

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.

NOTICE OF SCHEDULE REGARDING  
PETITION FOR REHEARING

(Issued June 18, 2013)

Pursuant to a May 23, 2013 Notice in this proceeding, on May 29, 2013, Entergy Nuclear Power Marketing, LLC and Entergy Nuclear Fitzpatrick, LLC, ("Entergy") filed a brief asserting that its petition for rehearing was timely filed, or, in the alternative, that it established a reasonable inability to file the petition on May 20, 2013 or good cause to accept the petition for filing on May 21, 2013.

On June 4, 2013, Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (Certificate Holders) and Department of Public Service Staff (Staff) filed responses in opposition to Entergy's brief. They contend the petition was not timely filed. Certificate Holders assert that PSL 128(1) provides a statute of limitations that cannot be waived or extended, whereas Staff asserts that the Commission should not do so. Both Certificate Holders and Staff contend that the Commission should issue a unified decision on the timeliness and merits of Entergy's petition.

Separately, on May 29, 2013, Certificate Holders filed a request for reconsideration of portions of the May 23, 2013 Notice.

On June 6, 2013, Entergy filed a response in opposition to Certificate Holders' request for reconsideration of the Notice.

TAKE NOTICE that, in light of the arguments presented in these filings, a decision on the timeliness of the Entergy petition for rehearing is reserved. Timeliness of Entergy's petition for rehearing and consideration of its merits will be addressed together at a later date. Accordingly, the deadline for responses to Entergy's petition for rehearing is hereby established as July 3, 2013.

(SIGNED)

JEFFREY C. COHEN  
Acting Secretary