERVICE**

T-Mobile USA, Inc. (“T-Mobile”) hereby submits this Protest in opposition to the Application of Everstream Solutions LLC’s (“Everstream”) for the Approval of the Discontinuance of Competitive Access Services (“Application”). Everstream seeks approval from the Pennsylvania Public Utility Commission (“Commission”) to abandon its current customers and the provision of all of its facilities-based competitive access provider services offered to business enterprise customers by June 30, 2025, including wavelength, managed services, and point-to-point and point-to-multipoint Ethernet.¹ If Everstream were to discontinue services on such short notice, service—including E911 services—will be disrupted for millions of Pennsylvania T-Mobile customers, as Everstream provides integral ethernet backhaul services that support T-Mobile’s ability to deliver its subscribers a superior network experience and reliable access to critical wireless services. Everstream’s intention to discontinue its services by June 30, 2025 leaves T-Mobile with insufficient time to identify, contract for, and transition to a provider to ensure continuity of service for T-Mobile customers. Everstream’s actions are in

¹ Everstream also filed to discontinue services at the Federal Communications Commission. T-Mobile filed Comments on March 19, 2025 opposing that discontinuance request. *See Section 63.71 Application of Everstream Solutions LLC*, WC Docket No. 25-100 (filed Feb. 13, 2025) (“Everstream Application”). *See also Comments Invited on Section 214 Application(s) to Discontinue Non-Dominant Carrier Telecommunications and/or Interconnected VoIP Services*, Public Notice, WC Docket No. 25-100, DA 25-194 (WCB rel. Mar. 5, 2025).

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flagrant violation of its contractual obligations to T-Mobile which extend through March 31, 2029. For these reasons, T-Mobile files this Protest pursuant to 52 Pa. Code. §§ 5.51(a) and 5.52(a) and requests that the Commission deny Everstream's Application.

II. BACKGROUND

1. Everstream filed its Application to discontinue Competitive Access Services with this Commission on March 5, 2025. The Commission issued a Secretarial Letter on that same day acknowledging receipt of Everstream's Application, noting that the matter will receive the attention of the Commission.

2. As of the date of the filing of this Protest, T-Mobile has not located the Pennsylvania Bulletin legal notice of the filing of the Everstream Application and the associated deadline for submitting a Protest.

3. Everstream has been a valuable network partner for T-Mobile since the parties entered into a Master Agreement in 2017.² Under this agreement, Everstream provides T-Mobile with ethernet backhaul services to T-Mobile sites and segments, as well as installation and maintenance of required equipment and technical support.

4. Given the integral nature of the services provided by Everstream to T-Mobile's network and in recognition of the challenges that T-Mobile would face in transitioning to another backhaul provider, the agreement between the parties allows for a two-year "wind-down period" when the contracted services are terminated for any reason, including upon discontinuance of service or the end of any contractual term.

² See Confidential Appendix A, Master Agreement between T-Mobile USA, Inc. and Everstream Solutions, LLC (effective Sept. 29, 2017).

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5. In 2022, Everstream and T-Mobile entered into a Restated Market Service Order (“Service Order”) that reestablished the term for services subject to the Master Agreement.³ Under the Service Order, Everstream agreed to provide the contracted backhaul services to over **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** T-Mobile sites until March 31, 2029.⁴ The extended service term underscores T-Mobile’s need for long-term stability in its receipt of these services and the challenges and complexity associated with changing providers.

6. T-Mobile first learned Everstream intended to exit unspecified markets via its February 3, 2025 Notice of Discontinuation.⁵ Everstream indicated that a list of impacted sites was included as part of this notice, but none was provided to T-Mobile at that time. On February 19, 2025, T-Mobile sent a letter to Everstream seeking additional information regarding Everstream’s plans and requesting the originally promised list of specific services and T-Mobile sites impacted by the discontinuance.⁶ Everstream responded to T-Mobile via letter on February 26, but again failed to provide the requested site list.⁷ On March 6—over a month after its initial discontinuance notice—Everstream finally provided T-Mobile with the list of impacted sites that enabled T-Mobile to begin evaluating the effect of the discontinuance on its network and customers.

³ See Confidential Appendix B, 2022 Restated Market Service Order between T-Mobile USA, Inc. and Everstream Solutions, LLC (effective Apr. 1, 2022).

⁴ See *id.* at 3.

⁵ See Appendix C, Notice of Discontinuation of Everstream Solutions, LLC (Feb. 3, 2025).

⁶ See Appendix D, Letter from to Kim Curtis, Vice President, Critical Infrastructure Procurement, T-Mobile USA, Inc, to Ken Fitzpatrick, President and CEO, Everstream Solutions, LLC (Feb. 19, 2026).

⁷ See Appendix E, Letter from William P. Hunt, Executive Vice President and General Counsel, Everstream Solutions, LLC, to Kim Curtis, Vice President, Critical Infrastructure Procurement, T-Mobile USA, Inc. (Feb. 26, 2025) (“Everstream Feb. 26 Letter”).

III. EVERSTREAM'S PROPOSED DISCONTINUANCE WILL HAVE A SIGNIFICANT, DETRIMENTAL IMPACT ON CONSUMERS ACROSS PENNSYLVANIA.

7. Everstream's proposed discontinuance will have a far-reaching impact on T-Mobile's network and its customers, particularly considering that T-Mobile will not have sufficient time to transition to a replacement backhaul provider.

8. Everstream provides backhaul services to a large amount of existing T-Mobile sites under the Service Order. Based on the list of impacted sites provided by Everstream, the proposed discontinuance would impact over 10 percent of these sites, which, in February alone, supported millions of unique customers across various segments.⁸

9. Losing access to the services provided by Everstream will render these affected sites unable to support T-Mobile subscribers, resulting in significant service degradation across T-Mobile's network in the form of decreased coverage and call quality, dropped calls, and diminished data throughputs.

10. Losing access to the services provided by Everstream also will have a significant impact on the ability of consumers to reach vital emergency services. From mid-February through early March, nearly **BEGIN CONFIDENTIAL** [REDACTED]

[REDACTED]

[REDACTED] **END CONFIDENTIAL** Given that more than 80% of 911 calls made during emergencies originate from wireless devices, the availability of reliable communication services during an emergency is paramount for mobile subscribers.⁹

⁸ This number includes T-Mobile retail and business customers, as well as other connected users.

⁹ See National Emergency Number Association, *9-1-1 Statistics*, <https://www.nena.org/page/911Statistics> (last visited Mar. 18, 2025).

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11. The degraded service due to Everstream's discontinuance is particularly concerning given that these sites support essential emergency and municipal services in addition to T-Mobile mobile wireless and home internet customers. According to T-Mobile's analysis, the impacted sites support lines providing connectivity to schools, libraries, police and fire departments, and government offices across the impacted region. As a result, Everstream's discontinuance will not only impact the ability of consumers to reach life-saving services, but also potentially impede outreach to and coordination between emergency personnel using T-Mobile devices during critical, time-sensitive situations.

12. Everstream contends that its decision to discontinue services "will affect less than 40 business enterprise and carrier customers."¹⁰ This is a gross mischaracterization of the negative impact of Everstream's discontinuance because it ignores the millions of downstream customers of T-Mobile and other similarly situated providers that will be impacted by Everstream's abrupt exit from the market. Indeed, this disruption to service will extend beyond consumers living in the areas where the impacted sites are located; because these sites will not be operational, surrounding sites will be forced to take on greater traffic loads, causing increased congestion, decreased speeds, and a diminished network experience for customers connected to those sites. Customers who drive through areas that were served by the impacted sites will suffer call drops and a loss of data connectivity, interrupting navigation and other key services. Overall, the net effect of Everstream's proposed discontinuance will be a substantial disruption to the high-quality service that T-Mobile's customers and roamers have grown to expect, as well as to life-saving communications.

¹⁰ See Everstream Application at ¶8.

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13. Contrary to Everstream’s claim that “the public interest will not be harmed by the discontinuance,”¹¹ T-Mobile submits that there will be significant harm to consumers in Pennsylvania if Everstream’s Application is granted.

IV. EVERSTREAM’S ANTICIPATED MARKET EXIT LEAVES T-MOBILE WITH INSUFFICIENT TIME TO FIND AN ADEQUATE SUBSTITUTE PROVIDER.

14. Everstream’s request to discontinue services by June 30, 2025 is untenable for T-Mobile and will create an unnecessary disruption for T-Mobile’s customers in Pennsylvania.

15. Everstream contends that customers impacted “have access to several other substitute services.”¹² However, Everstream offers the Commission no evidence to support this statement. It is not clear at this point—to either Everstream or T-Mobile—whether there is an alternative provider that has available capacity on the same routes that Everstream serves for T-Mobile; if there is not, such capacity would need to be built out—a significant undertaking that would require much more time than the two-plus months remaining before Everstream plans to terminate its services.

16. Even assuming alternative providers have available capacity in existing inventory, T-Mobile would need a significantly longer runway just to conduct the necessary due diligence and reach an agreement with an alternative provider to adequately replace Everstream’s services, in addition to the time needed to actually provision the services to ensure there is no service interruption at the impacted sites.¹³

¹¹ Everstream Application at ¶6.

¹² *Id.*

¹³ Though T-Mobile intends to mitigate the loss of sites impacted due to Everstream’s discontinuance by leveraging surrounding sites, T-Mobile customers will nonetheless receive degraded service until T-Mobile identifies and contracts with a new backhaul provider that can deliver comparable services.

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17. Indeed, the agreement between Everstream and T-Mobile expressly contemplates a minimum two-year “wind-down period” when services are terminated. This timeframe was intended to provide an appropriate transition path for T-Mobile and is reflective of the significant undertaking needed to transfer to a new backhaul provider and avoid disruption for customers.

18. In this instance, Everstream has wholly failed to provide reasonable notice of its discontinuance, leaving T-Mobile—and potentially other similarly situated providers—insufficient time to make alternative arrangements to ensure that its customers are not harmed. Moreover, despite repeated requests from T-Mobile, Everstream withheld the list of impacted sites for over a month after its initial discontinuance notice, leaving T-Mobile even less time to evaluate its options for maintaining service continuity.

19. Considering that Everstream should understand, by virtue of its agreement with T-Mobile, that a significantly longer timeframe for transition is necessary to avoid service interruption to consumers, its statement that it “will take all reasonable steps, to the extent it is able, to ensure that the discontinuance of its Service is not unduly disruptive” is directly contradicted by its actions.¹⁴

V. EVERSTREAM’S APPLICATION FAILS TO MEET THE STANDARD FOR ABANDONMENT OF SERVICE

20. Everstream has the burden of proof to show by substantial evidence that abandonment “is necessary or proper for the safety, accommodation, and convenience of the public.” *Application of Mobilitie, LLC for Approval of the Discontinuance and Abandonment of Competitive Access Provider Services*, Docket No. A-2021-3027006 2021 WL 5448036 (Order

¹⁴ Application at ¶6.

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entered Nov. 18, 2021) (*Mobilitie*), *rehearing denied*, (Order entered (*Mobilitie Rehearing Order*)).

21. The Commission utilizes the *West Penn* four factor test when considering whether to issue a certificate of public convenience to abandon public utility service:

- 1) the extent of loss to the utility;
- 2) the prospect of the system being used in the future;
- 3) the loss to the utility balanced with the convenience and hardship to the public upon discontinuance of such service; and
- 4) the availability and adequacy of the service to be substituted.

Borough of Duncannon v. Pennsylvania Pub. Util. Comm'n, 713 A.2d 737, 740 (Pa. Cmwlth. 1998) (citing *West Penn Rys. Co. v. Pennsylvania Public Utility Commission*, 15 A.2d 539, 544 (Pa. Super. 1940)).

22. Recently, in *Mobilitie*, the Commission denied an uncontested application to abandon competitive access provider services where the application provided “no detail on what happened to its former customers, who is serving those customers now, or the disposition of its jurisdictional assets.” *Mobilitie* at * 1.

23. On rehearing, the Commission expressly rejected *Mobilitie*’s argument that abandonment of service is justified due to a change in business plans. *Mobilitie Rehearing Order* at 5-6.

24. The Commission also discussed that customers served do not have to be retail end-users; service to other carriers means provision of service to customers. *Mobilitie Rehearing Order* at 7 (citing *Application of Momentum Telecom, Inc. for Approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania*, Docket No. A-2014-2450071 (Order entered May 20, 2015) (wholesale connectivity access service is a certificated service)).

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25. Here, Everstream's Application is woefully deficient in terms of meeting the public interest standard. Instead of pleading information to support the legal standard for abandonment, Everstream pleads lack of harm. Mere lack of harm is not the legal standard for allowing a public utility to abandon utility service. Moreover, and more importantly, Everstream's lack of harm argument proves false as substantial harm will occur to the public if the Application is granted as demonstrated herein.

26. Applying the *West Penn* abandonment factors and the considerations discussed in the *Mobilitie* decisions demonstrates abandonment clearly is not in the public interest.

27. **Extent of loss to the utility.** Everstream alleges no loss from continued service to the public. Everstream seeks to abandon its certificate because "Everstream has determined it will no longer offer services in Pennsylvania." The Commission has already held mere change of business plans does not justify abandonment. *Mobilitie Rehearing Order* at 5-6. Moreover, Everstream sidesteps the issue raised by this protest of adverse impacts on service to the public and proof of Everstream's claim is hereby demanded by hearing and adjudication by the Commission.

28. **Prospect of system being used in the future.** As discussed at length above, T-Mobile has a contract to continue using Everstream's services through March 31, 2029. This is proof of future use of the system.

29. **The loss to the utility balanced with the convenience and hardship to the public upon discontinuance of such service.** The application alleges no loss to the utility. Thus, this factor weighs in favor of denial because there is no loss to the utility to balance against the significant harm to the public if the Application is granted, including:

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- 40 current customers, including T-Mobile, will lose service from impacted sites and its ability to provide service downstream will degrade with no near term known substitute services available at this time;
- The millions of downstream customers of T-Mobile who will face significant service degradation across T-Mobile's network in the form of decreased coverage and call quality, dropped calls, and diminished data throughputs;
- Emergency callers, who made thousands of calls to 911 through impacted sites in a mere matter of weeks;
- The general public in Pennsylvania because other sites will be forced to take on greater traffic loads, causing increased congestion, decreased speeds, and a diminished network experience for customers connected to those sites, including drivers who may suffer loss of navigation services.
- Schools, libraries, police and fire departments, and government offices across the impacted region would be negatively impacted as the affected sites provide connectivity to these entities.

30. **The availability and adequacy of the service to be substituted.** Everstream admits that it is currently serving customers, but does not provide any alternative plan or providers for current Everstream customers it proposes to abandon. Everstream merely asserts that customers will have “access to several other substitute services.” Everstream provides absolutely no details on these alleged other substitute services or their availability. As described above, obtaining alternative services is a lengthy process that requires potentially significant time for a transition period.

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31. Applying the legal standards for abandonment to Everstream's Application demonstrates Everstream has failed to plead facts sufficient to support a public interest finding. Consideration of the facts T-Mobile has presented herein, and will prove at hearing, demonstrate Everstream abandoning service is not in the public interest.

VI. CONCLUSION

Everstream's services are used by T-Mobile to provide services to the general public and it would be impossible for T-Mobile to transition to a new provider in the timeframe unilaterally established by Everstream. Given the significant impact that Everstream's rapid discontinuance will have on consumers across Pennsylvania, T-Mobile requests that the Commission deny Everstream's Application. In the alternative, the Commission should condition and delay grant of the Application until each Everstream customer has been able to obtain substitute service. Without an adequate window to ensure service continuity, consumers in Pennsylvania will be left without important telecommunications services, including the ability to make emergency calls. In order to protect consumers, the public interest requires that the Commission direct Everstream to comply with its contractual obligations, which the parties carefully negotiated to address precisely this situation.

Respectfully submitted,

/s/ Whitney E. Snyder
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Thomas J. Sniscak
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Suite 302
Harrisburg, PA 17110
wesnyder@hmslegal.com
tjsniscak@hmslegal.com

/s/ Michelle Painter Lama
Michelle Painter Lama
T Mobile
601 Pennsylvania Avenue NW
Suite 500
Washington, DC 20004
Michelle.Lama@t-mobile.com

Date: April 10, 2025

CONFIDENTIAL APPENDIX A:
MASTER AGREEMENT
BETWEEN
T-MOBILE USA, INC. AND
EVERSTREAM SOLUTIONS, LLC

This Appendix has been redacted in its entirety.

CONFIDENTIAL APPENDIX B:
2022 RESTATED MARKET SERVICE ORDER
BETWEEN
T-MOBILE USA, INC. AND
EVERSTREAM SOLUTIONS, LLC

This Appendix has been redacted in its entirety.

APPENDIX C:

EVERSTREAM SOLUTIONS, LLC

NOTICE OF DISCONTINUATION

FEBRUARY 3, 2025

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

3 February 2025

T-Mobile
12920 SE 38th St
Bellevue, WA 98006-1350

**Re: Notice of Discontinuation of All Services in Pennsylvania and related markets
("The PA Market")**

Dear Razorsight,

Everstream Solutions LLC ("Everstream") values you as a customer of our communications services. After making substantial investments and improvements in the PA Market and its related markets of New York, New Jersey, Delaware and Maryland, we have determined that we are unable to provide the quality of service required and have made the difficult decision to discontinue all the services we offer in the PA Market. **We intend to decommission this network as soon as June 30, 2025 ("Service Termination Date")**. We advise you to take immediate action to replace these services in the PA Market.

You will be required to transition your Everstream services in the PA Market to a new service provider before the Service Termination Date; in such case, you will need to contact a new service provider of your choice to make such arrangements. If you do not make appropriate arrangements with a new service provider prior to the Service Termination Date, you may experience a loss of service

In addition, if you receive voice or underlying data services that support voice calling in the PA Market, you may be unable to make local calls, including 911 emergency calls or any long-distance calls after the Service Termination Date.

A list is included with this letter of your impacted circuit IDs and addresses. We will assist and provide reasonable support for your transition of services.

By making this decision we will be able to invest more in core Everstream markets where we own the underlying fiber assets and thus can better meet your needs to provide connectivity to current and new locations.

Everstream is disappointed that we must exit the PA Market. We understand this is frustrating, but we are committed to working with you to ensure as smooth a transition as possible. If you have questions regarding the discontinuation of your services in the PA Market, please contact Everstream at 844-733-4700.

Sincerely,

Everstream

The Federal Communications Commission will normally authorize this proposed discontinuance of service unless it is shown that customers will be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is 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 discontinuation.

You may file 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 reference the §63.71 Application of Everstream Solutions 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.

APPENDIX D:
LETTER FROM T-MOBILE USA, INC. TO
EVERSTREAM SOLUTIONS, LLC
FEBRUARY 19, 2025



SENT BY UPS NEXT DAY AIR AND EMAIL

February 19, 2025

Ken Fitzpatrick
President and CEO
Everstream Solutions LLC
1228 Euclid Avenue, Suite 250
Cleveland, OH 44115

With a Copy to:

Everstream Solutions LLC
Attn: President
Everstream Solutions LLC
1228 Euclid Avenue, Suite 250
Cleveland, OH 44115

Emailed to: kfitzpatrick@everstream.net

Re: Everstream Solutions LLC (“Everstream”) Notice of Discontinuation of All Services in Pennsylvania and Related Markets (the “PA Market”) dated February 3, 2025 (“Letter”).

Dear Mr. Fitzpatrick:

I am writing in reply to the Letter referenced above, under which Everstream provides notice of its intent to decommission and discontinue all services in the PA Market effective June 30, 2025. As provided in further detail below, T-Mobile acknowledges receipt of the Letter but has determined it fails as a proper notice of termination. Please consider this letter as T-Mobile’s demand that Everstream take no action to terminate any services.

As you know, Everstream and T-Mobile entered into a Master Agreement, as amended, with the effective date of September 29, 2017 (“Agreement”). The Agreement and all corresponding Orders¹ thereunder provide the parties’ rights and responsibilities, including the right to terminate Services. Pursuant to Section 8.1 of the Agreement, the Term of the Agreement automatically extends “until completion of full performance by the parties of the outstanding Orders.” On April 1, 2022, the Parties agreed to an Order entitled the “2022 Restated Market Service Order” that restated and, amongst other things, reset the Service Term for the vast majority of the Services under the Agreement with an expiration date of

¹ Unless otherwise defined herein, all capitalized terms used in this letter have the meanings ascribed to them in the Agreement.





March 31, 2029. Therefore, Everstream is under contractual obligation to provide most if not all of Services under the Agreement until the end of the Term of the final Order which does not terminate before March 31, 2029.

Notably missing from the Letter is any reference to or obligations under the Agreement, let alone any specific authority for Everstream to discontinue services in the PA Market “as soon as” June 30, 2025. Thus, T-Mobile expects that Everstream will proceed under the terms of the Agreement and the underlying Orders and continue operating service in the PA Market until March 31, 2029.


Please note that T-Mobile provides important telecommunication services to the public, ranging from 911 services to supporting various low-income and federal and state supported services. Accordingly, T-Mobile takes serious Everstream’s Letter stating it will terminate services and disrupt T-Mobile’s provision of these essential telecommunication services to the public before expiration of the term of the Agreement and Order.

Please provide the following information within seven (7) days from the date of this letter:

1. The specific Services (e.g., the T-Mobile site ID) that Everstream seeks to terminate within the PA Market.
2. Confirmation whether Everstream intends to terminate the Agreement.
3. The authority under the Agreement or Order(s) for Everstream’s intended termination and discontinuance of service.

Lastly, T-Mobile does not waive, and expressly reserves, any and all rights it has or may have under the Agreement and Orders, at law or in equity. Please direct all legal correspondence to my attention. If you so desire, I am available for legal-to-legal discussions to further address this matter.

Sincerely,

DocuSigned by:

04AF77EF69E34FE...

Kim Curtis
Vice President, Critical Infrastructure Procurement
T-Mobile USA, Inc.

Email: huong.curtis@t-mobile.com

Telephone: (303) 999 - 9005



APPENDIX E:
LETTER FROM EVERSTREAM SOLUTIONS, LLC TO
T-MOBILE USA, INC.
FEBRUARY 26, 2025

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

February 26, 2025

Kim Curtis
Vice President, Critical Infrastructure Procurement
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006

With copies to:

T-Mobile USA, Inc.
Attn.: Procurement
12920 SE 38th Street
Bellevue, WA 98006

T-Mobile USA, Inc.
Attn.: Deputy General Counsel
12920 SE 38th Street
Bellevue, WA 98006

Emailed to: curtis.kim@t-mobile.com and huong.curtis@t-mobile.com

Re: Everstream Solutions LLC (“Everstream”) Notice of Discontinuation of All Services in Pennsylvania and Related Markets (“the PA Market”) dated Feb. 3, 2025.

Dear Ms. Curtis:

Everstream acknowledges receipt of T-Mobile’s letter dated February 19, 2025. Everstream shares T-Mobile’s frustration with the need to exit the PA Market. This action only impacts the services provided in the PA Market and not any other obligation outside the PA Market under the amended Master Agreement and the 2022 Restated Market Service Order.

Everstream understands the importance of the telecommunications services that T-Mobile offers and is proud to be a network partner. That is why we are following the regulations established by the Federal Communications Commission for discontinuation of service. In addition to the required letter and

1228 Euclid Avenue, Suite 250
Cleveland, OH 44115
everstream.net

selected discontinuance date sent to impacted customers, Everstream has filed the required application with the FCC for authority to discontinue services in the PA Market (A copy is included as Exhibit A). As of today, the FCC has not put the application out for public comment. Everstream expects T-Mobile will intervene in that docket. Through the FCC process, Everstream and T-Mobile will be able to continue collaborating on how best to transfer T-Mobile's services to other providers. Everstream will file the required application with the Pennsylvania Public Utilities Commission in the next few days.

In your letter, T-Mobile requests a list of the "specific services (e.g. T-Mobile site ID) that Everstream seeks to terminate in the PA Market." I understand our teams are reviewing that list and will make appropriate changes. As we navigate this process, Everstream does not waive, and expressly reserves, all rights it has or may have under the Agreement and Orders, at law and equity. Please direct all legal correspondence to my attention. I am available at your convenience for further legal discussions.

Sincerely,



William P. Hunt

EVP, General Counsel

Cc: Ken Fitzpatrick
Mike D'Angelo
Steve Gauthier

Exhibit A

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

In the Matter of

Section 63.71 Application of
Everstream Solutions LLC

Docket No. _____

SECTION 63.71 APPLICATION

Everstream Solutions LLC (“Everstream” or the “Company”) requests authority pursuant to Section 63.71 of the Commission’s Rules, 47 C.F.R. § 63.71, to discontinue as soon as June 30, 2025 (the “Discontinuance Date”), subject to regulatory approval, all communications services, including wavelength, managed services, hosted PBX, Ethernet direct internet access, point-to-point and point-to-multipoint Ethernet, and interconnected VoIP, to all customers in Delaware, Maryland, New Jersey, New York, and Pennsylvania (the “Services”). Everstream is exiting the market in the aforementioned states. In support of this Application, Everstream submits the following information:

I. Description of Discontinuance

1. Name and address of carrier

Everstream Solutions LLC
1228 Euclid Ave.
Suite 250
Cleveland, OH 44115

2. Date of planned service discontinuance

Everstream plans to discontinue the Services on the Discontinuance Date, or as soon thereafter as regulatory approvals are obtained. Everstream understands that this Application will

be automatically granted on the 31st day after public notice of filing unless the Commission notifies Everstream to the contrary.

3. Geographic areas of service affected

The proposed discontinuance of the Services will affect Delaware, Maryland, New Jersey, New York, and Pennsylvania.

4. Brief description of the type of service affected

Everstream provides competitive services to business customers in Delaware, Maryland, New Jersey, New York, and Pennsylvania. As set forth above, the Services include wavelength, managed services, hosted PBX, Ethernet direct internet access, point-to-point and point-to-multipoint Ethernet, and interconnected VoIP services.

5. Brief description of the dates and methods of notice to all affected customers

Written notice to all affected customers was sent via certified U.S. mail on February 4, 2025. A sample notice letter is attached as Exhibit A.

6. Non-dominance of carrier with respect to the services to be discontinued

Everstream is non-dominant with respect to the Services that it proposes to discontinue. The customers affected by the Service discontinuance have multiple options for replacement service.

7. Service of the Application

In accordance with Section 63.71 of the Commission's rules, Everstream has mailed a copy of this Application to the Governors and Public Utilities Commissions of Delaware, Maryland,

New Jersey, New York, and Pennsylvania and to the Special Assistant for Telecommunications for the Secretary of Defense.

8. Additional questions regarding this application may be addressed to the undersigned with copies to:

Attn: Legal Department
Everstream Solutions LLC
1228 Euclid Ave.
Suite 250
Cleveland, OH 44115

III. Circumstances of Discontinuance

The Company intends to discontinue all services in Delaware, Maryland, New Jersey, New York, and Pennsylvania because it will be exiting those markets. This discontinuance will affect less than 100 customers in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

IV. Conclusion

Everstream submits that the proposed discontinuance will not adversely affect the public convenience and necessity. Everstream has provided the requisite notice to the affected customers, which have access to several other substitute services. Everstream will take all reasonable steps, to the extent it is able, to ensure that the discontinuance of its Service is not unduly disruptive. Accordingly, Everstream respectfully requests that the Commission permit it

to discontinue its Services to customers in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

Respectfully submitted,

/s/ Danielle Burt

Russell M. Blau
Danielle Burt
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave, N.W.
Washington, DC 20004-2541
202-739-3000 (tel)
202-739-3001 (fax)
russell.blau@morganlewis.com
danielle.burt@morganlewis.com

Counsel for Everstream Solutions LLC

Dated: February 13, 2025

EXHIBIT A

Sample Customer Notice Letter

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

3 February 2025

NAME
Address
City, Town Zip

**Re: Notice of Discontinuation of All Services in Pennsylvania and related markets
("The PA Market")**

Dear xxxxxxxx,

Everstream Solutions LLC ("Everstream") values you as a customer of our communications services. After making substantial investments and improvements in the PA Market and its related markets of New York, New Jersey, Delaware and Maryland, we have determined that we are unable to provide the quality of service required and have made the difficult decision to discontinue all the services we offer in the PA Market. **We intend to decommission this network as soon as June 30, 2025 ("Service Termination Date")**. We advise you to take immediate action to replace these services in the PA Market.

You will be required to transition your Everstream services in the PA Market to a new service provider before the Service Termination Date; in such case, you will need to contact a new service provider of your choice to make such arrangements. If you do not make appropriate arrangements with a new service provider prior to the Service Termination Date, you may experience a loss of service

In addition, if you receive voice or underlying data services that support voice calling in the PA Market, you may be unable to make local calls, including 911 emergency calls or any long-distance calls after the Service Termination Date.

A list is included with this letter of your impacted circuit IDs and addresses. We will assist and provide reasonable support for your transition of services.

By making this decision we will be able to invest more in core Everstream markets where we own the underlying fiber assets and thus can better meet your needs to provide connectivity to current and new locations.

Everstream is disappointed that we must exit the PA Market. We understand this is frustrating, but we are committed to working with you to ensure as smooth a transition as possible. If you have questions

regarding the discontinuation of your services in the PA Market, please contact Everstream at 844-733-4700.

Sincerely,

Everstream

The Federal Communications Commission will normally authorize this proposed discontinuance of service unless it is shown that customers will be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is 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 discontinuation.

You may file 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 reference the §63.71 Application of Everstream Solutions 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.

VERIFICATION

I, Kim Curtis, Vice President, Critical Infrastructure Procurement, hereby state that the facts set forth in the Protest to Everstream Solutions, LLC's Application to Abandon Service are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DocuSigned by:



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Kim Curtis

Vice President, Critical Infrastructure Procurement

Dated: 4/8/2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via email, a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

By Email:

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Counsel for Zito Media Communications, LLC

DATE: April 10, 2025

/s/ Whitney E. Snyder
Whitney E. Snyder
Thomas J. Sniscak