



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2749
August 27, 2004

**KHDTV BROADCASTING SEEKS COMMISSION DETERMINATION OF
"EXEMPT TELECOMMUNICATIONS COMPANY" STATUS
UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT**

Comp. Pol. File No. ETC 04-03
Pleading Cycle Established

Comments Due: September 13, 2004

Reply Comments Due: September 20, 2004

On August 25, 2004, **KHDTV Broadcasting** (KHDTV or Applicant), located at **21 Westminster Ave., S-209, Venice, CA 90291**, officially filed 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 KHDTV is a privately held Delaware corporation, and a wholly-owned division of XHDTV Broadcasting Corporation. KHDTV 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).

Specifically, KHDTV indicates that it intends to offer Enhanced DTV cellular and wireless broadcasting services, and dual purpose "Ultra Broadband Wireless Internet Broadcasting Service." KHDTV states that the DTV Must Carry facility service will provide V-Chip conditioned content and other interactive information services. KHDTV further states that the dual purpose facility or licensed ETC affiliate facilities will multi-cast Homeland Security Broadcast and Audio-Video Emergency Alert DTV Services directly to the public, affiliate DTV broadcasters or non-affiliate companies. KHDTV indicates that the "Ultra Broadband Wireless Internet Broadcasting Service" facility is providing Next Generation HDTV Information Services in the interest of public safety, and that KHDTV will establish, develop, operate and maintain an on premises research and development Ultra Broadband Wireless Internet DTV Broadcast facility.

KHDTV indicates that its next generation DTV Ultra Broadband Datacasting service is intended for Personal Wireless DTV, PDA and 3G cell phone, and enhanced 802.11 broadband Hot Spot wide area fixed networks and mobile portable networks. Specifically, KHDTV states that the Enhanced DTV services will multiplex DTV, wireless and landline networks to complete the last mile local loops via broadcast and utility wireless and landline. KHDTV indicates that it plans to offer Crisis Communication

Management Center network facilities and conditioned access interfaces to Homeland Security and Emergency Alert Service Authorities, officials and first response providers. KHDTV states that it will also establish Regional Disaster Recovery Communication Centers that will provide ETC affiliate licensing via FCC certification to establish a Regional Network in the United States. The application indicates that in addition to, or in lieu of, these activities, KHDTV 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 25, 2004**, 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 24, 2004**, 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 13, 2004** and reply comments are due on or before **September 20, 2004**. 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 04-03**. All comments should also be served on the Applicant at the address listed above.

Interested parties should file an original and four (4) copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554. In addition, parties should send one (1) copy to Best Copy and Printing, Inc., Portals II, 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, and two (2) copies to Carmell Weathers, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Portals II, 445 12th Street, S.W., Room 6-A423, Washington, D.C. 20554. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

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). The Commission's contractor, Natek, Inc., 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 Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review 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, telephone (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 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.

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.

-FEDERAL COMMUNICATIONS COMMISSION-