



PUBLIC NOTICE

Federal Communications Commission
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DA 00-2792
December 11, 2000

**NRG COMLEASE, LLC Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility Holding
Company Act**

NSD File No: ETC 00-46
Pleading Cycle Established

Comments Due: December 22, 2000 Reply Comments Due: December 29, 2000

On November 6, 2000, NRG ComLease, LLC ("ComLease"), 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 ComLease is a Delaware Limited Liability Company whose shares are 100% owned by NRG Energy, Inc., a publicly traded company listed on the New York Stock Exchange. The application also states that X-cel, Inc., a "registered exempt" public utility holding company, owns approximately 82% of the outstanding shares of NRG Energy, Inc.

The application includes a sworn statement that ComLease will be engaged, directly or indirectly, wherever located, through one or more affiliates, exclusively 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. Specifically, the application states that ComLease is engaged in providing services and facilities to the telecommunications industry. In this connection, ComLease facilitates and negotiates long-term sub-leases of equipment and antenna space to wireless and other telecommunication service providers in the states of California, Connecticut, Delaware, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York and Pennsylvania. ComLease may also consider participating in the location and construction of antenna facilities, as well as maintenance and management of wireless communication sites for personal communication services license holders. Moreover, in the future, ComLease may engage in other activities that fall within the categories of products or services identified in and subject to section 34(a) of the PUHCA.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order

denying a ETC application within 60 days of receipt of the application, in this case, January 5, 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 6, 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 Applicants' application requesting status as an ETC, must do so no later than **December 22, 2000**. All comments should also be served on the Applicants. Reply comments must be filed no later than **December 29, 2000**.

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-00-46**.

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 website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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