



Case 10-T-0139: Entergy Nuclear Power Marketing , LLC's and Entergy Nuclear FitzPatrick' s Response to IPPNY's Motion to Incorporate by Reference or Take Official Notice of IPPNY Comments

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Cc: secretary

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Dear Secretary Brillling and ALJs Casutto and Phillips:

Entergy Nuclear Power Marketing, LLC and Entergy Nuclear FitzPatrick, LLC hereby support Independent Power Producers of New York, Inc.'s ("IPPNY") August 24 motion to incorporate by reference or take official notice of IPPNY's comments and pleadings in prior proceedings. As IPPNY correctly points out in its motion, the materials for which incorporation by reference and/or official notice are sought fall squarely within the scope and intent of applicable rules. Moreover, the materials are directly responsive to matters raised by Applicants Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. in their Initial Post-Hearing Brief. Consequently, principles of basic fairness also compel their incorporation by notice and/or taking of official notice - IPPNY clearly could not have predicted, at the hearing (or before), the positions Applicants would express in their Initial Brief. IPPNY's motion is thus timely and meritorious.

Respectfully submitted,

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