



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 05-2436
September 9, 2005

**ID INTERACTIVE DIGITAL SEEKS COMMISSION DETERMINATION OF
"EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER THE
PUBLIC UTILITY HOLDING COMPANY ACT**

Comp. Pol. File No. ETC 05-01
Pleading Cycle Established

Comments Due: September 26, 2005

Reply Comments Due: October 3, 2005

On August 17, 2005, **ID Interactive Digital** (ID or Applicant), located at **21 Westminster Ave., S-209, Venice, CA 90291**, submitted 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), 15 U.S.C. §§ 79 *et seq.*, as amended by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, and section 1.5002 of the Commission's rules, 47 C.F.R. § 1.5002.

The application indicates that ID is a privately held Delaware corporation, and a wholly-owned division of XHDTV Broadcasting Corporation. ID states that it will be engaged directly or indirectly through one or more affiliates exclusively 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 the products or services described in (a), (b), or (c). ID indicates that its central facility will be located in Malibu, California.

ID states that it plans to offer Crisis Communication Management Center network facilities and conditioned access to Homeland Security and Emergency Alert Service Authorities, officials and first response providers. Specifically, ID indicates that it intends to offer dual purpose "Ultra Broadband Wireless Internet Broadcasting Service", Enhanced DTV cellular and Advanced Wireless Broadcasting Services (AWS). ID states that the DTV Must Carry facility service will provide V-Chip conditioned content and other interactive LAN information and datacast interactive IP services. ID further states that the dual purpose Emergency Alert System (EAS) affiliate facilities will multi-cast Homeland Security Broadcast, First Responder Emergency Communications and Enhanced Audio-Video Emergency Alert, Amber Alert broadcasting channels, and IP emergency communications services, encrypted and to the public. ID indicates that it will establish, develop, operate and maintain an on premises research and development AWS Internet DTV Broadcast facility that provides Next Generation HDTV and Emergency Alert Information Services in the interest of public safety and convenience.

ID states that it will provide EAS IP DTV services for network wide area, fixed mobile networks and mobile portable networks in shadow signal B, C broadcast contours, rural urban and tribal areas. ID

further asserts that it will provide source signals for SMART device override for EAS Amber Alert broadcast into any landline, electric MDU, and/or electric utility or wireless distribution media. ID indicates that its next generation AWS Datacasting service is intended for Personal Wireless DTV, PDA EAS, SMART appliances, onsite Gaming Commission services, and local broadcast of IP wireless for the Gaming and Wager Industry that is underwriting the EAS facilities. In its application, ID also mentions gaming partnerships in exchange for expedited processing, the underwriting of funding for Regional Disaster Recovery Communication Centers, and unspecified government exemptions. The application indicates that in addition to, or in lieu of, these activities, ID may engage in the future in such other business activities as are consistent with the definition of an ETC set forth in section 34(a)(1) of the PUHCA.

In accordance with section 1.5003, 47 C.F.R § 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 **August 17, 2005**, until the date of Commission action pursuant to section 1.5004. In accordance with section 1.5004 of the Commission's rules, 47 C.F.R § 1.5004, if the Commission does not take action by issuing an order denying an ETC application within sixty (60) days of receipt of an application, in this case **October 16, 2005**, the application will be deemed granted as a matter of law. In accordance with section 1.5005, 47 C.F.R. § 1.5005, the Secretary of the Commission will notify the Securities and Exchange Commission (SEC) if the Applicant is determined to be an Exempt Telecommunications Company.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200 - 1.1216. Pursuant to section 1.5007 of the Commission's rules, 47 C.F.R. § 1.5007, interested parties may file comments on or before **September 26, 2005** and reply comments are due on or before **October 3, 2005**. Comments in this proceeding may not be filed using the Commission's Electronic Comment Filing System (ECFS). All filings concerning any of the matters referenced in this Public Notice should refer to **Comp. Pol. File No. ETC 05-01**. All comments should also be served on the Applicant at the address listed above.

Interested parties must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C.

20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding ETCs please visit http://www.fcc.gov/wcb/cpd/other_adjud/etc/etc.html.

-FEDERAL COMMUNICATIONS COMMISSION-