



# 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 01-712**  
**March 19, 2001**

**NextG CORPORATION Seeks Commission Determination of "Exempt  
Telecommunications Company" Status Under the Public Utility Holding  
Company Act**

**NSD File No: ETC 01-05**  
**Pleading Cycle Established**

**Comments Due: March 26, 2001**

On March 14, 2001, NextG Corporation, 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").<sup>1</sup>

The application states that NextG Corporation is incorporating in the State of Nevada, and is a wholly owned and private corporation. NextG will be engaged directly or indirectly through one or more "affiliates" (as defined in PUCHA Section 2 (a)(11)), exclusively in the business of providing telecommunications services, information services, other services or products that are related or incremental to the provision of such products or services within the meaning of PUCHA Section 34(a)(1).

The application states that NextG will conduct all of the activities described in this application in conformance with Section 34(b) of PUCHA, as amended by Section 103 of the 1996 Act, and in accordance with the requirements of the Communications Act of 1934, as amended, and applicable rules, orders, and requirements of this Commission.

The application states specifically that NextG intends to offer Broadband Internet2 Third Generation 3G wireless and landline products and services. NextG will also provide Video Personal Digital Assistant (VPDA) products or services as well as other information network interfaces through affiliate and non-affiliated companies. NextG will establish, develop, operate and maintain an on-premises equipment facility providing research and development products for Internet Protocol version 6 (Ipv6) next generation network internet appliances as defined by the Network Services Division of the Federal Communications Commission, DTV MPEG4 video cell

---

<sup>1</sup> The application was received and signed for at the Commission on January 4, 2001; however, the application was not officially date-stamped, as filed, by the Office of the Secretary until March 14, 2001.

phone products or services, broadband GPRS/CDMA/GSM Next Generation Broadband Internet2 interfaces for Next Generation Appliances through utility company wireless and landlines. NextG intends to offer Next Generation Enhanced products, services and DTV MPEG4 network interfaces to Enhanced Service Providers (ESPs) providing advanced telecommunication services.

The application states that NextG will offer technical and administrative services to enable its Next Generation (NextG) broadband interfaces for ESPs, DTV broadcasters and next generation broadband Internet Service Providers (ISPs) to install and utilize network interface equipment to enable access to Ipv6/DTV-MPEG4 DTV broadband Internet services. In the future, NextG may provide other broadband enhanced interface products like Electro Magnetic Field (EMF) wireless transmission interfaces or other Advanced Telecommunications Service (ATS) interfaces as permitted by Section 103 of the Telecommunications Act of 1996, when such opportunities arise and in a manner consistent with PUCHA, as amended, and other laws and regulations.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case by May 13, 2001, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. 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 March 14, 2001, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accord with 47 C.F.R. section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an exempt telecommunications company. In the event that the Commission issues an order within sixty days after the date of this public notice, 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. sections 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 **March 30, 2001**. All comments should also be served on the Applicants.

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 Carmell Weathers, 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 number, **ETC 01-05**.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554. The application may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20<sup>TH</sup> Street, NW, Washington, DC 20036, telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810.

For further information, contact Carmell Weathers, (202) 418-2325 (voice),

[cweather@fcc.gov](mailto:cweather@fcc.gov), or Marty Schwimmer, (202) 418-2320 (voice), [mschwimm@fcc.gov](mailto:mschwimm@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 NSD web site: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**