

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on July 18, 2013

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
James L. Larocca
Gregg C. Sayre
Diane X. Burman

CASE 12-E-0503 - Proceeding on Motion of the Commission to
Review Generation Retirement Contingency Plans.

ORDER ADOPTING AND APPROVING ISSUANCE OF A DRAFT GENERIC
ENVIRONMENTAL IMPACT STATEMENT

(Issued and Effective July 18, 2013)

BY THE COMMISSION:

On November 30, 2012, we instituted this proceeding to develop contingency plans addressing reliability concerns that may arise with the retirement of electric generation facilities. As explained below, and in prior orders in this proceeding, we have focused on the possibility that the Indian Point Energy Center (IPEC) may not be available to generate electricity at the end of 2015, upon the expiration of its Nuclear Regulatory Commission licenses. We anticipate that we will be asked in the future to review and approve a contingency plan addressing that possibility.

Our review of the plan and the recommended portfolios is an "action" requiring compliance with the State Environmental Quality Review Act (SEQRA). On May 21, 2013, after considering an Environmental Assessment Form prepared by DPS Staff, we

issued an order concluding that the action may have one or more significant impacts on the environment.¹ We determined that the preparation of a broad-based Generic Environmental Impact Statement (GEIS) would be more appropriate than a site-specific EIS because the proposed action by itself would not cause a direct impact on the environment at any specific location. Instead, the action involves the consideration of a contingency plan that may induce activities that may have a significant impact on the environment. Therefore, we directed the Secretary to issue a Notice of Determination of Significance and Intent to Prepare a GEIS.²

Staff subsequently prepared a draft GEIS describing the potential impacts of the action. After reviewing and considering the draft GEIS, we conclude that it is complete and we will direct the Secretary to issue it for public comment. The Secretary should also cause publication of a Notice of Completion of the Draft GEIS and commencement of the public comment period in the Environmental Notice Bulletin (ENB).

The Commission orders:

1. A Notice of Completion of a Draft Generic Environmental Impact Statement and a 30-day public comment period be issued by the Secretary in accordance with the requirements of 6 NYCRR Part 617.

¹ Case 12-E-0503, Generation Retirement Contingency Plans, Order Determining Significance and Requiring the Preparation of a Generic Environmental Impact Statement (issued May 16, 2013), p.4.

² Notice was issued on May 21, 2013.

2. This proceeding is continued.

By the Commission,

(SIGNED)

JEFFREY C. COHEN
Acting Secretary