



PUBLIC NOTICE

Federal Communications Commission
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DA 01-366
February 12, 2001

**KeySpan MHK Inc., Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding Company
Act**

NSD File No: ETC 01-03
Pleading Cycle Established

Comments Due: February 22, 2001 Reply Comments Due: March 1, 2001

On January 12, 2001, KeySpan MHK, Inc. ("KMHK"), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

The application states that KeySpan Corporation ("KeySpan"), a New York corporation, is a diversified public utility holding company under PUHCA. KeySpan, through its wholly-owned subsidiary, KMHK, has acquired an approximately 18% equity interest in myHomeKey.com, Inc. ("MHK"), a Delaware corporation that was granted ETC status on January 5, 2001, in NSD File No. ETC 00-44, *Public Notice DA 00-2744* (rel. Dec. 6, 2000). KMHK is an "affiliate" of KeySpan.

The application states that KMHK has entered into a license agreement with MHK pursuant to which KMHK will develop, operate and maintain a local web site featuring KeySpan companies, as well as unaffiliated local service providers and community organizations in KMHK's geographic territory. KMHK's license agreement with MHK designates six states as KMHK's geographic territory, New York, New Jersey, Connecticut, Massachusetts, New Hampshire and Rhode Island.

The application states that KMHK will establish and maintain its own web site which will be accessed through the MHK master site. The users of the MHK licensees' web sites, including the KMHK web site, will be able to access a wide variety of services, including: (i) identifying and scheduling local and national providers of routine and emergency energy and home-related services (plumbing; HVAC installation, maintenance and repair; roofing; carpet cleaning; security system installation and monitoring; etc.); (ii) purchasing and scheduling installation of home appliances; (iii) monitoring and remotely controlling energy usage and the home environment; (iv) purchasing energy through links with other web sites; (v) paying utility and other bills; (vi)

monitoring community calendars (*e.g.*, civic events, governmental meetings, Little League games); (vii) making reservations and purchasing tickets for local activities (*e.g.*, restaurants, movies, sporting events), and (viii) managing residential relocations.

The application also states that, like MHK, KMHK will be engaged exclusively, directly or indirectly, wherever located, through one or more affiliates, 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, or (iv) products or services that are related or incidental to the provision of a product or service described in (i), (ii) or (iii) above. In addition to these activities, KMHK may also engage in such other business activities as are consistent with the definition of an ETC set forth in Section 34(a)(1) of PUHCA. The application states that KMHK therefore satisfies the requirements for ETC status.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case by March 13, 2001, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. 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 from January 12, 2001, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accord with 47 C.F.R 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. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, 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. sections 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status, as an ETC must do so no later than **February 22, 2001**. All comments should also be served on the Applicants. Reply comments must be filed no later than **March 1, 2001**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. Parties should also send one copy to 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 matters referenced in this Public Notice should refer to NSD file number **ETC 01-03**.

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, International Transcription Service, Inc. (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 Marty Schwimmer, (202) 418-2320 (voice), mschwimm@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 NSD web site:

<http://www.fcc.gov/ceb/nsd/documents/ETC.html>.

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