

**RMF**  
RUSKIN MOSCOU FALTISCHEK P.C.  
*Counselors at Law*

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Writer's Direct Dial: (516) 663-6581  
Writer's Direct Fax: (516) 663-6781  
Writer's E-Mail: sklimberg@rmfpc.com

November 8, 2013

Hon. Kathleen H. Burgess  
Secretary  
New York State Board on Electric Generation  
Siting and the Environment  
Three Empire State Plaza  
Albany, New York 12223

Re: Case 13-F-0287 - In the Matter of AES Energy Storage, LLC –  
Petition for Declaratory Ruling

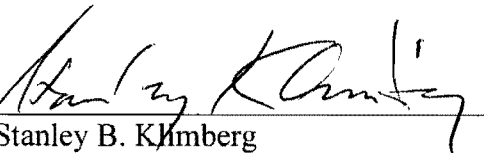
Dear Secretary Burgess:

On July 8, 2013, Mr. Paul Agresta of the Department of Public Service (“DPS”) sent a note (see attached e-mail from Paul Agresta to Stanley Klimberg) to the Article 10 Stakeholder Participants and ListServe Subscribers notifying them that on June 26, 2013, AES Energy Storage, LLC petitioned the Siting Board for a Declaratory Ruling that Battery-Based Energy Storage Facilities are not subject to Article 10 of the Public Service Law. Mr. Agresta’s note indicated that AES Energy Storage, LLC’s petition is being considered in Case 13-F-0287 and that the parties have 21 days to file responses.

Please include this letter and attachment in the record in the above-reference case.

Respectfully submitted,

RUSKIN MOSCOU FALTISHCEK P.C.  
Attorneys for AES Energy Storage, LLC

By:   
Stanley B. Klimberg

SBK/amz  
Attachment

**STANLEY KLIMBERG**

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**From:** Paul.Agresta@dps.ny.gov  
**Sent:** Wednesday, November 06, 2013 4:33 PM  
**To:** STANLEY KLIMBERG  
**Subject:** Fw: FYI - New Article 10 Declaratory Ruling Petition Received

----- Forwarded by Paul Agresta/OHADR/NYSDPS on 11/06/2013 04:32 PM -----

From: Paul Agresta/OHADR/NYSDPS  
To: Paul Agresta/OHADR/NYSDPS@NYSDPS  
Date: 07/08/2013 04:39 PM  
Subject: FYI - New Article 10 Declaratory Ruling Petition Received

Recipients listed in "Bcc".

To: Article 10 Stakeholder Participants and ListServe Subscribers

(The recipients for this note were compiled from several lists, so I again apologize that some of you may be receiving this in duplicate.)

For your information, AES Energy Storage, LLC has petitioned the Siting Board for a Declaratory Ruling that Battery-Based Energy Storage Facilities are not Subject to Article 10 of the Public Service Law. The petition is being considered in Case 13-F-0287.

The petition was filed on June 26, 2013. Pursuant to the rules of procedure, parties have 21 days to file responses. By my calculation, responses are due on Wednesday, July 17, 2013.

PAUL AGRESTA  
Administrative Law Judge  
New York State Department of Public Service Three Empire State Plaza Albany, New York  
12223  
Tel: (518) 474-6436  
Fax: (518) 473-3263  
paul.agresta@dps.ny.gov

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