



PUBLIC NOTICE

Federal Communications Commission
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DA 00-2716
December 1, 2000

Everest Broadband Networks Inc. Seeks Commission Determination of "Exempt Telecommunications Company" Status Under the Public Utility Holding Company Act

NSD File No: ETC 00-45
Pleading Cycle Established

Comments Due: December 15, 2000 Reply Comments Due: December 22, 2000

On October 31, 2000, Everest Broadband Networks Inc. ("Everest" or "Applicant"), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

The application states Everest is a privately-held corporation organized pursuant to the laws of the state of Delaware. Its principal place of business is located in New Jersey. Everest provides a range of high-speed Internet access, long-distance telephone service, digital broadcast satellite television, and related broadband services in multi-tenant commercial and residential buildings and hotels. The application also states that Everest is and will be engaged directly or indirectly through one or more "affiliates," as defined in Section 2(a)(11)(B) of PUHCA, exclusively in the business of providing telecommunications services, information services, other services or products subject to the jurisdiction of the Federal Communications Commission and/or products or services that are related or incidental to the provision of such products or services within the meaning of Section 34(a)(1) of PUHCA.

The application states Exelon Capital Partners, Inc. ("ECAP"), a Delaware corporation, is an SEC-approved indirect investment affiliate of Exelon Corporation ("Exelon"), a PUHCA-registered holding company. The application also states that public utility companies that are PUHCA associates of ECAP include PECO Energy Company and Commonwealth Edison Company. ECAP intends to acquire approximately a 10.3 percent ownership interest in Everest after Everest becomes an ETC. The application further states that in 2001, Exelon intends to undertake a system-wide corporate restructuring that will realign its holdings. As a result of this restructuring, some of ECAP's upstream owners are expected to change, but Exelon will remain the ultimate parent of the holding company system. The application states the Exelon corporate reorganization should not have any material effect on the manner in which Everest conducts its

business or on the pertinent facts set forth in this application.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case, October 31, 2000, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case, December 30, 2000, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accord with 47 C.F.R. section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an exempt telecommunications company. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. sections 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **December 15, 2000**. All comments should also be served on the Applicants. Reply comments must be filed no later than **December 22, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number, **ETC-00-45**.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The application may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20TH Street, NW, Washington, DC 20036, telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. You may also find more information about Exempt Telecommunications Companies at the NSD website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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