

Cinergy Services, Inc.  
139 East Fourth Street, Rm 25 AT II  
P.O. Box 960  
Cincinnati, OH 45201-0960  
Tel 513.287.2087  
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**CANDACE S. ERISEN**  
Counsel

September 24, 2003



Office of the Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: Cinergy Broadband, LLC  
Application for Determination of Status as  
Exempt Telecommunications Company

Dear Sir or Madam:

Enclosed for filing with the Commission please find the above-referenced application of Cinergy Broadband, LLC for determination of status as exempt telecommunications company.

Please acknowledge receipt of this filing by stamping the enclosed duplicate copy of this letter and returning it in the stamped, self-addressed envelope enclosed for that purpose.

Yours truly,

*Candace S. Erisen*  
Candace Erisen

cc: Ms. Carmell Weathers  
Wireline Competition Bureau/Competition Policy Division  
Room 6-A423

Securities and Exchange Commission  
Indiana Utility Regulatory Commission  
Public Utilities Commission of Ohio  
Kentucky Public Service Commission

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
445 12<sup>th</sup> Street, S. W.  
Washington, D.C. 20554

In the Matter of Cinergy Broadband, LLC

FCC File No.

To: Office of the Secretary

APPLICATION OF CINERGY BROADBAND, LLC  
FOR DETERMINATION OF STATUS AS AN  
EXEMPT TELECOMMUNICATIONS COMPANY

Pursuant to Section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as amended by Section 103 of the Telecommunications Act of 1996, Cinergy Broadband, LLC, a Delaware limited liability company ("Applicant") hereby applies for a determination that it is an "exempt telecommunications company" ("ETC") within the meaning of Section 34(a)(1) of PUHCA. Applicant is an indirect subsidiary of Cinergy Corp. ("Cinergy"), a Delaware corporation and a registered holding company under PUHCA.

In support of this application, Applicant states as follows:

1. Applicant 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: (A) telecommunications services; (B) information services; (C) other services or products subject to the jurisdiction of the Commission; and/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.

2. The following briefly describes the Applicant and its planned activities:

Applicant has been formed for the purpose of holding an interest in entities that provide broadband communications services, enhanced power distribution services and other data detection and transmission services.

3. In addition to or in lieu of the activities just described, 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.

4. Applicant, as a corporate entity, certifies that no party (as defined in 47 C.F.R. §1.2002(b)) is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853(a).

5. Concurrently with the submission hereof to this Commission, Applicant is providing copies of this application to the Securities and Exchange Commission and the affected state commissions, namely, the Public Utilities Commission of Ohio, the Indiana Utility Regulatory Commission and the Kentucky Public Service Commission.

6. Applicants request that any communications regarding this application be made to the following individuals:

Candace Erisen  
Cinergy Corp.  
139 East Fourth Street, 25 AT2  
Cincinnati, Ohio 45202  
(ph) 513-287-2087  
(f) 513-287-3810  
candace.erisen@cinergy.com

Richard G. Beach  
Cinergy Broadband, LLC  
139 East Fourth Street  
Cincinnati, Ohio 45202  
(ph) 513-287-2215  
(f) 513-287-3810  
rbeach@cinergy.com

WHEREFORE, Applicant respectfully requests that the Commission determine that it is an exempt telecommunications company.

CINERGY BROADBAND, LLC

By:



R. Foster Duncan, President

September 24, 2003

AFFIDAVIT OF R. FOSTER DUNCAN IN SUPPORT OF  
APPLICATION OF CINERGY BROADBAND, LLC,  
FOR DETERMINATION OF STATUS AS AN  
EXEMPT TELECOMMUNICATIONS COMPANY

STATE OF OHIO ) ss.  
COUNTY OF HAMILTON )

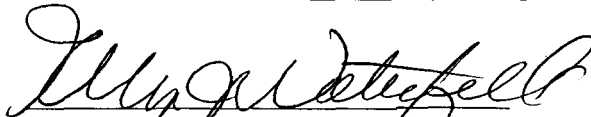
R. FOSTER DUNCAN, being duly sworn, states:

1. I am the President of Cinergy Broadband, LLC, a Delaware limited liability company ("the Company"), and am legally authorized to bind the Company.
2. I have read the accompanying Application of Cinergy Broadband, LLC, for Determination of Status as an Exempt Telecommunications Company and, to the best of my knowledge and belief, the facts and representations stated therein concerning the Company are true and correct.
3. To the best of my knowledge and belief, the Company is and/or will be engaged directly and exclusively in the business of providing telecommunications services, information services, other products or services subject to the jurisdiction of the Federal Communications Commission (the "Commission"), and/or products or services related or incidental to those described in the preceding clauses.
4. To the best of my knowledge and belief, the Company satisfies Part I, Subpart P, of the Commission's regulations, 47 C.F.R. 1.2001 et seq., regarding implementation of the Anti-Drug Abuse Act of 1981, 21 U.S.C. 862.



R. Foster Duncan

Sworn before me this 24th day of September, 2003



Ellyn J. Waterfield, Notary Public

**ELLYN J. WATERFIELD**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 06-23-08