



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 01-54
January 9, 2001

SUNESYS, INC. Seeks Commission Determination of "Exempt Telecommunications Company" Status Under the Public Utility Holding Company Act

NSD File No: ETC 00-50
Pleading Cycle Established

Comments Due: January 10, 2001 Reply Comments Due: January 11, 2001

On November 14, 2000, Sunesys, Inc., ("Sunesys" or "Applicant"), 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 Sunesys is a privately-held corporation organized pursuant to the laws of the Commonwealth of Pennsylvania. Sunesys is a certified competitive access provider ("CAP") in the Commonwealth of Pennsylvania. Its principal place of business is located at 202 Titus Avenue, Warrington, Pennsylvania 18976.

Sunesys's application states that, in conjunction with its sister company, Blair Park Services, Inc. (concurrently filing as application for ETC status with the Commission), Sunesys contracts with local businesses, private and public school districts, and universities in the Philadelphia suburbs to install, maintain, own and lease fiber optic facilities and networks. Services are provided to public school districts and universities under the federally funded "E-rate" program, which provides funding to public schools and libraries to update their technology.¹ Blair Park and Sunesys plan to construct wide-area networks for additional school districts in Philadelphia, New Jersey, Delaware and Maryland and to connect the local networks together in a central network hub

The application states Sunesys is and will be engaged directly or indirectly through one or more "affiliates" as defined in Section 2(a)(11)(B) of PUHCA, 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 Section 34(a)(1) of PUHCA.

The application states Exelon Infrastructure Services, Inc. ("EIS"), a Delaware corporation, is an

¹ See U.S.C. 254(h).

SEC-approved infrastructure services affiliate of Exelon Corporation ("Exelon"), a PUHCA registered holding company. *See Exelon Corporation, Holding Co, Act Release No. 35-27256* (October 19, 2000). Public utility companies that are PUHCA associates of EIS include PECO Energy Company and Commonwealth Edison Company. EIS intends to acquire a 100% ownership interest in Sunesys after Sunesys becomes an ETC. Because Sunesys is a certified competitive access provider in the Commonwealth of Pennsylvania, approval of the Pennsylvania Public Utility Commission is required and will be obtained before EIS acquires a controlling interest in Sunesys.

Sunesys' application states that in 2001, Exelon intends to undertake a system-wide corporate restructuring that will realign its holdings. As a result of this restructuring some of EIS's upstream owners are expected to change, but Exelon will remain the ultimate parent of the holding company system. The Exelon corporate reorganization should not have any material effect on the manner in which Sunesys conducts its business or on the pertinent facts set forth in this Application.

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, January 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, November 14, 2000, 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 **January 10, 2001**. Reply Comments must be filed no later than **January 11, 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-00-50**.

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/ccb/nsd/documents/ETC.html>.

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