

6/6/11

NEW YORK STATE PUBLIC SERVICE COMMISSION
PARTY STATUS REQUEST FORM

If you wish to become a party, fill out this "Party Status Request Form" OR use the Department's web interface. A separate request for Party status will be required for each proceeding. Only one form per party is necessary. Additional representatives of a party can be added informally, via an e-mail to the ALJ or Secretary, or by use of the "Party Representatives Form" if desired. To remove or substitute representatives on the Party List, the "Party Representatives Form" is required.

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| Case No.: | <u>12-E-0136</u> |
| Case Title (short reference): | <u>Petition of Dunkirk Power LLC and NRG Energy, Inc. For Waiver of Generator Retirement Requirements</u> |
| Date of Request: | <u>June 28, 2012</u> |

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| Name of Party (This MUST be filled in. If you are an individual representing yourself, please so indicate): | <u>Sierra Club</u> |
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| Your Name: | <u>Joshua A. Berman, Esq.</u> |
| Title: | <u>Associate Attorney</u> |
| Firm/Company/Organization, if applicable: | <u>Sierra Club Environmental Law Program</u> |
| Mailing Address: | <u>50 F St. NW, 8th Floor</u> <u>Washington, DC 20001</u> |
| Telephone Number: | <u>(202) 650-6062</u> |
| E-mail Address: | <u>Josh.Berman@sierraclub.org</u> |

Please state here the nature of the party's interest in the case, including, if applicable, how the party's participation might contribute to the development of a complete record or is otherwise fair and in the public interest:

The Sierra Club is a nonprofit environmental organization with more than 36,000 members in New York State, including numerous members who are electric ratepayers living throughout the State. Any agreement to subsidize the continued operation of the Dunkirk plant and any alternative reliability solution developed in conjunction with this proceeding will impact Sierra Club electric ratepayer members in New York. The Sierra Club has an interest in ensuring that the process of developing an agreement to continue operation of the Dunkirk plant beyond the proposed mothball date of September 10, 2012 is as transparent as possible and protects ratepayer member interest. In addition, having worked throughout the country for more than a decade to mitigate the ratepayer, human health, and environmental harms associated with the use of coal in our electric sector, the Sierra Club has a strong institutional interest in the outcome of this proceeding.

ELECTRONIC SERVICE OF DOCUMENTS ISSUED BY PARTIES UPON EACH OTHER:

We will presume that, by providing your e-mail address, you are consenting to electronic service of documents upon you by other parties, and you agree that you will electronically serve all other parties except those who have not consented to electronic service, whom you must serve by mail or hand delivery.

Check the ***box*** below if the party does not have the ability to send and receive e-mail:

I do not have the ability to send and receive e-mail. Therefore I do not consent to receive electronic service and I do not agree to serve other parties by e-mail. Instead, I request that documents be served upon me by mail or hand delivery.

Note: Whether or not you have an e-mail address, if you require use of a different means of service of some or all documents between parties, then you may, pursuant to 16 NYCRR §3.5(e)(2), 1) apply to the Secretary or presiding officer and make a showing of good cause why you should be allowed to use a different means of serving or receiving service of documents, or 2) agree with other parties on a different means of service and file such agreement with the Secretary or presiding officer **with a signed copy of this form.**

ELECTRONIC SERVICE OF DOCUMENTS ISSUED BY THE COMMISSION:

If you consent to receive Commission-issued orders electronically, you will receive all Commission-issued documents electronically. If you do not consent to receive Commission-issued orders electronically, you will receive all Commission-issued documents by mail.

Check the ***boxes*** below if the party consents to have the Commission serve orders that affect such party upon the party by electronic means only, pursuant to 16 NYCRR §3.2(b)(1).

I am authorized by the party to grant consent to receive electronic-only service of Commission-issued orders, AND

I, on behalf of myself or the party I represent, knowingly waive the right specified in Public Service Law §23(1) to be served personally or by mail with orders that affect me or the party I represent and consent to receive service of Commission-issued orders by electronic means only, such consent to remain in effect until revoked.

Note: Any party specifying terms of its consent to receive service by electronic means of Commission-issued orders other than that the consent would remain in effect until revoked, shall state such terms with respect to e.g. duration, persons consenting or types of documents, in writing to the Secretary or presiding officer *with a copy of this form.*

SUBMISSION OF THIS FORM:

If you have consented to electronic service of documents among the parties and of orders issued by the Commission, please e-mail this form to Secretary@dps.ny.gov AND serve it upon all parties (including any presiding ALJ) on the Parties List for this case, if such a Parties List is posted.

If you:

- (a) do not have the ability to send and receive e-mail or for some other reason will request permission from the Secretary or presiding officer to serve and be served by other parties by means other than electronic service OR
- (b) do not consent to electronic service of Commission-issued orders, including orders that may affect you, as indicated above,

sign below and mail a hard copy of this form to the Secretary, NYS Public Service Commission, Three Empire State Plaza, Albany, NY 12223-1350. ALSO, you must mail or e-mail or deliver copies to all parties (including any presiding ALJ) on the Parties List for this case, if such a Parties List is posted.

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| Signature: <u>Joshua Berman</u> | Date: <u>6-28-2012</u> |
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Your request to be a party is subject to the right of other parties to object and subject to the final determination of the Administrative Law Judge, if one is assigned, or to the Secretary if no Administrative Law Judge is assigned to this case.