



March 23, 2016

**VIA ELECTRONIC FILING**

Honorable Kathleen Burgess, Secretary  
New York State Public Service Commission  
3 Empire State Plaza, 19th Floor  
Albany, New York 12223

Re: 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 Request for Clarification

Dear Secretary Burgess:

On February 24, 2016, the New York State Public Service Commission (“Commission”) issued its Order Adopting the Terms of a Joint Proposal (“February Order”) in the above-referenced proceeding. The February Order, among other things, adopted the terms of a Joint Proposal that settled issues concerning an Amended Reliability Support Services Agreement (“RSSA”) between Rochester Gas and Electric Corporation (“RG&E” or “Company”) and R.E. Ginna Nuclear Power Plant, LLC (“Ginna”). The RSSA, which was attached to the February Order as part of Appendix A thereto, provides RG&E’s customers with reliability support services thereby allowing the Company to continue to provide safe and adequate service. The RSSA was submitted to both the Commission and the Federal Energy Regulatory Commission (“FERC”) for review and acceptance.<sup>1</sup>

Subsequent to the issuance of the Commission’s February Order, FERC issued its Order on Contested Settlement Agreement (“FERC Order”) which approved the FERC Settlement Agreement and RSSA, subject to the condition that RG&E and Ginna make certain revisions to the RSSA and FERC Settlement Agreement.<sup>2</sup> Pursuant to and consistent with the FERC Order, RG&E and Ginna have amended the RSSA and FERC Settlement Agreement and filed them with FERC yesterday.

Since the RSSA attached to the February Order was amended after the issuance of the February Order, enclosed for filing is a clean and a redlined version of the revised RSSA. Also attached is the cover letter from yesterday’s FERC filing which describes the revisions that were made to the RSSA pursuant to FERC’s directive. On behalf of RG&E, we respectfully request a one-Commissioner Order clarifying and confirming that the revised RSSA is covered by the

<sup>1</sup> The RSSA was submitted to FERC along with a Settlement Agreement and Offer of Settlement (“FERC Settlement Agreement”). The terms of the FERC Settlement Agreement and the New York Joint Proposal are substantially the same.

<sup>2</sup> See R.E. Ginna Nuclear Power Plant, LLC, 154 FERC ¶ 61,157 (2016).

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February Order. Specifically, we request clarification that the RSSA cost recovery provisions authorized by the February Order are not impacted by the revisions to the RSSA as directed by FERC.

Should you have any questions regarding this filing, please contact me.

Respectfully submitted,



Brian T. FitzGerald

Enclosure

cc: DMM Party List (via e-mail w/ enclosure)  
Honorable Sean Mullany (via e-mail w/ enclosure)  
Honorable Ashley Moreno (via e-mail w/ enclosure)  
Honorable Julia Smead Bielawski (via e-mail w/ enclosure)  
Noelle M. Kinsch, Esq. (via e-mail w/ enclosure)