



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 00-968**  
**May 2, 2000**

**Energy East Telecommunications, Inc. Seeks Commission Determination of  
"Exempt Telecommunications Company" Status Under the Public Utility  
Holding Company Act of 1935, As Amended by Section 103  
of the Telecommunications Act of 1996**

**NSD File No: ETC 00-16**

**Pleading Cycle Established**

**Comments Due: May 23, 2000**

**Reply Comments Due: June 6,**

**2000**

On April 24, 2000, Energy East Telecommunications, Inc. ("EETI" 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").

EETI is a Delaware corporation which is wholly owned by Xenergy Enterprises, Inc., also a Delaware corporation, which in turn is wholly owned by Energy East Corporation, another Delaware corporation, and a public utility holding company registered pursuant to the PUHCA. EETI states it is engaged exclusively in the business of providing telecommunications services or products subject to the jurisdiction of the Commission and/or products or services that are related or incidental to the provision of such products or services within the meaning of PUHCA Section 34(a)(1). More specifically, EETI is an interexchange carrier that, *inter alia*, has been authorized by the New York State Public Service Commission to provide intrastate long distance service. The company also was formed for the purpose of constructing and operating fiber optic networks and may in the future engage in other activities that fall within the categories stated in Section 34(a)(1)(A)-(D) of the PUHCA. EETI states it will conduct all of the aforementioned activities in conformance with Section 34(b) of the PUHCA and in accordance with the requirements of the Communication Act of 1934, as amended, and the applicable policies and rules of the Commission.

In accordance with 47 C.F.R. § 1.5004, if the Commission does not issue an order denying any of the applications within 60 days of receipt of the applications, April 24, 2000, the applications will be deemed granted as a matter of law. In accordance with 47 C.F.R. § 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, April 24, 2000, until the date of Commission action pursuant to 47 C.F.R. § 1.5004. In accord with 47 C.F.R. § 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that Applicants are deemed to be exempt telecommunications companies. 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 these applications.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 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 **May 23, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **June 6, 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 Al McCloud, 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 No. **ETC 00-16**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), [amccloud@fcc.gov](mailto:amccloud@fcc.gov) or Marty Schwimmer, (202) 418-2320 (voice), [mschwimm@fcc.gov](mailto:mschwimm@fcc.gov), of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

**-FEDERAL COMMUNICATIONS COMMISSION-**