

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 10-T-0139 - Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

RULING ON MOTION TO INCORPORATE OR NOTICE

(Issued October 10, 2012)

KEVIN J. CASUTTO and  
MICHELLE L. PHILLIPS, Administrative Law Judges:

This ruling addresses the October 2, 2012, Joint Motion of Champlain Hudson Power Express, Inc., and CHPE Properties, Inc. (Applicants), Staff of the Department of Public Service (Staff), and the City of New York (collectively, the Movants) to incorporate by reference or officially notice the Final 2012 Reliability Needs Assessment (Final RNA) of the New York Independent System Operator (NYISO), which was issued on September 18, 2012.<sup>1</sup>

As noted in the motion, we previously rejected a similar motion to incorporate or notice the NYISO's draft RNA, stating that it would not be appropriate to incorporate or take notice of the NYISO Draft 2012 RNA at that time, because it was subject to further review and possible modification.<sup>2</sup> We ruled that any party wishing to request

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<sup>1</sup> A copy of the Final RNA was attached to the Movants' Joint Motion as Attachment A. The Final RNA is available on the NYISO's website at the following web address:  
[http://www.nyiso.com/public/media\\_room/recent\\_postings/index.jsp](http://www.nyiso.com/public/media_room/recent_postings/index.jsp).

<sup>2</sup> See Case 10-T-0139, Ruling on Motions to Incorporate or Take Notice of NYISO Draft Reliability Report (issued August 17, 2012).

incorporation or notice of the NYISO's final RNA could do so after the final RNA was posted on the NYISO's website.

The Movants state that the NYISO has issued the Final RNA. They note that it has been fully reviewed by the NYISO stakeholder process and was prepared by an independent entity with no commercial interest in this proceeding. Movants add that they filed this motion within a reasonable period of time after the issuance of the final RNA. Consequently, Movants argue that good cause exists either to incorporate the Final RNA by reference pursuant to SAPA §306(2) and Rule 85-2.7 of the Commission's Procedural Rules or to take official notice of the Final RNA pursuant to SAPA §306(4).

The conclusions reached in the Final RNA are relevant, Movants contend, in view of Mr. Younger's reliance upon the NYISO's 2010 RNA, now outdated, in his testimony in this proceeding. Movants also contend that the Final RNA directly addresses the disagreement between Mr. Younger and Ms. Frayer with respect to future needs for additional installed capacity in New York City and surrounding areas.

Two responses to the motion were received, neither of which opposes the motion. On October 4, 2012, the County of Westchester provided a brief letter in support of the motion. On October 5, 2012, IPPNY responded, taking no position on whether the motion should be granted. However, IPPNY's response includes its view of the relevance and significance of the Final RNA in this proceeding, asserting that the Movants' characterization of the Final RNA includes material misrepresentations, mischaracterizations and omissions.

Without evaluating the parties' differing characterizations of the Final RNA at this time, we agree with Movants that good cause exists to include the Final RNA in the evidentiary record. Therefore, we incorporate the NYISO Final

RNA by reference pursuant to SAPA §306(2) and Rule 85-2.7 of the Commission's Procedural Rules.

In view of this new evidence in the evidentiary record, we are providing an expedited schedule for parties to respond to, or provide their evaluation of, the Final RNA as it pertains to the issues in contention in this proceeding. Parties may file a supplemental brief, not to exceed six pages, by October 16, 2012 and a supplemental reply brief, not to exceed three pages, by October 19, 2012.<sup>3</sup> We will consider IPPNY's motion response stating its view of the relevance and import of the Final RNA in this proceeding with any supplemental filings received.

(SIGNED)

KEVIN J. CASUTTO

(SIGNED)

MICHELLE L. PHILLIPS

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<sup>3</sup> IPPNY has already provided its evaluation of the relevance and significance of the Final RNA in its response to the motion. Therefore, IPPNY may not provide a supplemental brief, but may provide a supplemental reply brief.