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**TIMOTHY M. KENNEDY**  
**SENATOR, 63<sup>RD</sup> DISTRICT**

**ALBANY OFFICE:**  
ROOM 506  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2426 OFFICE  
(518) 426-6851 FAX

**DISTRICT OFFICE:**  
2239 SOUTH PARK AVENUE  
BUFFALO, NEW YORK 14220  
(716) 826-2683 OFFICE  
(716) 826-2793 FAX

**E-MAIL ADDRESS:**  
KENNEDY@NYSenate.GOV

March 19, 2013

Hon. Jeffery C. Cohen, Acting Secretary  
New York State Public Service Commission  
3 Empire State Plaza  
Albany, NY 12223

Dear Mr. Cohen:

As the New York State Senator representing the 63rd district, I urge the Public Service Commission to consider the cost implications to upstate ratepayers associated with the development and implementation of the Indian Point Energy Center contingency plan, as ordered by the Commission.

While proposed rate increases typically only impact customers of the respective utility, the plan proposed by Con Edison and the New York Power Authority would impose the costs of the projects selected by the PSC on all state ratepayers. This would impact New Yorkers statewide, not just those in Westchester and New York City. **The contingency plan developed by Con-Ed and the NYPA, will burden ratepayers in Upstate New York with subsidizing projects that will solely benefit downstate customers.**

I am also concerned about the timeline of this proposal. Con Ed's rate increase of \$375 million for improvements related to major storms is subject to an 11-month review by the PSC. However, only *two weeks* were provided for public comment on the contingency plan, which will amount to an \$811 million rate increase, which will affect electric customers statewide, many of whom will receive no benefit from the proposed projects.

Due to taxes and fees, New York already has the fourth highest electric rates in the nation. Rate increases will have a negative impact on upstate development, job creation and small businesses. Considering this damaging economic impact, I urge you to reconsider this contingency plan to better protect families and businesses upstate and specifically in Western New York.

Sincerely,

A handwritten signature in blue ink that reads "Timothy M. Kennedy". The signature is written in a cursive style with a large, sweeping flourish at the end.

Timothy M. Kennedy  
New York State Senator, 63<sup>rd</sup> District – Buffalo, NY