



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 00-2464**  
**November 1, 2000**

**Cinergy e-Supply Network, LLC Seeks Commission Determination of  
"Exempt Telecommunications Company" Status Under the Public Utility  
Holding Company Act**

**NSD File No: ETC 00-41**  
**Pleading Cycle Established**

**Comments Due: November 9, 2000**

On September 14, 2000, Cinergy e-Supply Network, LLC ("Cinergy e-Supply Network" 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 e-Supply Network is a direct, wholly-owned subsidiary of Cinergy Ventures Holding Company, Inc., a Delaware corporation ("CVHC"). It further states that CVHC is a direct, wholly-owned subsidiary of Cinergy Corp., a registered holding company under PUCHA. According to the application, Applicant 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 (a), (b), or (c) above.

More specifically, the application states that the anticipated initial activity of Cinergy e-Supply Network consists of holding an investment in Pantellos Corporation ("Pantellos"), an affiliate company as defined in PUHCA section 2(a)(11)(B), that will directly, or indirectly through one or more affiliates, provided supply chain management services through its secure Internet-based exchange that will enable electric and gas utilities and suppliers to buy and sell goods and services. Pantellos will directly, or indirectly through one or more affiliates, offer a suite of utility e-supply chain products and services, an advanced search engine, and transaction software that will enable users to conveniently identify, locate, and purchase products and services using company agreements or Pantellos (or its affiliates') agreements. Pantellos also will directly, or indirectly through one or more affiliates, offer other value-added services to participants through the Internet exchange, including market analyses, consulting services, and industry

forums. In addition to or in lieu of these initial planned activities, the application also 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, September 14, 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, September 14, 2000, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accordance 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 Applicant's application requesting status as an ETC must do so no later than **November 9, 2000**. 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-00-41**.

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

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