



PUBLIC NOTICE

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

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
TTY 202 / 418-2555

DA 01-1875
August 6, 2001

KLT TELCOM INC., DTI HOLDINGS, INC., DIGITAL TELEPORT OF VIRGINIA, INC., DIGITAL TELEPORT, INC., AND SIGNAL SITES INC. JOINTLY SEEK COMMISSION DETERMINATION OF "EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT

NSD File No: ETC 01-18
Pleading Cycle Established

Comments Due: August 9, 2001

Reply Comments Due: August 10, 2001

On June 12, 2001, KLT Telecom Inc. (KLTT), located at 10740 Nall, Suite 230, Overland Park, KS 66211; DTI Holdings, Inc. (Holdings), located at 8112 Maryland Avenue, 4th Floor, St. Louis, MO 63105; Digital Teleport of Virginia, Inc. (DTVI), same address as Holdings'; Digital Teleport, Inc. (Digital), same address as Holdings'; and Signal Sites Inc. (Signal Sites), located at 6255 McLeod Drive, Suite 13, Las Vegas, NV 89120, (collectively Applicants), 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, jointly filed an application requesting a determination by the Federal Communications Commission (FCC or Commission) that it is an "exempt telecommunications company" (ETC).

The application indicates that the Applicants will be engaged directly, or indirectly through one or more affiliates exclusively in the business of providing telecommunications services, information services, other 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). The application states KLTT is an indirect, wholly owned subsidiary of Kansas City Power & Light Company (KCPL), and that KCPL is a vertically integrated electric utility company headquartered in Kansas City, Missouri.

The application indicates that KLTT is a Missouri corporation that pursues investment opportunities in telecommunications and wireless technology. According to the application, KLTT owns approximately eighty-three percent (83%) of the issued and outstanding voting securities of Holdings. Applicants state that Holdings is a Missouri corporation, and its

assets consist of stock from its two (2) wholly-owned subsidiaries: Digital and DTVI. According to the application, Digital, a Missouri corporation, is a facilities-based wholesale provider of regional communications transport services to interexchange carriers and other communications companies, and provides services to government and business clients. The application also explains that DTVI, a Virginia corporation, is presently developing telecommunications facilities in Virginia. The application asserts that Holdings does not engage directly in any of these operations.

The application states that KLTT also owns approximately twenty percent (20%) of Signal Sites' issued and outstanding voting securities. According to the application, Signal Sites is a Delaware corporation that acquires building rooftops and other site leases to sublease to telecommunications carriers for wireless communications.

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 **August 11, 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 **June 12, 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 sixty (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 KLT TELECOM INC., DTI HOLDINGS, INC., DIGITAL TELEPORT OF VIRGINIA, INC., DIGITAL TELEPORT, INC. AND SIGNAL SITES INC.'s joint application requesting status as an ETC must do so no later than **August 9, 2001**. All comments should also be served on the Applicant. Reply comments must be filed no later than **August 10, 2001**.

Interested parties should file an original and four (4) 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 (1) copy to International Transcription Service, Inc. (ITS), at 1231 20th Street, NW, Washington, D.C. 20036 and two (2) 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 01-18**.

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. A copy of 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>.

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