

**UTILITY INTERVENTION UNIT
DIVISION OF CONSUMER PROTECTION
STATE OF NEW YORK
DEPARTMENT OF STATE
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ALBANY, NY 12231-0001**

April 7, 2015

Hon. David L. Prestemon and Hon. Sean Mullany
Administrative Law Judges
NYS Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

Re: Case 14-E-0270 – Proceeding to Examine a Proposal for Continued Operation of the R.E. Ginna Nuclear Power Plant, LLC. – UIU Letter in Support of Motion for Reconsideration of the Schedule

Dear Judges Prestemon and Mullany:

The New York Department of State's Utility Intervention Unit (UIU) files this letter in support of the Alliance for Green Energy (AGREE) and Citizens Environmental Coalition (CEC)'s motion, submitted April 1, 2015, for reconsideration of the schedule for the filing of Issue Statements. Although the UIU and other parties continue to diligently conduct discovery, the current schedule does not provide the UIU adequate time to fully identify and develop information requests or to thoroughly analyze responses to them for the purpose of providing "sufficient information to demonstrate that an issue is material to the determinations required of the Commission in this case, and that the issue cannot be resolved without the presentation and cross-examination." This is particularly true in light of the breadth and complexity of the issues covered by the information requests that have been propounded so far as well as by the nature of RG&E's responses.

UIU further concurs with AGREE and CEC that the RSSA's April 1, 2015 effective date, which was arrived at without the benefit of the Parties' input, should not be used as a justification for limiting the parties' due process opportunities to participate effectively in this proceeding. The possibility of compressed payments to Ginna under a delayed RSSA, and the corresponding customer rate shock, is a situation of Ginna and RG&E's own making—without any input from the ratepayers who are expected to pay for the RSSA. Furthermore, compressed payments are not an unavoidable consequence of delaying acceptance of the RSSA; the Commission can and should explore alternatives, which may include adjusting the effective date of the RSSA, reducing the term of the RSSA and the costs associated with it, and/or using monies RG&E currently owes to customers (*see* Multiple Intervenors' Information Requests Numbers 39-41) to offset customer bill impacts.

For these reasons, the UIU respectfully supports the motion's request for extending that filing by one month, from April 15 to May 15, and providing two weeks, until May 29, for replies rather than the current one week provided for by Your Honors. Thank you for your consideration of this letter.

Respectfully,

/s/ Erin Hogan
Director
Utility Intervention Unit