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Telecom Division
International Bureau
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC/MELLON

MAR 01 2001

In the Matter of

TELERGY MIDATLANTIC, LLC

Streamlined ITC-214-20010301-00126
TELERGY MIDATLANTIC, LLC

Application for Authority Under
Section 214 of the Communications
Act of 1934, as Amended, to Operate
As a Facilities-Based Carrier and as a
Resale Carrier for the Provision of
International Switched and Private
Line Services to Various Points

Numbered: _____

APPLICATION

Telegry MidAtlantic, LLC ("TMA" or "Applicant"), hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended ("the Act"), 47 U.S.C. § 214, to (1) operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules, and (2) operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules.¹ TMA has no affiliation with any foreign carrier in any of the destination countries for which authority is requested, nor is TMA affiliated with any dominant U.S. carrier whose services TMA may resell. Thus, pursuant to Section 63.10(a)(1) of the Commission's Rules, TMA should be classified as a nondominant carrier in its provision of international service on all routes. Furthermore, this Application is entitled to streamlined processing under Section 63.12 of the Commission's Rules.

¹ With respect to the provision of switched services over private lines, Telegry MidAtlantic, LLC. seeks authority in this Application to provide such services only to those particular locations specifically approved by the Commission for the provision of such services.

By granting this Application, the Commission will serve the public interest, convenience and necessity by promoting competition in the international services market. Competition will benefit U.S. consumers by increasing service options and lowering prices. Thus, the public interest will be served by granting Section 214 authority to TMA.

SECTION 63.18 INFORMATION

Pursuant to Section 63.18 of the Commission's Rules, TMA sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:

Telergy MidAtlantic, LLC
One Telergy Parkway
East Syracuse, NY 13057
(315) 362-2000
- (b) Telergy MidAtlantic is a limited liability company organized under the laws of the State of New Jersey.
- (c) Correspondence concerning this Application should be sent to:

Theresa Atkins, Esq.
Assistant General Counsel
Telergy MidAtlantic, LLC.
One Telergy Parkway
East Syracuse, New York 13057
(315) 362-2882
- (d) TMA has not previously received Section 214 authority from the Commission.
- (e) TMA is applying for authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules and as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules.
- (f) At this time, TMA seeks no other authorization available under Section 63.18(e).
- (g) TMA will use previously authorized facilities to provide its facilities-based services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.

- (h) (1) As evidenced by the certification provided in Attachment A, TMA is not affiliated with any foreign carrier.
- (2) Telergy Network Services, Inc. ("TNSI") holds 51 percent majority ownership interest in TMA. TNSI is a New York corporation whose address is One Telergy Parkway, East Syracuse, New York 13057. The principal business of TNSI is the ownership and operation of telecommunications businesses. Telergy Operating, Inc., TNSI's parent company, owns 100% interest in TNSI. The Officers of TNSI are Brian P. Kelly, J. Patrick Barrett, Kevin J. Kelly, William M. Kelly, Jr., Steven Rubin and Nicholas Merrick. The Directors of TNSI are Brian Kelly, Kevin Kelly and William Kelly, Jr. The principal business of the Officers and Directors, each individually, is the operation and management of TNSI and its affiliated companies. The Officers and Directors of TNSI can be reached at the East Syracuse office at the address given above.
- GPU Telecom Services, Inc. ("GPU Telecom") holds the remaining 49 percent of the ownership interest in TMA. GPU Telecom is a Delaware corporation. One hundred percent (100%) interest in GPU Telecom is owned by its parent company, GPU, Inc. The principal business of GPU Telecom is the ownership and operation of telecommunications services. Its address is 300 Madison Avenue, P.O. Box 1911, Morristown, New Jersey, 07962-1911.
- (3) As evidenced by the certification provided in Attachment A, TMA has no affiliation with any dominant U.S. carrier whose facilities-based services TMA may resell.
- (i) As evidenced by the certification provided in Attachment A, TMA has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- (j) As evidenced by the certification provided in Attachment A, no party to this Application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

TMA requests streamlined processing pursuant to Section 63.12 of the Commission's Rules. This Application is eligible for streamlined processing because TMA is not affiliated with foreign carriers on any route for which authority is sought nor is TMA requesting authority to provide switched services over private lines to countries not previously authorized for this service.

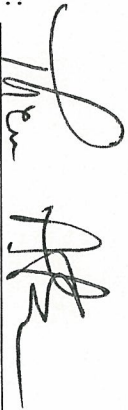
CONCLUSION

In conclusion, TMA certifies that all of the information contained in this Application is accurate and correct.

For the reasons expressed herein, TMA respectfully requests that the Commission grant this Application.

Respectfully Submitted,

TELERGY MIDDATLANTIC, LLC.

By:  _____

Theresa Atkins, Esq.
Assistant General Counsel
TELERGY MIDDATLANTIC, LLC.
One Telergy Parkway
East Syracuse, New York 13057
Telephone: (315) 362-2882
Facsimile: (315) 362-2635

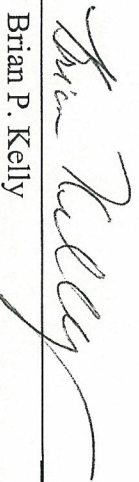
Date: February 23, 2001

CERTIFICATION

The undersigned hereby certifies, on behalf of Telergy MidAtlantic, LLC ("TMA") with respect to the foregoing Application for authority to provide international service, that:

1. TMA is not affiliated (as that term is defined in Section 63.18(h)(1)(A) and (B) of the Commission's Rules) with any dominant U.S. carrier whose facilities-based service Telergy Central may resell.
2. TMA is not affiliated with any foreign carrier (as those terms are defined in Section 63.18(h)(1)(A) and (B) of the Commission's Rules) in any of the countries to which TMA proposes to provide service in the foregoing Application.
3. TMA has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
4. No party to this application is subject to a denial for Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

By: _____



Brian P. Kelly

Title: President of Telergy Network Services, Inc.
As Member of Telergy MidAtlantic, LLC.

Date: February 23, 2001



March 12, 2001

Federal Communications Commission
 Secretary, IB Telecommunications Division
 P.O. Box 358115
 Pittsburgh, PA 15251-5115

Re: **Telergy MidAtlantic, LLC.**
Application for Authority Under Section 214 of the
Communications Act of 1934, As Amended
Response to George Li's Faxed Inquiry

Dear Sir or Madam:

This letter is in response to Mr. George Li's faxed inquiry to Theresa Atkins, Esq., dated 3/06/01, in which Mr. Li requested the names, addresses and citizenship of owners who own at least ten percent (10%) of Telergy Operating, Inc. and GPU, Inc.

Please be advised that Telergy Operating, Inc. is 100% owned by Telergy, Inc. The majority interest of Telergy, Inc. is held by the following individuals:

<u>Name</u>	<u>Address</u>	<u>Citizenship</u>
Brian P. Kelly	8407 Prestwick Dr., Manlius, NY 13102	U.S.
Kevin J. Kelly	7868 E. Ridge Pointe Dr., Fayetteville, NY 13066	U.S.
William M. Kelly, Jr. 7420 Highbridge Terrace, Fayetteville, NY 13066		U.S.

Please be further advised that GPU, Inc. has no owners with at least 10% ownership of the corporation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Karen M. Hawkins".

Karen M. Hawkins
 Paralegal
 Telergy MidAtlantic, LLC.

cc: **Mr. George Li via fax number (202) 418-2824**
 Theresa Atkins, Esq.