



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

News media information 202 / 418-0500  
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**DA 02-124**  
**January 15, 2002**

**DIGITAL TELEPORT NATIONWIDE LLC SEEKS COMMISSION  
DETERMINATION OF "EXEMPT TELECOMMUNICATIONS  
COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING  
COMPANY ACT**

**NSD File No: ETC 01-21**  
**Pleading Cycle Established**

**Comments Due: January 29, 2002**

**Reply Comments Due: February 5, 2002**

On **December 7, 2001**, **Digital Teleport Nationwide, LLC** (Applicant or Digital), located at **8112 Maryland Avenue, 4<sup>th</sup> Floor, St. Louis, MO 63105**, 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),<sup>1</sup> as amended by section 103 of the Telecommunications Act of 1996 (the Act).<sup>2</sup>

The application states that Digital 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.

The application indicates that Digital is a newly-formed limited liability company, and is a wholly-owned subsidiary of Digital Teleport, Inc. (Digital Teleport).<sup>3</sup> Applicant anticipates that it will issue additional ownership interests to Digital Teleport in exchange for Digital Teleport's contribution of certain of its long-haul telecommunications assets and associated contractual obligations. Applicant intends to accept Digital Teleport's contribution. Moreover, Digital states that it intends to become a facilities-based wholesale provider of communications transport services and facilities. In addition to or in lieu of the described activities, Applicant states that it may in the future engage in such other business activities as are consistent with the ETC definition.

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<sup>1</sup>See 15 U.S.C. §§ 79 *et seq.*

<sup>2</sup>See Pub. L. No. 104-104.

<sup>3</sup>Digital Teleport, Inc. is an ETC. See NSD File No. ETC 01-18.

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 this case **February 7, 2002**, the application will be deemed granted as a matter of law.<sup>4</sup> 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 **December 7, 2001**, until the date of Commission action pursuant to section 1.5004.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> Persons wishing to file comments regarding the adequacy or accuracy of **Digital Teleport Nationwide LLC's** application requesting status as an ETC must do so no later than **January 29, 2002**. Reply comments must be filed no later than **February 5, 2002**. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC 01-21**. 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 12<sup>th</sup> St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one (1) copy to Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com), and two (2) copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, FCC, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, D.C. 20554. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Jon Minkoff.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistrionix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-

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<sup>4</sup>See 47 C.F.R § 1.5004.

<sup>5</sup>See 47 C.F.R § 1.5003.

<sup>6</sup>See 47 C.F.R. § 1.5005.

<sup>7</sup>See generally 47 C.F.R. §§ 1.1200 - 1.1216.

Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

<b>TYPE OF DELIVERY</b>	<b>PROPER DELIVERY ADDRESS</b>
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 <sup>th</sup> Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [cweather@fcc.gov](mailto:cweather@fcc.gov) or Jon Minkoff, (202) 418-2353 (voice), [jminkoff@fcc.gov](mailto: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-**