



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 01-2305
October 4, 2001

ENERGY EAST TERMINATES EXEMPT TELECOMMUNICATIONS COMPANY STATUS FOR ITS AFFILIATE, NEON COMMUNICATIONS, INC.

NSD File No: ETC 01-16

On July 11, 2001, **Energy East Corporation** (Energy East or Applicant), 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 with the Federal Communications Commission (Commission or FCC) requesting that its affiliate, Neon Communications, Inc. (Neon) be deemed an “exempt telecommunications company” (ETC). Neon was deemed to be an ETC upon receipt of said application.¹

On August 21, 2001, Energy East filed a withdrawal notice to terminate Neon’s ETC status.² Applicant explains that one of its other affiliates, New England Business Trust (NEBT), successfully filed an ETC application on July 21, 2000.³ According to Applicant, NEBT holds Energy East’s interest in Neon, and based upon its review of similar applications, Energy East believes that it is not required to file a separate application for Neon. Energy East states that Neon is one of the affiliates through which NEBT engages directly or indirectly and exclusively in the business of providing (a) telecommunications services, (b) information services, (c) other services or products subject to the jurisdiction of the Commission, or (d) products or services related or incidental to the provision of such products or services.

Pursuant to 47 CFR § 1.5006(c), ETCs can terminate their status by notifying the

¹ See *Energy East Seeks Commission Determination of “Exempt Telecommunications Company” Status Under the Public Utility Holding Company Act For Its Affiliate, Neon Communications, Inc.*, NSD File No. ETC 01-16, Public Notice, DA 01-1880 (rel. August 7, 2001).

² Withdrawal of Application of Energy East Corporation for Determination of Exempt Telecommunications Company Status for NEON Communications, Inc., filed August 21, 2001. See 47 CFR § 1.5006(c). An ETC may notify the Commission that it no longer seeks to maintain ETC status.

³ See *MaineCom Services, New England Investment Corporation, New England Business Trust, and New England Security Corporation Seek Commission Determination of “Exempt Telecommunications Company” Status Under the Public Utility Holding Company Act*, NSD File No. ETC 00-28, 29, 30, & 31, Public Notice, DA 00-1714, (rel. August 1, 2000).

Commission that they do not want to remain an ETC. The rules do not provide for a comment period for ETC terminations.⁴ Accordingly, the Commission is hereby notified and recognizes that Neon has terminated its ETC status.

The application and all subsequent filings 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, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

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-

⁴ See 47 CFR § 1.5007.