

Case 14-E-0270

Petition Requesting Initiation of a
Proceeding to Examine a Proposal for
Continued Operation of the R.E. Ginna
Nuclear Power Plant, LLC.

Hearing Exhibit 22

Rochester Gas and Electric Corporation

**Petition for Initiation of a Proceeding to Examine a Proposal for Continued Operation of
the R.E. Ginna Nuclear Power Plant
Case 14-E-0270**

INFORMATION REQUEST

Requesting Party: Multiple Intervenors (4)

Request No.: GNA-15-004

Date of Request: March 12, 2015

Response Due: March 23, 2015

Date of Reply: March 23, 2015

Respondent: J. Converse & D. Kimiecik

Re: Multiple Intervenors' First Set of Information Requests

Question:

When did Rochester Gas and Electric Corporation ("RG&E") first become aware that the R.E. Ginna nuclear power plant ("Ginna") might seek to deactivate following the expiration of its power purchase agreement with the utility? Identify the circumstances of when and how RG&E became aware of such possibility. Additionally, if not referenced in response to the initial question, was RG&E aware that numerous trade publications were addressing the possible deactivation and/or the potential financial losses being experienced by Ginna? For instance, state whether RG&E was aware of the following documents: (a) UBS Investment Research, U.S. Electric Utilities & IPPs (dated January 2, 2013); and (b) Morningstar, Utilities Observer (dated November 2013).

Response:

RG&E objects to this interrogatory because it requests information that is irrelevant and outside the scope of the current phase of this proceeding (i.e., the interrogatory seeks information that does not "involv[e] the request of RG&E for Commission acceptance of a Reliability Support Services Agreement between RG&E and R.E. Ginna Nuclear Power Plant, LLC, and for approval of the allocation and recovery of the costs of that agreement.")

RG&E further objects to this interrogatory because the terms "deactivate" and "deactivation" and the clauses "first become aware" and "aware of" are vague, ambiguous and/or overbroad. For purposes of responding to this request, RG&E is interpreting the terms "deactivate" and "deactivation" to mean the permanent retirement of an electric generation facility.

RG&E also objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege.

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Subject to and without waiving these objections, RG&E provides the following response:

RG&E became aware that the owners of the Ginna facility might seek to permanently retire the generator during a January 2014 meeting with Ginna representatives.

RG&E met with Ginna representatives in October 2013 and RG&E was not given any indication that Ginna would be retired.

On July 11, 2014, Constellation Energy Nuclear Group, LLC (“CENG”) filed a petition with the New York State Public Service Commission indicating that “[i]n the absence of this confirmed reliability need and an acceptable RSSA, and given CENG’s management’s conclusion that projected market revenues are insufficient to support the Ginna Facility’s continued operation, CENG management would recommend to CENG’s board to authorize the Ginna Facility’s retirement as soon as practicable.” The petition was RG&E’s first official notice that CENG Management would recommend to its board that Ginna be retired.

RG&E was generally aware of trade press articles speculating on the financial condition of the Ginna facility. However, the New York State Public Service Commission has an established notification process for generation retirements and RG&E properly relies on those procedures. .