



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 06-560
March 9, 2006

ETROS (ENERGY TECHNOLOGIES REDEVELOPMENT OUTREACH SYSTEMS) SEEKS COMMISSION DETERMINATION OF "EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT

Comp. Pol. File No. ETC 06-01
Pleading Cycle Established

Comments Due: March 24, 2006

Reply Comments Due: March 31, 2006

On February 23, 2006, **ETROS (Energy Technologies Redevelopment Outreach Systems)** (ETROS or Applicant), c/o The Beverly Construction Management Group, Inc., located at **261 South Beverly Drive, Suite 202, Beverly Hills, California 90212**, 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 ETROS is a privately held California corporation, and a wholly-owned division of "The Beverly Group Construction Management, Inc." ETROS asserts 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). In particular ETROS states that it intends to offer "SMART Broadband Community Development Service" to provide self generator facilities to support multiple dwelling unit (MDU) environmental power needs, local emergency first responder communications, relay support, and Homeland Security broadcast to the community. ETROS indicates that it plans to establish, develop, operate and maintain on premises MDU community power generator system(s) including Hydrogen power generation/recycled waste methane generation and alternative energy plant(s). ETROS asserts that these core generator facilities will also support the community by providing Emergency Alert System (EAS) information and broadcasting services in the interest of public safety and convenience. Specifically, ETROS indicates that its developments will contribute and provide onsite support for local first responder services, and provide communications relay support and local re-transmit broadcast services including but not limited to data cast services, news, and ultra-broadband wireless relay into MDU developments and surrounding communities. ETROS further asserts that it will relay, enable, and provide SMART home and office appliance information broadcast services and EAS SMART broadcast, via consumer appliances and new SMART electronic devices

including radios and televisions. The application indicates that in addition to, or in lieu of, these activities, ETROS 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.

ETROS indicates that it will provide Emergency/EAS Communications relay services in shadow urban, rural, industrial, Indian tribal, and agricultural areas where signals are not available, and that it will also focus on providing advanced telecommunications services in areas where they are not currently available to the public. ETROS states that its central facilities will be located in the coastal areas in the County of Los Angeles, California, other California regions and canyons, other states in need of its new technology, and any particular counties and cities that are currently deficient in urban services and emergency response communications systems. ETROS indicates that it has provided copies of its application to the state commissions located in the affected states, which include Arizona, Arkansas, California, Florida, Nevada and Texas. ETROS asserts that it will establish its facilities through joint venture interests with private or public sector entities and/or unspecified government funding. In particular, ETROS states that it will seek commercial underwriting of MDU developments from joint venture developments including the gaming casino industry, mixed use planned MDU communities and their joint ventures.

ETROS makes further reference in its application to “this exempt ETC Certification” and asserts that it will include certain unspecified “utility entitlements, exemptions and new deregulated exempt powers like expedited processing by local governments, increase density within MDU planning and zoning exemptions.” ETROS asserts that these “include the powers of eminent domain in rural, urban, industrial and agricultural areas as needed to facilitate the essential elements of the ETROS utility power generation and support operations.” ETROS further asserts that it is seeking a “determination as an ‘Exempt Public Utility Company’, Generator/Exempt Utility Status,” and that it will “enjoy tax exemptions . . . as any established utility providing services to the public.” We note that action on this public notice is solely in response to ETROS’s request in its application that the Commission make a determination of ETC status with respect to ETROS, pursuant to section 34(a)(1) of the PUHCA, and section 1.5002 of the Commission’s rules. We do not hereby make any other determination with respect to this application beyond the limited scope of this proceeding, as required under the PUHCA and the Commission’s rules.

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 **February 23, 2006**, 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 **April 24, 2006**, 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 **March 24, 2006** and reply comments are due on or before **March 31, 2006**. 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 06-01**. 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-