



PUBLIC NOTICE

Federal Communications Commission
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DA 01-55
January 9, 2001

**First Communications, LLC Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding
Company Act**

NSD File No: ETC 00-51
Pleading Cycle Established

Comments Due: January 16, 2001 Reply Comments Due: January 23, 2001

On November 29, 2000, First Communications, LLC ("FirstComm"), 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 FirstComm, an Ohio limited liability company, is a facilities-based telecommunications firm offering a state-of-the-art, global fiber optic network. FirstComm's investors include FirstEnergy Corp., an exempt public utility holding company pursuant to PUHCA. FirstComm offers its customers a complete line of telecommunications products including traditional switched 1+ long distance, 800 and Internet access service, calling cards, conference calling packages, and advanced data services. In addition, FirstComm may in the future engage in other activities that fall within the categories set forth in section 34(a) of PUHCA.

The application states FirstComm is engaged directly and 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 such products or services. Accordingly, FirstComm meets the criteria for Commission determination that it is an exempt telecommunications company under Section 34(a)(1) of PUHCA.

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 28, 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 29, 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 Applicants' application requesting status as an ETC must do so no later than **January 16, 2001**. All comments should also be served on the Applicants. Reply comments must be filed no later than **January 23, 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. In addition, parties should 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 of the matters referenced in this Public Notice should refer to NSD file number, **ETC-00-51**.

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>.

-FEDERAL COMMUNICATIONS COMMISSION-