

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

▣ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

▣ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5000 Purpose.**

The purpose of part 1, subpart T, is to implement Section 34(a) of the Public Utility Holding Company Act of 1935, [15 U.S.C. § 79](#) et seq., as added by Section 103 of the Telecommunications Act of 1996, [Public Law No. 104- 104, 110 Stat. 56 \(1996\)](#).

47 C. F. R. § 1.5000, 47 CFR § 1.5000

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Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

▣ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

▣ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5001 Definitions.**

(a) For the purpose of this part, the terms "telecommunications services" and "information services" shall have the same meanings as provided in the Communications Act of 1934, as amended;

(b) Commission shall be defined as the Federal Communications Commission; and

(c) "ETC" shall be defined as an exempt telecommunications company.

SOURCE: [56 FR 57598](#), Nov. 13, 1991; [57 FR 187](#), Jan. 3, 1992; [58 FR 27473](#), May 10, 1993; [59 FR 22985](#), May 4, 1994; [61 FR 45618](#), Aug. 29, 1996; [61 FR 46561](#), Sept. 4, 1996; [61 FR 52899](#), Oct. 9, 1996; [61 FR 57335](#), Nov. 6, 1996; [62 FR 37422](#), July 11, 1997; [63 FR 67429](#), Dec. 7, 1998; [63 FR 71036](#), Dec. 23, 1998; [64 FR 63251](#), Nov. 19, 1999; [65 FR 10720](#), Feb. 29, 2000; [65 FR 19684](#), April 12, 2000; [65 FR 31281](#), May 17, 2000; [69 FR 77938](#), Dec. 29, 2004; [71 FR 26251](#), May 4, 2006, unless otherwise noted.

AUTHORITY: [15 U.S.C. 79](#) et seq.; [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [155](#), [157](#), [225](#), [303\(r\)](#), and [309](#).

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 47 C.F.R. § 1.5002

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

▣ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

▣ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➤ **§ 1.5002 Contents of application and procedure for filing.**

(a) A person seeking status as an exempt telecommunications company (applicant) must file with the Commission with respect to the company or companies which are eligible companies owned or operated by the applicant, and serve on the Securities and Exchange Commission and any affected State commission, the following:

(1) A brief description of the planned activities of the company or companies which are or will be eligible companies owned and/or operated by the applicant;

(2) A sworn statement, by a representative legally authorized to bind the applicant, attesting to any facts or representations presented to demonstrate eligibility for ETC status, including a representation that the applicant is engaged directly, or indirectly, wherever located, through one or more affiliates (as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935), and exclusively in the business of providing:

(i) Telecommunications services;

(ii) Information services;

(iii) Other services or products subject to the jurisdiction of the Commission; or

(iv) Products or services that are related or incidental to the provision of a product or service described in paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii); and

(3) A sworn statement, by a representative legally authorized to bind the applicant, certifying that the applicant satisfies part 1, subpart P, of the Commission's regulations, [47 CFR 1.2001](#) through [1.2003](#), regarding implementation of the Anti-Drug Abuse Act of 1988, [21 U.S.C. 862](#).

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Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

■ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

■ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5003 Effect of filing.**

A person applying in good faith for a Commission determination of exempt telecommunications company status will be deemed to be an exempt telecommunications company from the date of receipt of the application until the date of Commission action pursuant to [§ 1.5004](#).

SOURCE: [56 FR 57598](#), Nov. 13, 1991; [57 FR 187](#), Jan. 3, 1992; [58 FR 27473](#), May 10, 1993; [59 FR 22985](#), May 4, 1994; [61 FR 45618](#), Aug. 29, 1996; [61 FR 46561](#), Sept. 4, 1996; [61 FR 52899](#), Oct. 9, 1996; [61 FR 57335](#), Nov. 6, 1996; [62 FR 37422](#), July 11, 1997; [63 FR 67429](#), Dec. 7, 1998; [63 FR 71036](#), Dec. 23, 1998; [64 FR 63251](#), Nov. 19, 1999; [65 FR 10720](#), Feb. 29, 2000; [65 FR 19684](#), April 12, 2000; [65 FR 31281](#), May 17, 2000; [69 FR 77938](#), Dec. 29, 2004; [71 FR 26251](#), May 4, 2006, unless otherwise noted.

AUTHORITY: [15 U.S.C. 79](#) et seq.; [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [155](#), [157](#), [225](#), [303\(r\)](#), and [309](#).

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Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

▣ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

▣ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5004 Commission action.**

If the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted as a matter of law.

SOURCE: [56 FR 57598](#), Nov. 13, 1991; [57 FR 187](#), Jan. 3, 1992; [58 FR 27473](#), May 10, 1993; [59 FR 22985](#), May 4, 1994; [61 FR 45618](#), Aug. 29, 1996; [61 FR 46561](#), Sept. 4, 1996; [61 FR 52899](#), Oct. 9, 1996; [61 FR 57335](#), Nov. 6, 1996; [62 FR 37422](#), July 11, 1997; [63 FR 67429](#), Dec. 7, 1998; [63 FR 71036](#), Dec. 23, 1998; [64 FR 63251](#), Nov. 19, 1999; [65 FR 10720](#), Feb. 29, 2000; [65 FR 19684](#), April 12, 2000; [65 FR 31281](#), May 17, 2000; [69 FR 77938](#), Dec. 29, 2004; [71 FR 26251](#), May 4, 2006, unless otherwise noted.

AUTHORITY: [15 U.S.C. 79](#) et seq.; [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [155](#), [157](#), [225](#), [303\(r\)](#), and [309](#).

47 C. F. R. § 1.5004, 47 CFR § 1.5004

Current through September 13, 2006; 71 FR 54194

 47 C.F.R. § 1.5005

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

▣ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

▣ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5005 Notification of Commission action to the Securities and Exchange Commission.**

The Secretary of the Commission will notify the Securities and Exchange Commission whenever a person is determined to be an exempt telecommunications company.

SOURCE: [56 FR 57598](#), Nov. 13, 1991; [57 FR 187](#), Jan. 3, 1992; [58 FR 27473](#), May 10, 1993; [59 FR 22985](#), May 4, 1994; [61 FR 45618](#), Aug. 29, 1996; [61 FR 46561](#), Sept. 4, 1996; [61 FR 52899](#), Oct. 9, 1996; [61 FR 57335](#), Nov. 6, 1996; [62 FR 37422](#), July 11, 1997; [63 FR 67429](#), Dec. 7, 1998; [63 FR 71036](#), Dec. 23, 1998; [64 FR 63251](#), Nov. 19, 1999; [65 FR 10720](#), Feb. 29, 2000; [65 FR 19684](#), April 12, 2000; [65 FR 31281](#), May 17, 2000; [69 FR 77938](#), Dec. 29, 2004; [71 FR 26251](#), May 4, 2006, unless otherwise noted.

AUTHORITY: [15 U.S.C. 79](#) et seq.; [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [155](#), [157](#), [225](#), [303\(r\)](#), and [309](#).

47 C. F. R. § 1.5005, 47 CFR § 1.5005

Current through September 13, 2006; 71 FR 54194

 47 C.F.R. § 1.5006

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

☞ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

☞ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5006 Procedure for notifying Commission of material change in facts.**

If there is any material change in facts that may affect an ETC's eligibility for ETC status under Section 34(a)(1) of the Public Utility Holding Company Act of 1935, the ETC must, within 30 days of the change in fact, either:

- (a) Apply to the Commission for a new determination of ETC status;
- (b) File a written explanation with the Commission of why the material change in facts does not affect the ETC's status; or
- (c) Notify the Commission that it no longer seeks to maintain ETC status.

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Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

Chapter I. Federal Communications Commission ([Refs & Annos](#))

Subchapter A. General

☞ [Part 1](#). Practice and Procedure ([Refs & Annos](#))

☞ [Subpart T](#). Exempt Telecommunications Companies ([Refs & Annos](#))

➔ **§ 1.5007 Comments.**

- (a) Any person wishing to be heard concerning an application for ETC status may file comments with the Commission within fifteen (15) days from the release date of a public notice regarding the application, or such other period of time set by the Commission. Any comments must be limited to the adequacy or accuracy of the application.
- (b) Any person who files comments with the Commission must also serve copies of all comments on the applicant.
- (c) An applicant has seven (7) days to reply to any comments filed regarding the adequacy and accuracy of its application, or such other period of time as set by the

Commission. Such reply shall be served on the commenters.

SOURCE: [56 FR 57598](#), Nov. 13, 1991; [57 FR 187](#), Jan. 3, 1992; [58 FR 27473](#), May 10, 1993; [59 FR 22985](#), May 4, 1994; [61 FR 45618](#), Aug. 29, 1996; [61 FR 46561](#), Sept. 4, 1996; [61 FR 52899](#), Oct. 9, 1996; [61 FR 57335](#), Nov. 6, 1996; [62 FR 37422](#), July 11, 1997; [63 FR 67429](#), Dec. 7, 1998; [63 FR 71036](#), Dec. 23, 1998; [64 FR 63251](#), Nov. 19, 1999; [65 FR 10720](#), Feb. 29, 2000; [65 FR 19684](#), April 12, 2000; [65 FR 31281](#), May 17, 2000; [69 FR 77938](#), Dec. 29, 2004; [71 FR 26251](#), May 4, 2006, unless otherwise noted.

AUTHORITY: [15 U.S.C. 79](#) et seq.; [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [155](#), [157](#), [225](#), [303\(r\)](#), and [309](#).

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