

George M. Pond
Partner

August 24, 2012

Hon. Jaclyn A. Brillling
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: **Case 03-E-0188, Proceeding on Motion of the Commission Regarding
a Retail Renewable Portfolio Standard.**

Errata to Petition Filed on April 12, 2012 entitled Petition of Niagara
Generation, LLC for a Restructuring of its RPS Maintenance Tier
Contract.

Dear Secretary Brillling:

On August 16, 2012, the Commission issued an Order denying the request of Niagara Generation, LLC for restructuring of its RPS Contract¹. In our initial petition dated April 12, 2012, we inadvertently referred to the RPS contract as a Maintenance contract rather than a Main Tier contract in the title as well as one of the introductory paragraphs. We would like to correct this error and assure you that this was not intended to mislead the Commission or the parties. The remainder of the petition refers to this correctly as an RPS contract and in any event the type of contract was not the basis for the relief we requested. In addition, in our companion petition regarding the request of Niagara Generation to utilize wood that contains up to 10% glue, we clearly identified the contract as a Main Tier contract.

We certainly would have corrected this error sooner, but unfortunately we have no record of having received copy of the Multiple Intervenor Supplemental Comments noting this error either from counsel for Multiple Intervenors or from the DMM system.² As a result of not seeing the pleading, we did not appreciate the seriousness of a courtesy call that we did receive from counsel for Multiple Intervenors raising concerns about the petition.

¹ Case 03-E-0188 – *Proceeding on Motion of the Commission Regarding Retail Renewable Portfolio Standard, Order Denying Request for Restructuring of a Contract*, (Issued and Effective August 16, 2012).

² We have searched the inboxes of the attorneys, including deleted and spam folders, and did not locate it.

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We apologize for any confusion this may have caused the Commission, the Department or the parties to this proceeding.

Very truly yours,

George M. Pond

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Attorney for Niagara Generation, LLC

cc: Service List in Case 03-E-0188