

HISCOCK & BARCLAY<sup>LLP</sup>

George M. Pond  
Partner

January 17, 2013

Acting Secretary Jeffrey C. Cohen  
New York State Department  
of Public Service  
Three Empire State Plaza  
Albany, NY 12223

Re: Champlain Hudson Power Express, Inc. and CHPE Properties, Inc.  
Case 10-T-0139

Dear Secretary Cohen:

In its Brief on Exceptions in the above-referenced proceeding filed earlier today, the Independent Power Producers of New York, Inc. (“IPPNY”) included a motion requesting that the Commission incorporate by reference or take official notice of a publication of the United States Department of Energy’s Energy Information Agency entitled *AEO2013 Early Release Overview*. In addition, IPPNY presented arguments based on the facts contained in that publication on pages 3 and 11 of its Brief on Exceptions, none of which are found in the evidentiary record developed in these proceedings by Administrative Law Judges Michelle Phillips and Kevin Casutto.

Champlain Hudson Power Express, Inc. (“CHPEI”) and CHPE Properties, Inc. (“CHPE Properties”) and, collectively with CHPEI, the “Applicants”) respectfully request that the Secretary establish a due date for responses to this IPPNY motion and that the period for responses to this IPPNY motion be shortened to 4:00 PM on Monday, January 21, 2013. This shortened response time is required for the Commission to rule on IPPNY’s motion sufficiently in advance of the due date for Briefs Opposing Exceptions in this proceeding, which are now due on February 1, 2013, for Applicants and other parties to know whether or not these references to materials outside the record in this case will be permitted.

Respectfully submitted,

/s/

George M. Pond  
Attorney for Champlain Hudson Power  
Express, Inc. and CHPE Properties, Inc.

cc: All Parties in Case 10-T-0139