



PUBLIC NOTICE

Federal Communications Commission
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DA 00-2823
December 15, 2000

**Entergy MHK Retail, LLC Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding Company
Act**

NSD File No: ETC 00-47
Pleading Cycle Established

Comments Due: December 29, 2000

Reply Comments Due: January 5, 2001

On November 15, 2000, Entergy MHK Retail, LLC ("MHK"), 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 Entergy Corporation ("Entergy"), a Delaware corporation, is a registered public utility holding company under PUHCA. Entergy owns the following electric utility operating companies: Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. Entergy, through its wholly-owned subsidiaries, Entergy Ventures Holding Company and Entergy Commerce, Inc., owns all of the outstanding limited liability company interests in MHK, a Delaware limited liability company. Therefore, MHK is an "affiliate" of Entergy.

The application states MHK has entered into a co-branding agreement with MyHomeKey.com, a Delaware corporation. MyHomeKey.com has established an Internet-based website which serves as (1) a national platform for energy and home-related goods and services and (2) a vehicle for customers to purchase goods and services. The website links made available by MyHomeKey.com will offer a broad range of energy related and consumer services. Specifically, MHK will act as a national website which incorporates software and software-integration systems which can be accessed by local websites operated by MHK licensees. Each licensee will establish a locally branded website which will be accessed through the MHK master site. The users of the MHK licensees' websites will be able to access a wide variety of services, including: (i) identifying and scheduling local and national providers of routine and emergency energy and home-related services (plumbing; HVAC installation, maintenance and repair; roofing; carpet cleaning; security system installation and monitoring; etc.); (ii) purchasing and scheduling installation of home appliances; (iii) monitoring and remotely controlling energy usage and the home environment; (iv) purchasing home utility services, including electricity, gas,

telecommunications and broadband products and services; (v) paying utility and other bills; (vi) making reservations and purchasing tickets for local activities (*e.g.*, restaurants, movies, sporting events), and (vii) managing residential relocations.

The application states that, pursuant to the co-branding agreement between MHK and MyHomeKey.com, MyHomeKey.com will create a version of the MyHomeKey.com service branded with both MyHomeKey.com and Entergy trademarks and logos, such that there is an Entergy and MyHomeKey.com brand identifier located in the navigation bars of the MyHomeKey.com website as well as other Entergy-specific modifications to the MyHomeKey.com service directed toward consumers in the geographic market designated in the co-branding agreement (portions of Texas, Louisiana, Mississippi, Arkansas, Florida, Georgia, and Alabama).

MHK's application states MHK will be engaged directly or indirectly, wherever located, through one or more "affiliates" (as defined in Section 2(a)(11)(B) of PUHCA), in the business of providing: (i) telecommunications services; (ii) information services; (iii) other services or products subject to the jurisdiction of the Federal Communications Commission, or (iv) products or services that are related or incidental to the provision of a product or service described in (i), (ii) or (iii) above. In addition to these activities, MHK may also 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, January 14, 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, November 15, 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 Applicant's application requesting status, as an ETC must do so no later than **December 29, 2000**. All comments should also be served on the Applicants. Reply comments must be filed no later than **January 5, 2001**.

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. Parties should also 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-A207, Washington, D.C. 20554. All filings concerning any matters referenced in this Public Notice should refer to NSD file number **ETC-00-47**.

The application will be 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. The application 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 Carmell Weathers, (202) 418-2325 (voice), cweather@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 the NSD web site: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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