



# PUBLIC NOTICE

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

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
TTY 202 / 418-2555

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**DA 01-948**  
**April 16, 2001**

## **PLANALYTICS, INC. Seeks Commission Determination of "Exempt Telecommunications Company" Status Under the Public Utility Holding Company Act**

**NSD File No: ETC 01-08**  
**Pleading Cycle Established**

**Comments Due: April 18, 2001    Reply Comments Due: April 20, 2001**

On February 23, 2001, Planalytics, Inc. (Planalytics), 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 determination by the Federal Communications Commission (Commission) that it is an exempt telecommunications company (ETC).

The application states that Planalytics is a corporation organized pursuant to the laws of the Commonwealth of Pennsylvania. Its principal place of business is located at 1325 Morris Drive, Suite 201, Wayne, PA 19087-5521. Planalytics was incorporated on August 29, 1996. The application states that Exelon Capital Partners, Inc. (Exelon Capital) plans to acquire an interest in Planalytics. Based on the Applicant's information and belief, Exelon Capital is a wholly owned indirect subsidiary of Exelon Corporation (Exelon), a registered holding company under PUHCA, and 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.

The application states that Planalytics is a supply chain planning portal serving three vertical markets: retail, life sciences and energy. Planalytics utilizes the internet and its unique ability to process and analyze available information to enhance supply chain management and enable its clients to prospectively address external factors (including, but not limited to changes in the weather, competitors' activities, customer demographics and the economy) that influence customer demand through the supply chain planning process. The application states that Planalytics' process commingles and applies data mining, artificial intelligence, spatial interactive modeling and pattern recognition in a single analytical process. The results of this process are shared through an internet platform. An application server is used to perform the analysis on available data and a relational database server is used for data storage and retrieval. The client accesses the information through a web browser. The application indicates that, through these technologies, Planalytics' applications are transmitted (1) to a particular client and deployed in

intranet applications within the client's organization, (2) as web applications accessed by Planalytics' clients over the internet, or (3) through the internet for use directly in a client's software-based planning tools and applications.<sup>1</sup> The application states that Planalytics provides consulting services that enhance its clients' ability to plan, process and distribute supply chain information via telecommunications.

The application states that Planalytics is and will be engaged directly or indirectly, through one or more "affiliates" as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of providing telecommunications services, information services, other services or products subject to the jurisdiction of the Commission, and/or product 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.

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 by April 24, 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 from February 23, 2001, 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 **April 18, 2001**. All comments should also be served on the Applicant. Reply comments must be filed no later than **April 20, 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. 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 01-08**.

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<sup>1</sup> The application notes that the Commission explained in its April 10, 1998 report to the United States Congress, *In the Matter of Federal-State Joint Board On Universal Service*:

The internet service provider offers "a capability for generating, acquiring, storing, . . . retrieving . . . and making available information through telecommunications." [Footnote omitted.] Its function seems indistinguishable from that of the database proprietor offering subscribers access to information it maintains on-site; such a proprietor offers the paradigmatic example of an information service.

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. A copy of 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>.

**-FEDERAL COMMUNICATIONS COMMISSION-**