



# PUBLIC NOTICE

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

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**DA 01-1490**  
**June 22, 2001**

**ITC^DELTA COM, INC. SEEKS COMMISSION DETERMINATION OF  
"EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER  
THE PUBLIC UTILITY HOLDING COMPANY ACT**

**NSD File No: ETC 01-09**  
**Pleading Cycle Established**

**Comments Due: July 9, 2001**

**Reply Comments Due: July 16, 2001**

On May 25, 2001, ITC^DeltaCom, Inc. (ITC or Applicant), located at 1791 O.G. Skinner Drive, West Point, GA 31833, and pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA), 15 U.S.C. §§ 79 *et seq.*, as amended by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting determination from the Federal Communications Commission (Commission) that it is an "exempt telecommunications company" (ETC).

According to its application, ITC is a holding company, organized in 1997 pursuant to the laws of the State of Delaware. Through its wholly-owned subsidiaries, Applicant provides integrated voice and data telecommunications services to mid-size and major regional businesses in the southern United States, and also serves as a regional provider of wholesale, long-haul services to other telecommunications companies.

Applicant's three areas of business operations are retail services, broadband transport services, and what Applicant calls "e^deltacom." Regarding its retail services, ITC provides local telephone services, long distance telephone services, Internet services, customer premise equipment sales, installation and maintenance services, and related telecommunications services to customers in thirty-seven (37) markets in the southern United States. Regarding its broadband transport services, the Company sells wholesale, long-haul telecommunications transmission capacity to other telecommunications companies via its fiber optic network. In addition, it uses its fiber optic network to direct and transport telecommunications traffic for other telecommunications companies. Regarding its third area of business operations, "e^deltacom," Applicant provides customers with collocation services, managed services and professional services. The collocation services allow businesses to establish a Web presence, and include Web server hosting, security, software updates, monitoring, and hardware solutions. The managed services take four basic forms: enhanced monitoring, managed security services, storage management services, and hardware management services. The professional services offered

through e^deltacom provide e-business solutions, starting with the needs-assessment phase, and progressing to the design, implementation and support phases.

The application indicates that ITC is an "affiliate" of SCANA Corporation (SCANA) within the meaning of Section 2(a)(11)(B) of PUHCA. SCANA is registered as a public utility holding company under PUHCA. SCANA has two direct subsidiaries that are public utility companies: South Carolina Electric & Gas Company; and Public Service Company of North Carolina, Inc.

The application states that ITC is and will be engaged directly or indirectly through one or more "affiliates," as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of providing telecommunications services, information services, other services or products subject to the jurisdiction of the Commission and/or product 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.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case July 24, 2001, ITC's application will be deemed granted as a matter of law. 47 C.F.R § 1.5004. In accordance with 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 May 25, 2001, until the date of Commission action pursuant to section 1.5004. 47 C.F.R § 1.5003. In accordance with 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. 47 C.F.R. § 1.5005. In the event that the Commission issues an order denying the application within 60 days of its receipt, 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. §§ 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicants' application requesting status as an ETC, must do so no later than **July 9, 2001**. All comments should also be served on the Applicants. Reply comments must be filed no later than **July 16, 2001**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to International Transcription Service, Inc. (ITS), 1231 20<sup>th</sup> Street, NW, Washington, D.C. 20036 and two copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, FCC, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC-01-09**.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554. The application may also be purchased from the Commission's copy contractor, ITS, 1231 20<sup>th</sup> 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](mailto:cweather@fcc.gov) or

Jon Minkoff, (202) 418-2353 (voice), [jminkoff@fcc.gov](mailto:jminkoff@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 Network Services Division website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**