



PUBLIC NOTICE

Federal Communications Commission
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DA 00 -727
March 31, 2000

**America's Fiber Network, LLC Seeks Commission Determination of
"Exempt Telecommunications Company" Status Under the Public Utility
Holding Company Act of 1935, As Amended by Section 103
of the Telecommunications Act of 1996**

NSD File No: ETC 00-10

Pleading Cycle Established

Comments Due: April 21, 2000

Reply Comments Due: May 5,

2000

On March 22, 2000, America's Fiber Network, LLC ("AFN" or "Applicant") 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").

AFN, a Delaware limited liability company, is a venture of major utility telecommunications affiliates and other participants. The utility affiliates who are members of AFN are: (1) AEP Communications, LLC, a Virginia limited liability company and a wholly owned subsidiary of American Electric Power Company, Inc., a registered public utility holding company as that term is defined in PUHCA; (2) GPU Telcom Services, Inc., a Delaware corporation and wholly-owned subsidiary of GPU, a registered public utility holding company; (3) Allegheny Communications Connect, Inc., a Delaware corporation and a wholly-owned subsidiary of Allegheny Power System, Inc., a registered public utility holding company; and (4) FirstEnergy Telecom Corp., an Ohio corporation and a wholly-owned subsidiary of FirstEnergy Corp., an exempt public utility holding company. Non-utility members of AFN include (1) CFW Network Inc., a Virginia corporation and wholly-owned subsidiary of CFW Communications Company, an integrated communications provider operating in Virginia and West Virginia; and (2) R&B Network, Inc., a Virginia corporation and wholly-owned subsidiary of R&B Communications, an integrated communications provider operating in Virginia.

AFN states that it will be a facilities-based, wholesale provider of high-bandwidth fiber optic transmission capacity in the eastern and central United States to telecommunications carriers - such as interexchange carriers (IXCs), incumbent local exchange carriers (ILECs), competitive

local exchange carriers (CLECs), wireless carriers, and international carriers – as well to Internet Service Providers (ISPs), rather than to end users of telecommunications services. AFN states it will provide SONET transport capacity to enable its customers to meet the growing demand for reliable, high-bandwidth voice, data and video transmission capacity. Services to be provided include point-to-point DS-1, DS-3, OC-x capacity. AFN states that it may in the future provide additional fiber-based services, including IP, ATM or frame relay services, and also may engage in other activities that fall within the categories set forth in Section 34(a) of PUHCA.

In accordance with 47 C.F.R. § 1.5004, if the Commission does not issue an order denying Applicant's application within 60 days of receipt of this application, March 22, 2000, the application will be deemed granted as a matter of law. In accordance with 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, March 22, 2000, until the date of Commission action pursuant to 47 C.F.R. § 1.5004. In accordance with 47 C.F.R. § 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. 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. §§ 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **April 21, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **May 5, 2000**.

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 Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554.

All filings concerning any of the matters referenced in this Public Notice should refer to NSD File No. **ETC 00-10**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amcccloud@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.

-FEDERAL COMMUNICATIONS COMMISSION-