



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2984
December 20, 2001

**AMBIENT CORPORATION SEEKS COMMISSION DETERMINATION
OF "EXEMPT TELECOMMUNICATIONS COMPANY" STATUS
UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT**

NSD File No: ETC 01-20
Pleading Cycle Established

Comments Due: January 4, 2002

Reply Comments Due: January 11, 2002

On **November 20, 2001**, **Ambient Corporation** (Ambient or Applicant), located at **1033 Beacon Street, Brookline, MA 02446**, filed an application requesting a determination by the Federal Communications Commission (FCC or Commission) that it is an "exempt telecommunications company" (ETC), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA),¹ as amended by section 103 of the Telecommunications Act of 1996 (the Act).²

The application states that Ambient will be exclusively engaged in the business of providing: (a) telecommunications services; (b) information services; (c) other services or products subject to the jurisdiction of the Commission; and/or (d) products 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. Ambient states that it is the developer and owner of proprietary technology, called Powerline Telecommunications technology (PLT), which uses existing powerlines and distribution grids to deliver broadband and multimedia telecommunications accessible through electrical outlets in commercial and residential buildings. Ambient's current plans include the development of business relationships with electrical utilities and other power companies to act as a "carrier's carrier" for telecommunications backhaul and other wholesale services on behalf of public utility customers, partners and non-affiliated third parties engaged in the business of providing telecommunications services. In the future, Ambient may provide other telecommunications services, information services and or products as permitted.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within sixty (60) days of receipt of an application, in

¹See 15 U.S.C. §§ 79 *et seq.*

²See Pub. L. No. 104-104.

this case **January 20, 2002**, the application will be deemed granted as a matter of law.³ 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 **November 20, 2001**, until the date of Commission action pursuant to section 1.5004.⁴ 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.⁵ 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.⁶ Persons wishing to file comments regarding the adequacy or accuracy of 's **Ambient Corporation** application requesting status as an ETC must do so no later than **January 4, 2002**. Reply comments must be filed no later than **January 11, 2002**. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC 01-20**. All comments should also be served on the Applicant.

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 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 qualexint@aol.com, 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.

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, 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 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-

³See 47 C.F.R § 1.5004.

⁴See 47 C.F.R § 1.5003.

⁵See 47 C.F.R. § 1.5005.

⁶See generally 47 C.F.R. §§ 1.1200 - 1.1216.