



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 02-127
January 16, 2002

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

NSD File No: ETC 01-22
Pleading Cycle Established

Comments Due: January 28, 2002

Reply Comments Due: February 1, 2002

On **December 4, 2001**, **KeySpan Communications Corporation** (Applicant or KCC), located at **201 Old County Road, Suite 300, Melville, NY 11747**, 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 KCC is 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 Commission; and (iv) products or services that are related or incidental to the provision of a product or service described in the clauses above. In addition to these activities, KCC indicates that it may engage in other business activities consistent with the ETC definition.

The application indicates that KeySpan Corporation (KeySpan), a New York corporation, is a registered public utility holding company pursuant to PUHCA. KeySpan, through its wholly-owned subsidiary, KeySpan Services, Inc. (KSI), owns KCC, and that KSI and KCC are affiliates of KeySpan. According to the application, KCC constructs and operates fiber optic networks. Included among its facilities is a four-hundred (400) mile fiber optic network in and around the New York City region. KCC explains that this network currently serves several unaffiliated local, long distance, and transatlantic telephone carriers (such as AT&T and MCI) under long- and short-term leases. Applicant also explains that it has contracted with another KeySpan

¹See 15 U.S.C. §§ 79 *et seq.*

²See Pub. L. No. 104-104.

affiliate, KeySpan Corporate Services LLC (KCS), to serve the telecommunications needs of KeySpan and certain of its utility and non-utility subsidiaries.

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 4, 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 **December 4, 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 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 **KeySpan Communications Corporation's** application requesting status as an ETC must do so no later than **January 28, 2002**. Reply comments must be filed no later than **February 1, 2002**. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC 01-22**. 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. 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,

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.

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-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:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
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 th 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 12th 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 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **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-