



PUBLIC NOTICE

Federal Communications Commission
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DA 00-1752
August 3, 2000

**Cinergy Ventures, LLC Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding
Company Act**

NSD File No: ETC 00-32
Pleading Cycle Established

Comments Due: August 24, 2000 Reply Comments Due: August 31, 2000

On July 27, 2000, Cinergy Ventures, LLC ("Cinergy Ventures" 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").

The application states that Cinergy Ventures is a direct, wholly-owned subsidiary of Cinergy Ventures Holding Company, Inc. ("CVHC"), a Delaware corporation. CVHC in turn is a direct wholly-owned subsidiary of Cinergy Corp., a registered holding company under PUHCA.

The application states that Cinergy Ventures will be engaged directly, or indirectly through one or more affiliates (as defined in PUHCA section 2(a)(11)(B)), and exclusively, in the business of providing (a) telecommunications services, (b) information services, (c) other services or products subject to the jurisdiction of the Federal Communications Commission, or (d) products or services that are related or incidental to the provision of a product or service described in paragraphs (a) through (c) above.

The application states that the anticipated initial activities of the Applicant consist of holding investments in the following affiliate companies (as defined in Section 2(a)(11)(B) of PUHCA):

- Convergent Group Corporation - E-business consultant and systems integrator focused on "digital utility" (i.e. web-based utility customer care and operations system);
- Enermetrix.com, Inc. - develops software and created, owns and operates an on-line business-to-business energy exchange for executing competitive energy contracts;
- Configured Energy Systems, Inc. - web-based, real-time distributor of infrastructure

- reliability solutions and an infrastructure applications in “digital-utility;”
- MainStreet Networks, Inc. – Supplies web-based, on-premises systems, applications, and services to community utilities, rural electric cooperatives, and other energy companies;
 - Pentech Solutions, Inc. – Develops hardware and software to remotely monitor/manage HVAC and distributed generation equipment.

In addition to or in lieu of these initial planned activities, the application further states that the Applicant may in the future engage in such other business activities as are consistent with the definition of an ETC set forth in Section 34(a)(1) of PUHCA.

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, July 27, 2000, 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, July 27, 2000, 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 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. sections 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicants' application requesting status as an ETC, must do so no later than **August 24, 2000**. All comments should also be served on the Applicants. Reply comments must be filed no later than **August 31, 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 number, **NSD-L-00-32**.

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

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. You may also find more information about Exempt Telecommunications Companies at our website:

<http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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