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Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov

February 2, 2016

Sanford I. Weisburst
Partner
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010

Re: Matter # 15-02730 – In the Matter of the Investigation of Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC and Entergy Nuclear Operations, Inc.

Dear Mr. Weisburst:

This letter responds to the Expedited Motion for Appointment of an Administrative Law Judge to Serve as Presiding Officer and to Adjudicate Discovery-Related Disputes (Expedited Motion), filed January 12, 2016. This investigation is not one in which an evidentiary hearing is “required by law and in such other cases as the Commission may direct.” 16 NYCRR §4.1. Accordingly, a hearing will not be held, and an Administrative Law Judge (ALJ) will not be assigned.

The appointment of an ALJ is neither appropriate nor needed. This matter is a special investigation “directed by the Governor and performed by PSC staff, into specific problems or events at a facility,” with which Entergy is required to cooperate.¹ Once issue is joined it will be faster and more efficient for PSC staff to proceed to use its subpoena power, and then State court litigation, if needed thereafter. Use of an ALJ would not expedite resolution of disputes over the

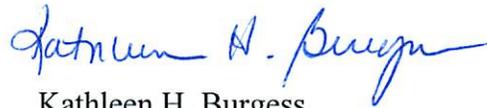
¹ Cases 01-E-0113, et al., Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, - Joint Petition and 00-E-1225, Entergy Nuclear Fitzpatrick, LLC, Entergy Nuclear Indian Point 3 LLC, and Entergy Nuclear Operations, - Joint Petition, Order Providing for Lightened Regulation of Nuclear Generating Facilities (Issued August 31, 2001) (Entergy Order), Appendix Page 2 of 2.

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scope of the investigation, because administrative appeals of the ALJ's rulings would delay possible State court proceedings.²

Please do not hesitate to contact General Counsel Kimberly A. Harriman with any further questions or concerns you may have.

Very truly yours,



Kathleen H. Burgess
Secretary

cc: Chief Administrative Law Judge Elizabeth Liebschutz
Service List

² The posting of documents on the PSC website is not an exclusive feature of a formal proceeding, as asserted in footnote 3 of the motion, but common in those matters where there is an “impact on the public interest”, Entergy Order at 10, and transparency is important.