



# PUBLIC NOTICE

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

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**DA 01-1533**  
**June 28, 2001**

**UNIGRIDENERGY LLC SEEKS COMMISSION DETERMINATION OF  
"EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER  
THE PUBLIC UTILITY HOLDING COMPANY ACT**

**NSD File No: ETC 01-11**  
**Pleading Cycle Established**

**Comments Due: July 6, 2001**

**Reply Comments Due: July 13, 2001**

On May 18, 2001, UniGrid Energy LLC (UniGrid or Applicant), located at 1500 Market Street, Philadelphia, PA 19103, pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA), 15 U.S.C. § 79 *et seq.*, as amended by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Federal Communications Commission (FCC or Commission) determination that it is an "exempt telecommunications company" (ETC).

The application indicates that UniGrid is a limited liability company organized pursuant to the laws of the state of Delaware. Applicant states that it will be engaged, directly or indirectly, through one or more "affiliates" (as defined in Section 2(a)(11)(B) of PUHCA) exclusively in the business of providing: (i) telecommunications services; (ii) information services; (iii) other services or products subject to the jurisdiction of the Commission; or (iv) products or services that are related or incidental to the provision of such products or services within the meaning of Section 34(a)(1) of PUHCA.

The application states specifically that Applicant is a joint venture with ACE USA, and was formed to connect energy buyers and sellers through a secure, reliable, easy-to-use Internet-based bidding process. Applicant explains that Exelon Enterprises Management, Inc. (EEMI) is a corporation organized and existing under the laws of the State of Pennsylvania with its principal office located at 2301 Market Street, Philadelphia, Pennsylvania 19103. EEMI holds a fifty percent (50%) LLC membership interest in UniGrid. EEMI is a wholly owned indirect subsidiary of Exelon Corporation (Exelon), a registered holding company under PUHCA. Pursuant to the terms of the Securities and Exchange Commission's (SEC) order approving the merger of PECO Energy Corporation and Unicom Corporation, UniGrid must either become an ETC, or EEMI may be required to divest its interests in UniGrid.

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 an application, in this case **July 17, 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 **May 18, 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 Commission is now notifying the SEC that Applicant is deemed to be an ETC. 47 C.F.R. § 1.5005. In the event that the Commission issues an order denying the application within 60 days of its receipt, 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 UniGrid's application requesting status as an ETC must do so no later than **July 6, 2001**. Reply comments must be filed no later than **July 13, 2001**. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC-01-11**. All comments should also be served on the Applicant.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to International Transcription Service, Inc. (ITS), at 1231 20<sup>th</sup> Street, NW, Washington, D.C. 20036 and two copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, FCC, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, D.C. 20554.

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, 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 Jon Minkoff, (202) 418-2353 (voice), [jminkoff@fcc.gov](mailto:jminkoff@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 Network Services Division website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**