

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Application of Champlain Hudson Power Express, Inc.
and CHPE Properties, 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

Case 10-T-0139

AFFIDAVIT IN RESPONSE TO NOTICE

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

CHRISTOPHER HODGE, being duly sworn, deposes and states:

1. I am employed as a User Support Specialist by the law firm Greenberg Traurig, LLP, a position that I have held since May 2007. My duties include, among other things, troubleshooting computer, network and other technical issues in the firm’s Albany, New York office. I make this affidavit based on my personal knowledge and in support of the response of Entergy Nuclear Power Marketing, LLC and Entergy Nuclear FitzPatrick, LLC (collectively, “Entergy”) to the “Notice Regarding Entergy Petition for Rehearing” entered in this proceeding on May 23, 2013 by New York Public Service Commission (“Commission”) Acting Secretary Jeffrey C. Cohen.¹

¹ Case 10-T-0139, Application of Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. for a Certificate of Environmental Compatibility and Public Need for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City, “Notice Regarding Entergy Petition for Rehearing” (issued May 23, 2013).

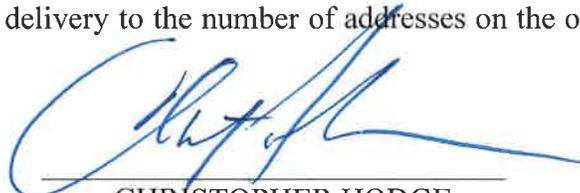
2. On May 20, 2013, shortly after 3:00 p.m., I received a “forwarded” e-mail from William A. Hurst, an attorney in our Albany office, with a cover note indicating that Mr. Hurst had a question concerning the e-mail message he had forwarded to me. I recognized the forwarded message as an automated acknowledgement message, apparently generated by RPost at 3:09 p.m. on May 20, 2013. RPost is an external vendor product that Greenberg Traurig makes available to its attorneys and staff to “register” e-mail communications. In sum and substance, the RPost service creates a permanent record of the time when e-mails are transmitted from Greenberg Traurig’s internet servers and delivered to the recipients’ internet servers. In some instances, RPost creates a record of when the recipients open “registered” e-mail messages.

3. Shortly thereafter, Mr. Hurst and I reviewed the 3:09 p.m. acknowledgment message together at my desk, and agreed that it had been sent – meaning that the 3:08 p.m. e-mail message had left Greenberg Traurig’s servers and was being handled from that point forward by RPost and its servers – exactly as intended.

4. Mr. Hurst also inquired about the time-stamp shown on the RPost acknowledgment e-mail, in particular the “UTC” (Coordinated Universal Time) time designation. While Mr. Hurst was at my desk, I located an internet website and converted “UTC” to standard time. Through this process, I concluded that “7:09:11 PM UTC” converted to mean 3:09:11 p.m. local time, and agreed, based on the acknowledgment notice, that the RPost service had received Mr. Hurst’s May 20 e-mail message from Greenberg Traurig’s servers at 3:09 p.m., as intended.

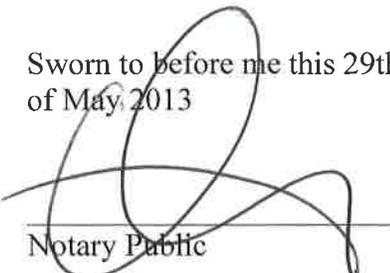
5. The 3:09 p.m. RPost acknowledgement message that Mr. Hurst had forwarded to me contained no delayed delivery or other warning messages, and I was not otherwise aware of any limitation within the RPost program on the number of addressees on any given e-mail being handled by the RPost service. When Mr. Hurst and I concluded our conversation on May 20, I had no reason to believe that RPost would do anything other than immediately transmit Mr. Hurst's original e-mail from the RPost servers to the intended recipients, as it typically does.

6. The next day, May 21, 2013, Mr. Hurst forwarded to me another message from RPost, stating, in sum and substance, that delivery of Mr. Hurst's May 20 e-mail had failed due to the number of recipients. I had never before seen a delayed delivery message from RPost, much less one that attributed the delayed delivery to the number of addresses on the outgoing e-mail.



CHRISTOPHER HODGE

Sworn to before me this 29th day
of May, 2013



Notary Public

WILLIAM HURST
Notary Public, State of New York
No. 02HU6171615
Qualified in Albany County
Commission Expires July 30, 2016

ALB 1697266v1