



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1491
June 22, 2001

**AFN FINANCE COMPANY NO. 1, LLC, SEEKS COMMISSION
DETERMINATION OF "EXEMPT TELECOMMUNICATIONS
COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING
COMPANY ACT**

NSD File No: ETC 01-10
Pleading Cycle Established

Comments Due: July 9, 2001

Reply Comments Due: July 16, 2001

On May 31, 2001, AFN Finance Company No. 1, LLC, LLC (AFN Finance or Applicant), located at Route 183 & Van Reed Road, P.O. Box 15164, Reading, PA 19612-5164, 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 (the 1996 Act), Pub. L. No. 104-104, filed an application requesting a determination by the Federal Communications Commission (Commission) that it is an "exempt telecommunications company" (ETC).

The application indicates that AFN Finance is a Delaware limited liability company. It will be a direct subsidiary of GPU Telecom Services, Inc., and an indirect subsidiary of GPU, Inc., a public utility holding company registered pursuant to the PUHCA.

Applicant states that it will be engaged, either directly or indirectly, wherever located, through one or more "affiliates" (as defined in Section 2(a)(11)(B) of the PUHCA, as amended), and exclusively in the business of providing: (i) telecommunications services; (ii) information services; (iii) other services or products subject to the jurisdiction of the Federal Communications Commission (Commission); or (iv) products or services that are related or incidental to the provision of such products described in (i), (ii) and (iii), within the meaning of Section 103 of the 1996 Act.

The application states specifically that Applicant will be a special purpose entity. It will be engaged exclusively in providing financing to its affiliate, AFN, LLC (AFN), an ETC and a Delaware limited liability company. This financing will be provided for the following purposes: (a) development and expansion of AFN's fiber optic telecommunications network; (b) provision of working capital to AFN; (c) repayment of debt of AFN; and, (d) other general company purposes of AFN.

The application indicates that AFN Finance will become an "associate company" (within the meaning of Section 2(a)(10) of PUHCA) of Pennsylvania Electric Company, Metropolitan Edison Company, and Jersey Central Power & Light Company. It states, furthermore, that Applicant's activities will be conducted in accordance with the requirements of the Communications Act of 1934, as amended, and applicable rules and regulations of the Commission.

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 an application, in this case July 30, 2001, the 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 31, 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 AFN Finance's application requesting status as an ETC must do so no later than **July 9, 2001**. All comments should also be served on the Applicant. 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), 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-A207, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC-01-10**.

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, 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 Jon Minkoff, (202) 418-2353 (voice), 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-