



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1114
April 30, 2001

**SmartSynch, Inc. Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding
Company Act**

NSD File No: ETC 01-07
Pleading Cycle Established

Comments Due: May 8, 2001

ReplyComments Due: May 15, 2001

On March 23, 2001, SmartSynch, Inc. (SmartSynch), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA), 15 U.S.C. § 79, *et seq.*, as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a determination by the Federal Communications Commission (Commission) that it is an exempt telecommunications company (ETC).

The application states that SmartSynch is a corporation organized pursuant to the laws of the State of Delaware. Its principal place of business is located at 805 South Wheatley, Suite 220, Ridgeland, Mississippi 39157. SmartSynch was incorporated on May 31, 2000. The application also states that Exelon Capital Partners, Inc. (Exelon Capital) plans to acquire an interest in SmartSynch. Exelon Capital is an investment holding company organized and existing under the laws of the State of Delaware with its principal office located at 2301 Market Street, S8-4, P.O. Box 8699, Philadelphia, Pennsylvania 19101, and is a wholly owned indirect subsidiary of Exelon Corporation, a registered holding company under the PUHCA. The application further states that Cinergy Ventures LLC also plans to acquire an interest in SmartSynch. Cinergy Ventures LLC is an indirect, wholly-owned subsidiary of Cinergy Corp., a registered holding company under the PUHCA, with its principal office located at 139 East Fourth Street Cincinnati, Ohio 45202. Cinergy Ventures LLC was formed to manage Cinergy Corp.'s program of venture capital investments in emerging technology companies related to the energy industry.

The application states that SmartSynch delivers end-to-end wireless data solutions to the energy and utility markets. SmartSynch's end-to-end solutions include enabling wireless data software architecture and an intelligent data network through wholesale relationships with carriers and broadband service providers; they provide an intelligent interface that clients require to bring remote assets online and enable two-way communication among people, electronic devices, and computer/network systems. SmartSynch's end-to-end solutions thereby generate new value by providing online Business-to-Asset (B2A) connections. SmartSynch offers a total energy and

utility solution enabling anytime access to data embedded in remote commercial and industrial meters. The on-demand access to critical devices delivers valuable content to mobile and in-house personnel, when that content is most needed.

The application also states that SmartSynch's transaction management system is a unique software application developed to provide end-to-end connectivity for all of a customer's assets. Because the system allows new features, device protocols, communication systems and presentation formats to be added with minimal disruption to the enterprise, it permits the seamless interface of a customer's assets including embedded assets such as meters and vending machines, personal assets such as computers and wireless phones, and mobile assets such as cars and trucks with key information systems such as billing, field force automation, and customer relationship management. SmartSynch's system combines isolated bits and pieces of technology into one interactive unit, which increases operational efficiencies, enhances customer relationships, and realizes new revenue opportunities for companies that subscribe to SmartSynch's business solutions.

The application further states that SmartSynch exclusively, as provided in section 1.5002(a)(2) of the Commission's rules, is engaged directly, or indirectly, wherever located, through one or more affiliates as defined in section 2(a)(11)(B) of the PUHCA, in the business of providing telecommunications services; information services; other services or products subject to the jurisdiction of the Commission; or products or services that are related or incidental to the provision of a product or service within the meaning of section 34(a)(1) of the PUHCA.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case by May 22, 2001, the application will be deemed granted as a matter of law. 47 C.F.R. § 1.5004. In accordance with 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 March 23, 2001, until the date of Commission action pursuant to section 1.5004. 47 C.F.R. § 1.5003. In accordance with section 1.5005, the Secretary of the hereby notifies the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an exempt telecommunications company. 47 C.F.R. § 1.5005. 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. §§ 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 **May 8, 2001**. All comments should also be served on the Applicants. Reply comments must be filed no later than **May 15, 2001**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th 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-A207, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number, **ETC-01-07**.

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. Additional information about Exempt Telecommunications Companies is available at the NSD website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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