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May 14, 2004

Thelen Reid & Priest LLP

Attorneys At Law

A CALIFORNIA LIMITED LIABILITY PARTNERSHIP

65 Madison Avenue, Suite 100
Morristown, New Jersey 07960-7307

Tel. 973.644.3400
Fax 973.644.3159

www.thelenreid.com

VIA FEDERAL EXPRESS

Honorable Eleanor Stein
Administrative Law Judge
State of New York Department of Public Service
Three Empire State Plaza
Albany, New York

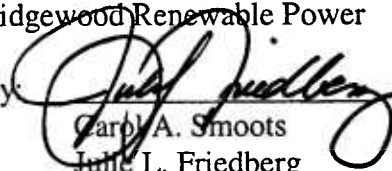
Re: Case 03-E-0188

Dear Judge Stein:

Enclosed is a revised set of comments regarding the Draft Generic Environmental Impact Statement ("EIS") submitted on behalf of Ridgewood Renewable Power LLC ("Ridgewood"). The previous version of these comments filed with your Honor inadvertently omitted certain language in the third paragraph. Ridgewood respectfully requests that your Honor accept this revised version of its comments regarding the EIS (which is the version that has been served on all of the active parties), and disregard the version dated May 13, 2004.

Respectfully submitted,
Ridgewood Renewable Power

By:


Carol A. Smoots

Julie L. Friedberg

Thelen Reid & Priest LLP

65 Madison Avenue

Morristown, New Jersey 07960

Tel.: (973) 644-3400

Fax: (973) 644-3159

jfriedberg@thelenreid.com

Thelen Reid & Priest LLP

875 Third Avenue

New York, New York 10022-6225

Thelen Reid & Priest LLP

701 Pennsylvania Avenue, N.W.

Suite 800

Washington, D.C. 20004-2608

Tel.: (202) 508-4000

Fax: (202) 654-1811

csmoos@thelenreid.com

cc: (via electronic mail)
Secretary Jaclyn A. Brillling

May 14, 2004

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Honorable Eleanor Stein
Administrative Law Judge
State of New York Department of Public Service
Three Empire State Plaza
Albany, New York

Re: Case 03-E-0188

Dear Judge Stein:

On behalf of Ridgewood Renewable Power LLC ("Ridgewood"), these comments are submitted regarding the Draft Generic Environmental Impact Statement ("EIS") prepared by the Department of Public Service ("DPS Staff") and issued on April 8, 2004.

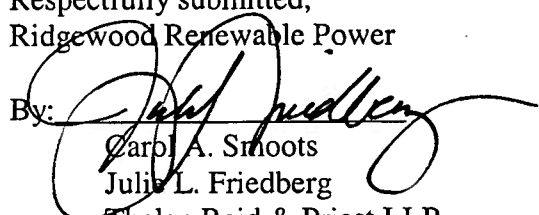
Ridgewood believes that the EIS is based upon incorrect assumptions regarding the continued viability of small hydroelectric facilities if DPS Staff's previous Renewable Portfolio Standards ("RPS") proposal is adopted. Under its proposal, DPS Staff only would allow existing, small hydroelectric facilities that entered into contracts prior to May 20, 1996 to become eligible for the RPS as their contracts expire. DPS Staff's rationale for hinging eligibility on contract expiration is that "some of these units, due to their size, may not be economically viable without an above-market contract". Although well intentioned, DPS Staff's assumption that all of these small facilities have above-market contracts, simply because they may have been entered into prior to May 20, 1996, is in error. For instance, under its power sales contracts with Niagara Mohawk, Ridgewood is paid either the LBMP or 90% of the LBMP for energy, and receives virtually no compensation for the associated capacity.¹ Hence, Ridgewood's contracts are priced at or below market.

¹ In fact, capacity revenues account for less than 4% of total annual revenues from Ridgewood's Niagara Mohawk contracts.

DPS Staff's first *New York Renewable Portfolio Standard Cost Study Report* showed that a failure to provide existing, small hydroelectric generators with the same incentive payment made to "new" facilities by allowing them to be eligible for the RPS would cause many such existing resources to be lost, with approximately seven megawatts of small hydroelectric resources lost each year. Hence, the environment benefits of these facilities also would be lost to the State. Accordingly, Ridgewood believes that the EIS overestimates the environmental benefits of the RPS, by not accounting for the loss of small hydroelectric facilities that are ineligible to participate in the RPS – and will likely be replaced by other, ineligible (*e.g.*, fossil-fueled) generation facilities.

Accordingly, Ridgewood urges Your Honor to consider these comments in weighing the conclusions of the EIS, and in issuing a recommended decision regarding the ultimate structure of the State's RPS.

Respectfully submitted,
Ridgewood Renewable Power

By: 

Carl A. Smoots

Julie L. Friedberg

Thelen Reid & Priest LLP

65 Madison Avenue

Morristown, New Jersey 07960

Tel.: (973) 644-3400

Fax: (973) 644-3159

jfriedberg@thelenreid.com

Thelen Reid & Priest LLP

875 Third Avenue

New York, New York 10022-6225

Thelen Reid & Priest LLP

701 Pennsylvania Avenue, N.W.

Suite 800

Washington, D.C. 20004-2608

Tel.: (202) 508-4000

Fax: (202) 654-1811

csmoots@thelenreid.com

cc: (via electronic mail)
Secretary Jaclyn A. Brillling
Active Parties List

CASE 03-E-0188
ACTIVE PARTY LIST
(As of May 12, 2004)

PRESIDING

HON. ELEANOR STEIN
ADMINISTRATIVE LAW JUDGE
NEW YORK STATE DEPARTMENT
OF PUBLIC SERVICE

3 Empire State Plaza
Albany, NY 12223-1350
Tel: (518) 474-7663
Fax: (518) 473-3263

Email: eleanor_stein@dps.state.ny.us

NEW YORK STATE DEPARTMENT
OF PUBLIC SERVICE
3 Empire State Plaza
Albany, NY 12223-1350

WAYNE BRINDLEY
Tel: (518) 474-2537
Fax: (518) 473-6173
Email: wayne_brindley@
dps.state.ny.us

PAUL AGRESTA
Tel: (518) 486-2653
Fax: (518) 473-7081
Email: paul_agresta@
dps.state.ny.us

SAUL RIGBERG
Tel: (518) 486-2652
Fax: (518) 486-5710
Email: saul_rigberg@
dps.state.ny.us

JOHN D'ALOIA
Tel: (518) 486-2427
Fax: (518) 473-1498
Email: john_d'aloia@
dps.state.ny.us

CHRISTINA PALMERO
Tel: (518) 474-1612
Fax: (518) 474-5026
Email: christina_palmero@
dps.state.ny.us

DOUG MAY
Tel: (518) 473-8829
Fax: (518) 473-1498
Email: doug_may@
dps.state.ny.us
JOE PARELLA
Tel: (518) 474-1807
Fax: (518) 473-5204
Email: joe_parella@
dps.state.ny.us

NEW YORK STATE ASSEMBLY
PROGRAM DEVELOPMENT GROUP
JOHN G. WILLIAMS
TANYA TARR
Agency 4, 12th Floor
Albany, NY 12248
Tel: (518) 455-4865
Fax: (518) 455-4175
Email:
williaj@assembly.state.ny.us
tartr@assembly.state.ny.us

NEW YORK STATE DORMITORY
AUTHORITY
THOMAS PIWINSKI
515 Broadway
Albany, NY 12207-2964
Tel: (518) 257-3226
Fax: (518) 257-3100
Email: tpiwinsk@dasny.org

May 12, 2004

NEW YORK STATE ENERGY RESEARCH
DEVELOPMENT AUTHORITY
VALERIE S. MILONOVICH
PETER R. KEANE
17 Columbia Circle
Albany, NY 12203
Tel: (518) 862-1090
Fax: (518) 862-1091
Email: vsm@nyserda.org
prk@nyserda.org

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
CHRIS HOGAN
JENNIFER L. HAIRIE
625 Broadway
Albany, NY 12203
Tel: (518) 402-9188
Fax: (518) 402-9018
Email:
cmhogan@gw.dec.state.ny.us
jlhairie@gw.dec.state.ny.us

NEW YORK STATE CONSUMER
PROTECTION BOARD
DOUGLAS W. ELFNER
SETH R. LAMONT
Suite 2101, 5 Empire Plaza
Albany, NY 12223-1556
Tel: (518) 486-6532
Fax: (518) 473-7482
Email:
elfner@consumer.state.ny.us
seth.lamont@
consumer.state.ny.us

NEW YORK STATE SENATE
MAJORITY COUNSEL PROGRAM
BERNARD MCGARRY
Room 514, The Capitol
Albany, NY 12247
Tel: (518) 455-2986
Fax: (518) 455-2808
Email:
mcgarry@senate.state.ny.us

NEW YORK POWER AUTHORITY
TIMOTHY P. SHEEHAN
JOHN OSINSKI
30 South Pearl St.
Albany, NY 12207
Tel: (518) 433-6764
Fax: (518) 433-6785
Email: sheehan.t@nypa.gov
osinski.j@nypa.gov

NEW YORK POWER AUTHORITY
TERRYL MORELAND
123 Main Street
White Plains, NY 10601-3170
Tel: (914) 390-8023
Fax: (914) 390-8038
Email:
terryl.moreland@nypa.gov
lorna.johnson@nypa.gov

CENTRAL HUDSON GAS & ELECTRIC
CORPORATION
BRUCE J. SIEVING
284 South Avenue
Poughkeepsie, NY 12601
Tel: (845) 486-5212
Fax: (845) 486-5894
Email:
bsieving@cenhud.com

NEW YORK STATE ATTORNEY
GENERAL
KEITH H. GORDON
THOMAS CONGDON
LORETTA SIMON
120 Broadway, 26-125
New York, NY 10271
Tel: (212) 416-8468
Fax: (212) 416-6007
Email:
keith.gordon@oag.state.
ny.us
thomas.congdon@oag.state.
ny.us
loretta.simon@oag.state.
ny.us

May 12, 2004

**JUDITH ENCK
ENVIRONMENTAL PROTECTION
BUREAU**

State Capitol
Albany, NY 12224-0341
Tel: (518) 473-9037
Fax: (518) 473-2534
Email:
judith.enck@oag.state.
ny.us

**NEW YORK STATE ELECTRIC & GAS
CORPORATION**

CINDY REED
Kirkwood Industrial Park
Corporate Drive
P.O. Box 5224
Binghamton, NY 13902
Tel: (607) 762-7656
Fax: (607) 762-8645
Email: clreed@nyseg.com
ERIC J. WILEN
Tel: (607) 762-7430
Fax: (607) 762-8645
Email: ejwilen@nyseg.com

**NIAGARA MOHAWK POWER
CORPORATION**

LISA GAYLE BRADLEY
300 Erie Blvd. West
Syracuse, NY 13202
Tel: (315) 428-3421
Fax: (315) 428-5740
Email:
lisa.bradley@us.ngrid.com

THOMAS G. ROBINSON

25 Research Drive
Westborough, MA 01582
Tel: (508) 389-2877
Fax: (508) 389-2463
Email:
thomas.robinson@us.ngrid.com

**ORANGE AND ROCKLAND UTILITIES,
INC.**

KEVIN JONES
Energy Services Department
390 West Route 59
Spring Valley, NY 10977-5320
Tel: (845) 577-3835
Fax: (845) 577-3628
Email: jonesk@oru.com

CON EDISON SOLUTIONS

STEPHEN WEMPLE
701 Westchester Avenue
Suite 201 West
White Plains, NY 10604
Tel: (914) 993-2149
Fax: (914) 993-2111
Email: wemples@conedenergy.com
PETER BLOM
701 Westchester Avenue
Suite 301 East
White Plains, NY 10604
Tel: (914) 286-7019
Fax: (914) 448-0057
Email:
blomp@conedsolutions.com

**CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.**

STEVEN R. PINCUS
4 Irving Place, Rm. 1850-S
New York, NY 10003
Tel: (212) 460-6699
Fax: (212) 677-5850
Email: pincuss@coned.com

**NATIONAL FUEL GAS DISTRIBUTION
CORPORATION**

MICHAEL W. REVILLE
10 Lafayette Square,
17th Floor
Buffalo, NY 14203
Tel: (716) 857-7313
Fax: (716) 857-7687
Email: revillem@natfuel.com

May 12, 2004

ROCHESTER GAS AND ELECTRIC
CORPORATION
LINDA SAALMAN
89 East Avenue
Rochester, NY 14649
Tel: (585) 724-8005
Fax: (585) 771-6552
Email: linda_saalman@rge.com

LEBOEUF, LAMB, GREEN, MCRAE,
LLP

AMY A. DAVIS
125 West 55th Street
New York, NY 10019-5389
Tel: (212) 455-5507
Fax: (212) 661-5759
Email: adavis@llgm.com

COUNTY OF WESTCHESTER
STEWART M. GLASS
Room 600
148 Martine Avenue
White Plains, NY 10601
Tel: (914) 995-3143
Fax: (914) 995-2495
Email: smg4@westchestergov.com
GEORGE BERRY
Box 96
Ancram Dale, NY 12503
Tel: (518) 329-4319
Fax: (518) 329-4319
Email: gberry@taconic.net

NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION
MICHAEL DELANEY
110 William Street, 4th Floor
New York, NY 10038
Tel: (212) 312-3787
Fax: (212) 312-3915
Email: mdelaney@nycedc.com

NEW YORK STATE DEPARTMENT OF
ECONOMIC DEVELOPMENT
KEITH CORNEAU
GEORGE M. KAZANJIAN
30 South Pearl Street
Albany, NY 12245
Tel: (518) 292-5267
Fax: (518) 292-5804
Email:
kcorneau@empire.state.ny.us
gkazanjan@empire.state.ny.us

NEW YORK ENERGY SERVICE
PROVIDERS ASSOCIATION
ADIRONDACK HYDRO DEVELOPMENT
CORPORATION
JOHN CONLEY
39 Hudson Falls Road
South Glens Falls, NY 12803
Tel: (518) 747-0930 Ext. 232
Fax: (518) 747-2409
Email:
jconley@bhenergycap.com

THE NEW YORK STATE
RELIABILITY COUNCIL
JOSEPH C. FLEURY
P.O. Box 3607
Binghamton, NY 13902-3607
Tel: (607) 762-4698
Fax: (607) 762-4862
Email: jcfleury@nyseg.com

THE ADIRONDACK COUNCIL
RADMILA MILETICH
342 Hamilton Street
Albany, NY 12210
Tel: (518) 432-1770
Email: rmiletich@
adirondackcouncil.org
JAIME A. ETHIER
P.O. Box Box D-2
Elizabethtown, NY 12932
Tel: (518) 873-2240
Fax: (518) 873-6675
Email:
jethier@adirondackcouncil.org

**AEGIS ENERGY SERVICES, INC.
SARA DAVIE**

2097 Riverdale Street
West Springfield, MA 01089
Tel: (413) 746-5400
Fax: (413) 746-3242
Email: sdavie@
aegisenergyservices.com

AES-NY, LLC

CHRISTOPHER WENTENT
720 Riverside Drive
Johnson City, New York 13790
Tel: (607) 729-6950 ext. 4421
Fax: (607) 729-0540
Email: chris.wentlent@aes.com

AMERADA HESS CORPORATION

ALYSSA WEINBERGER
One Hess Plaza
Woodbridge, NJ 07095
Tel: (732) 750-6024
Fax: (732) 750-6670
Email: aweinberger@hess.com

AMERICAN REF-FUEL COMPANY

SUSAN KING
155 Chestnut Ridge Road
Montvale, NJ 07645
Tel: (201) 690-4806
Fax: (201) 690-4815
Email: susan.king@ref-fuel.com

AMERICAN LUNG ASSOCIATION

CRAIG WILSON
432 Park Ave. South, 8th Fl.
New York, NY 10016
Tel: (212) 889-3370 ext. 32
Email: cwilson@alany.org

**AMERICAN WIND ENERGY
ASSOCIATION**

DOUGLAS H. WARD
DAVID R. WOOLEY
VALERIE STRAUSS
5 Palisades Drive
Albany, NY 12205
Tel: (518) 438-9907 Ext.237
Fax: (518) 438-9907
Email: dward@youngsommer.com
dwooley@ef.org
vstrauss@youngsommer.com

ANTARES GROUP, INC.

CHRIS LINDSEY
4351 Garden City Dr. #301
Landover, MD 20785
Tel: (301) 731-1900
Fax: (301) 731-1904
Email:
clindsey@antaresgroupinc.com

APX INC.

ASHLEY HOUSTON
30 Parkman Street #3
Brookline, MA 02446
Tel: (617) 879-0593
Fax: (617) 879-0855
Email: ahouston@apx.com

ARNOLD & PORTER

ANDREW RATZKIN
399 Park Avenue
New York, NY 1022
Tel: (212) 715-1000
Fax: (212) 715-1399
Email:
andrew_ratzkin@aporter.com

**ATLANTIC RENEWABLE ENERGY
CORP.**

WILLIAM MOORE, JR.
c/o Flat Rock Wind Power, LLC
7612 State Street
Lowville, NY 13367
Tel: (315) 377-3002
Fax: (202) 478-0450
Email: bill.moore@atlantic-
renewable.com

FLAT ROCK WIND POWER LLC
WILLIAM MOORE, JR.
7612 State Street, Suite 7
Lowville, NY 13367
Tel: (315) 377-3002
Fax: (202) 478-0450
Email: bill.moore@atlantic-renewable.com

AUDOBON NEW YORK
CAROLE NEMORE
MICHAEL BURGER
200 Trillium Lane
Albany, NY 12203
Tel: (518) 869-9731
Fax: (518) 869-0737
Email:
cnemore@audobon.org
mfb22@cornell.edu

AZURE MOUNTAIN POWER COMPANY
MATTHEW FOLEY
220 Lewis Road
Wadhams, NY 12993
Tel: (518) 962-4514
Email: riverat@igc.org

BAKER BOTTS, L.L.P.
AARON BIELENBERG
30 Rockefeller Plaza
New York, NY 10112-4498
Tel: (212) 408-2579
Fax: (212) 259-2579
Email: aaron.bielenberg
@bakerbotts.com

**BRICKFIELD, BURCHETTE, RITTS &
STONE**
JAMES W. BREW
1025 Thomas Jefferson St., NW
Washington, D.C. 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
Email: jwb@bbrslaw.com

BURLINGTON ELECTRIC DEPARTMENT
JOHN IRVING
585 Pine Street
Burlington, VT 05401
Tel: (802) 658-0300
Email: jirving@burlington
electric.com

BQ ENERGY LLC.
PAUL CURRAN
P.O. Box 338
Pawling, NY 12564
Tel: (914) 844-0894
Fax: (845) 226-3094
Email: paul.curran@bqenergy.com

**THE BUSINESS COUNCIL OF NEW
YORK STATE**
ANNE VAN BUREN
152 Washington Avenue
Albany, NY 12210-2289
Tel: (518) 465-7511
Fax: (518) 465-4389
Email: anne.vanburen@bcnys.org

CAPITAL CONSULTANTS
CHRIS MCGRATH
120 Washington Avenue
Albany, NY 12210
Tel: (518) 449-3333

**CENTER FOR ENERGY & ECONOMIC
DEVELOPMENT**
JOHN PAUL
PO Box 178
Ocean City, NJ 08226
Tel: (609) 525-0926
Email: jpaul@ceednet.org

CITIZENS ADVISORY PANEL
GORDIAN RAACKE
2316 Main St. PO Box 789
Bridghampton, NY 11932
Tel: (631) 537-8282
Fax: (631) 537-4680
Email: capli@optonline.net

COMMUNITY POWER NETWORK OF NYS
SUE MONTGOMERY COREY
P.O. Box 36
1714 Route 28N, Suite 1
Minerva, NY 12851
Tel: (518) 251-2525
Fax: (518) 251-2524
Email: suemc@capital.net

COMMUNITY ENERGY
BRENT ALDERFER
AMY MCGINTY
150 Strafford Ave., Suite 110
Wayne, PA 19087
Tel: (610) 254-9800
Fax: (610) 254-9781
Email: brent.alderfer@
newwindenergy.com
amy.mcgintry@newwindenergy.com

CONSERVATION SERVICES GROUP
PHILIP TULLGREN
126 State Street, 3rd Floor
Albany, NY 12207
Tel: (518) 207-4500
Fax: (518) 207-4550
Email: phil.tullgren@csgrp.com
MARK DYEN
40 Washington Street
Westborough, MA 01581
Tel: 508-836-9500
Fax: 508-836-3138
Email: mark.dyen@csgrp.com

CONSTELLATION NEW ENERGY
SARA O'NEILL
551 Fifth Ave., Suite 400
New York, NY 10176
Tel: (212) 885-6402
Email:
sara.oneill@constellation.com

COVANTA ENERGY GROUP
Paula Soos
40 Lane Road
Fairfield, NJ 07004
Tel: (973) 882-7081
Fax: (973) 882-7251
Email: psoos@covantaenergy.com

DMJM+HARRIS, INC.
THOMAS K. MCCARTHY
605 Third Avenue
New York, NY 10158
Tel: (212) 973-2943
Fax:
Email:
thomas.mccarthy@dmjmharris.
com

E CUBED COMPANY, LLC
RUBEN S. BROWN
FARIS KHADER
215 East 79th Street
New York, NY 10021
Tel: (212) 585-1459
Fax: (212) 937-3960
(212) 585-3852
Email: rsbrown@ecubedllc.com
fkhader@ecubedllc.com

EAST RIVER ENVIRONMENTAL
COALITION
LOIS STURM
628 East 14th Street #6
New York, NY 10009-3346
Tel: (212) 260-1891
Email: loissturm@yahoo.com

ECOGEN, LLC
THOMAS L. HAGNER
950-A Union Rd. Suite 20
West Seneca, NY 14224-3454
Tel: (716) 675-0751
Fax: (716) 675-0813
Email: thagner@ecogenllc.com

ECOLOGY & ENVIRONMENT, INC.
FRANCIS J. MURRAY, JR.
147 Westchester Drive
Delmar, NY 12054
Tel: (518) 439-3358
Fax: (518) 439-1401
Email: fmurray@nycap.rr.com

May 12, 2004

ECOSYSTEM PROJECTS LLC
STEPHAN HENRIQUEZ
126 South Swan Street
Albany, NY 12210
Tel: (518) 472-1526
Fax: (518) 472-1544
Email: shenriquez@ecosystem
projects.com

THE EMPIRE STATE FOREST
PRODUCTS ASSOCIATION
KEVIN S. KING
828 Washington Avenue
Albany, NY 12203
Tel: (518) 463-1297
Fax: (518) 426-9502
Email: kking@esfpa.org

EMPIRE STATE PETROLEUM
ASSOCIATION, INC.
ROLAND, FOGEL, KOBLENZ &
PETROCCIONE LLC
EMILIO PETROCCIONE
1 Columbia Place
Albany, NY 12207
Tel: (518) 434-8112
Fax: (518) 434-3232
Email:
epetroccione@rfkplaw.com

ENCORP
JOSH MEYER
30 N. LaSalle, Suite 2250
Chicago, IL 60602
Tel: (312) 658-0712
Email: Joshua.meyer@encorp.com

THE ENERGY ASSOCIATION OF NEW
YORK STATE
MICHAEL J. RYNASKO
111 Washington Avenue
Albany, NY 12210
Tel: (518) 449-3440
Fax: (518) 449-3448
Email:
mrynasko@worldnet.att.net

ENERGY ENTERPRISES, INC.
WILLIAM R. GREEN
3401 Rochester Road
P.O. Box 687
Lakeville, NY 14480
Tel: (716) 346-2200
Fax: (716) 346-5214
Email: EeiBill@aol.com

ENERGETIX, INC.
ROBERT J. HOBDAV
BARNEY FARNSWORTH, JR.
755 Brooks Avenue
Rochester, NY 14619
Tel: (585) 724-8579
Fax: (585) 724-8241
Email: rhobday@energetix.net
bfarnsworth@energetix.net

THE ENERGY ASSOCIATION OF NEW
YORK STATE
PATRICK J. CURRAN
HOWARD SHAPIRO
STUART SILBERGLEIT
111 Washington Avenue
Suite 601
Albany, NY 12210
Tel: (518) 449-3440
Fax: (518) 449-3446
Email:
patrickcurran@worldnet.
att.net
howardshapiro@worldnet.
att.net
stusilbergleit@worldnet.
att.net

ENERGY MANAGEMENT, INC.
DENNIS J. DUFFY
75 Arlington St., Suite 704
Boston, MA 02116
Tel: (617) 904-3100 ext. 112
Fax: (617) 904-3109
Email: dduffy@emienergy.com

ENERGY COOPERATIVE OF NEW YORK, INC.
403 Main Street, Suite 411
P.O. Box 17
Buffalo, NY 14205-0017
Tel: (716) 842-1697 Ext. 231
Fax:
Email: jmascaro@ecny.org

ENERGY VENTURES ANALYSIS INC.
TOM HEWSON
1901 N Moore St. Suite 1200
Arlington, VA 22209
Tel: (703) 276-8900
Email: hewson@evainc.com

EVOLUTION MARKETS LLC
ANNA GIOVINETTO
CARL FERRENTINO
10 Bank Street
White Plains, NY 10606
Tel: (518) 465-1010
(914) 323-0255
Fax: (914) 328-3701
Email:
agiovinetto@evomarkets.com
cferrentino@evomarkets.com

EXETER ASSOCIATES INC.
KEVIN PORTER
12510 Prosperity Dr. Suite 350
Silver Spring, MD 20904
Tel: (301) 622-4500
Fax: (301) 622-2686
Email:
porter@exeterassociates.com

FUELCELL ENERGY, INC.
LEN SINGER
540 Broadway
Albany, NY 12201
Tel: (518) 320-3406
Fax: (518) 320-3499
Email: lsinger@couchwhite.com
RICHARD SHAW
3 Great Pasture Road
Danbury, CT 06813
Tel: (203) 825-6015
Fax: (203) 825-6079
Email: rshaw@fce.com

GE WIND ENERGY
ROBERT T. BOYD
6130 Stoneridge Mall Road
Suite 275
Pleasanton, CA 94588
Tel: (925) 750-6117
Fax: (925) 924-1338
Email: robert.boyd@ps.ge.com

GLOBAL WINDS HARVEST
ERICH BACHMEYER
424 Saratoga Road
Scotia, NY 12302
Tel: (518) 376-2346
Fax: (518) 399-7342
Email:
ebachmeyer@globalwinds.com

GREEN MOUNTAIN ENERGY COMPANY
CHRISTOPHER S. FRANGIONE
75 Green Mountain Drive
South Burlington, VT 05403
Tel: (802) 846-2560 Ext. 6312
Fax: (802) 846-2561
Email: christopher.frangione
@greenmountain.com

CAROL A. HAMILTON
MARSH & ASSOCIATES, P.C.
111 Washington Ave. Suite 405
Albany, NY 12210
Tel: (518) 436-6000
Fax: (518) 436-6009
E-mail: chamilton@marsh-pc.com

HARBEC PLASTICS, INC.
GERALD F. WAHL
369 Route 104
Ontario, NY 14519
Tel: (585) 265-0010 x 239
Fax: (585) 265-1306
Email: gwahl@harbec.com

HQ ENERGY SERVICES U.S. INC.
GILLES FAVREAU
75 Rene Levesque Blvd., W
19th Floor
Montreal, Quebec
Canada H2Z 1A4
Tel: (514) 289-3612
Fax: (514) 289-3750
Email:
favreau.gilles@hydro.qc.ca

INDEPENDENT ELECTRICITY
MARKET OPERATOR
CARL A. BURRELL
655 Bay St., Suite 410
P.O. Box 1
Toronto, Ontario M5G 2K4
Tel: (416) 506-2858
Fax: (416) 506-2847
Email: carl.burrell@theimo.com

INDEPENDENT POWER PRODUCERS OF
NEW YORK, INC.
GLENN HAAKE
CAROLYN BROWN
19 Dove Street, Suite 302
Albany, NY 12210
Tel: (518) 436-3749
Fax: (518) 436-0369
Email: glenn@ippny.org
carolyn@ippny.org

INTEGRATED WASTE SERVICES
ASSOCIATION
KATIE CULLEN
1401 H Street, NW #220
Washington, D.C. 20005
Tel: (202) 467-6240
Fax: (202) 467-6225
Email: kcullen@wte.org

JAMESTOWN BOARD OF PUBLIC
UTILITIES
TANJA SHONKWILER
DUNCAN, WEINBERG, GENZER &
PEMBROKE, P.C.
1615 M Street, NW
Suite 800
Washington, D.C. 20036
Tel: (202) 467-6370
Fax: (202) 467-6379
Email: tms@dwgp.com

KEYSPAN CORPORATION
CYNTHIA R. CLARK
1 MetroTech Center,
21st Floor
Brooklyn, NY 11201
Tel: (718) 403-3022
Fax: (718) 403-2698
Email:
cclark@keyspanenergy.com
ANNA S. CHACKO
175 Old Country Road
Hicksville, NY 11801
Tel: (516) 545-5246
Fax: (516) 545-5029
Email:
achacko@keyspanenergy.com

KING & SPALDING, LLP
ADAM SHEINKIN
BERNAYS T. BARCLAY, ESQ.
1185 Avenue of the Americas
New York, NY 10036
Tel: (212) 556-2320
Fax: (212) 556-2222
Email: asheinkin@kslaw.com
bbarclay@kslaw.com

KODA CONSULTING, INC.
RICHARD J. KODA
409 Main Street
Ridgefield, CT 06877-4511
Tel: (203) 438-9045
Fax: (203) 438-7854
Email: rjkoda@earthlink.net

May 12, 2004

**LEBOEUF, LAMB, GREENE &
MACRAE, LLP**
BRIAN T. FITZGERALD
NOELLE M. KINSCH
99 Washington Ave.,
Suite 2020
Albany, NY 12210
Tel: (518) 626-9000
Fax: (518) 626-9010
Email:
brian.fitzgerald@llgm.com
nmkinsch@llgm.com
H. LIZA MOSES
125 W 55th Street
New York, NY 10019-5389
Tel: (212) 424-8224
Fax: (212) 424-8500
Email: lmoses@llgm.com

**LEVERAGED ENERGY PURCHASING
CORPORATION**
DAVID W. KOPLAS
403 Main St., Suite 630
Buffalo, NY 14203
Tel: (716) 842-1710
Fax: (716) 842-1705
Email: dkoplas@lepcorp.com

LONG ISLAND POWER AUTHORITY
DAN ZAWESKI
LISANNE ALTMANN
SARAH BARISH-STRAUS
333 Earle Ovington Blvd.
Suite 403
Uniondale, NY 11553
Tel: (516) 719-8618
Fax: (516) 719-9812
Email: dzaweski@lipower.org
laltmann@lipower.org
sbarish-strauss@lipower.org

LUTHIN ASSOCIATES, INC.
CATHERINE LUTHIN
15 Walling Place
Avon-by-the-Sea, NJ 07717
Tel: (732) 774-0005
Fax: (732) 774-0052
Email:
cluthin@luthinassociates.com

JOHN DOWLING
4812 Foxwood Drive South
Clifton Park, NY 12065
Tel: (518) 339-4255
Fax: (954) 301-0925
Email: jdwling@nycap.rr.com

**MASSACHUSETTS TECHNOLOGY
COLLABORATIVE**
GARY R. ROTENBERG
REDMOND ADVISORS, INC.
5 Huguenot Drive
Larchmont, NY 10538
Tel: (914) 834-5625
Fax: (914) 834-0836
Email: spruance@optonline.net

DOUGLAS R. MCCUEN
138 Main Street
P.O. Box 161
New Baltimore, NY 12124
Tel: (518) 756-6842
Email: mccuens@covad.net

MEYER SUOZZI ENGLISH AND KLEIN
JUDITH HELLER
One Commerce Plaza,
Suite 1102
Albany, NY 12260
Tel: (518) 465-5551
Fax: (518) 465-2033
Email: jheller@msek.com

MIRANT CORPORATION
DOREEN SAIA
540 Broadway
Albany, NY 12201
Tel: (518) 320-3413
Fax: (518) 320-3499
Email: dsiaia@couchwhite.com

SUE MONTGOMERY COREY
1714 Route 28N, Suite 1
Minerva, NY 12851
Tel:
Fax:
Email: suemc@capital.net

**MUNICIPAL ELECTRIC UTILITIES
ASSOCIATION**
KEVIN BROCKS
25 Eagle Street
Albany, NY 12207-1901
Tel: (518) 465-9313
Fax: (518) 465-9315
Email: krb@readlaniado.com

MULTIPLE INTERVENORS
BARBARA S. BRENNER
MICHAEL B. MAGER
540 Broadway
P.O. Box 22222
Albany, NY 12201-2222
Tel: (518) 426-4600
Fax: (518) 426-0376
Email: bbrenner@couchwhite.com
mmager@couchwhite.com

NATSOURCE LLC
MATT WILLIAMSON
140 Broadway, 30th Floor
New York, NY 10005
Tel: (212) 232-5305
Fax: (212) 232-5353
Email:
mwilliamson@natsource.com

NATIONAL BIODIESEL BOARD
CHARLES HATCHER
P.O. Box 104898
Jefferson City, Missouri 65110
Tel: (573) 635-3893
Fax: (573) 635-7913
Email: chatcher@biodiesel.org

**NATIONAL ENERGY MARKETERS
ASSOCIATION**
CRAIG GOODMAN
STACEY RANTALA
HEATHER MASTER
3333 K Street, N.W., Suite 110
Washington, D.C. 20007
Tel: (202) 333-3288
Fax: (202) 333-3266
Email:
cgoodman@energymarketers.com
srantala@energymarketers.com
hmaster@energymarketers.com

**NATURAL RESOURCES DEFENSE
COUNCIL**
KATHERINE KENNEDY
ASHOK GUPTA
NATHANAEL GREENE
40 West 20th Street
New York, NY 10011
Tel: (212) 727-4463
Fax: (212) 727-1773
Email: kkennedy@nrdc.org
agupta@nrdc.org
ngreene@nrdc.org

NAVIGANT CONSULTING, INC.
KEVIN B. JONES
20 Madison Avenue Ext.
Albany, NY 12203-5326
Tel: (518) 464-2718
Fax: (518) 456-6008
Email:
kjones@navigantconsulting.com

NEW YORK FARM BUREAU
JEFF WILLIAMS
Route 9W, Box 992
Glenmont, NY 12207
Tel: (518) 431-5373
Fax: (518) 431-5656
Email: nyjwilliams@fb.org

**NEW YORK RENEWABLE ENERGY
COALITION**
TRIA CASE
126 State Street, 3rd Floor
Albany, NY 12207
Tel: (860) 243-8998
Fax: (425) 940-2757
Email: triacase@hotmail.com

**NEW YORK PUBLIC INTEREST
RESEARCH GROUP**

JASON K. BABBIE
9 Murray Street
New York, NY 10007
Tel: (212) 349-6460
Fax: (212) 349-1366
Email:
jkb@beethoven.nypirg.org

NISOURCE INC.

BRUCE M. DIAMOND
10 G St. NE, Suite 580
Washington, DC 20002
Tel: (202) 216-9772
Fax: (202) 216-9785
Email: bdiamon@nisource.com

NIXON PEABODY LLP

RICHARD M. COGEN
JESSICA A. GRAF
Omni Plaza, Suite 900
30 South Pearl Street
Albany, NY 12207
Tel: (518) 427-2650
Fax: (518) 427-2666
Email:
rcogen@nixonpeabody.com
jgraf@nixonpeabody.com

**ONONDAGA COUNTY RESOURCE
RECOVERY AGENCY**

A.T. RHOADS
100 Elwood Davis Road
North Syracuse, NY 13212-4312
Tel: (315) 453-2866
Fax: (315) 453-2872
Email: atrhoads@occra.org

ONTARIO POWER GENERATION

MR. BARRY A. GREEN
700 University Ave (H18-G3)
Toronto, Ontario
Canada M5G 1X6
Tel: (416) 592-7883
Fax: (416) 592-8519
Email: barry.green@opg.com

PACE ENERGY PROJECT

PACE SCHOOL OF LAW
FRED ZALCMAN
78 N. Broadway, E House
White Plains, NY 10603
Tel: (914) 422-4082
Fax: (914) 422-4180
Email: fzalcm@law.pace.edu

LARRY DEWITT

13 Tamarack Drive
Delmar, NY 12054
Tel:
Fax:
Email:

PEPCO ENERGY SERVICES

JAMES SAVAGE
1300 North 17th Street
Suite 1600
Arlington, VA 22209
Tel: (703) 253-1838
Fax: (703) 253-1725
Email: jsavage@pepcoenergy.com

MORRIS A. PIERCE

University of Rochester
364 Rush Rhees Library
Rochester, NY 14627
Tel: (585) 275-4331
Fax: (585) 442-2749
Email:
mapi@mail.rochester.edu

PLUG POWER, INC.

GERALD L. CONWAY
968 Albany Shaker Rd.
Latham, NY 12110
Tel: (518) 782-7700
Email:
gerard.conway@plugpower.com

AARP

RUDY STEGEMOELLER
P.O. Box 359
Poestenkill, NY 12140
Tel: (518) 283-0933
Fax: (518) 283-0933
Email:
rudysteg@capital.net

PRIMARY POWER
DOUG BALLEINE
168 E. Center Street
Ithaca, MI 48847
Tel: (517) 339-7620
Fax: (517) 339-7621
Email:
balleine@attbi.com

PUBLIC UTILITY LAW PROJECT
GERALD NORLANDER
90 State Street
Albany, NY 12207
Tel: (518) 449-3375
Fax: (518) 449-1769
Email: ganorlander@pulp.tc

ANDREW RATZKIN
ARNOLD & PORTER
399 Park Avenue
New York, NY 10022
Tel: (212) 715-1000
Fax: (212) 715-1399
Email:
andrew_ratzkin@aporter.com

READ & LANIADO, LLP
JEFFREY B. DUROCHER
DAVID B. JOHNSON
25 Eagle Street
Albany, NY 12207
Tel: (518) 465-9313
Fax: (518) 465-9315
Email: jbd@readlaniado.com
dbj@readlaniado.com

REGULATORY WATCH, INC.
SARAH MILLER
P.O. Box 815
Albany, NY 12201
Tel: (518) 426-5126
Fax: (518) 427-8227
Email:
smiller@regulatorywatch.com

RIDGEWOOD POWER MANAGEMENT
WILLIAM P. SHORT
DANIEL V. GULINO
947 Linwood Avenue
Ridgewood, NJ 07450
Tel: (201) 447-9000
Fax: (201) 447-0474
Email:
bshort@ridgewoodpower.com
dgulino@ridgewoodrenewable.com

THE SARATOGA ASSOCIATES
RICHARD C. BENAS
443 Broadway
Saratoga Springs, NY 12866
Tel: (518) 587-2550
Fax: (518) 587-2564
Email: rbenas@tsasaratoga.com

SELECT ENERGY NEW YORK, INC.
ANGELO CHAMBRONE
507 Plum Street
Syracuse, NY 13204
Tel: (315) 460-3063
Fax: 315-460-3281
Email:
chambaf@selectenergy.com

SHELL TRADING GAS AND POWER
COMPANY
MATTHEW PICARDI
27 Winthrop Road
Hingham, MA 02043
Tel: (781) 875-1675
Fax: (713) 265-2177
Email: mpicardi@coral-
energy.com
JAMES J. CIFARATTA
Two Clinton Square, Suite 305
Syracuse, NY 13202
Tel: (315) 423-4810
Fax: (315) 424-4610
Email: jcifaratta@coral-
energy.com

SIERRA CLUB
ATLANTIC CHAPTER
JOHN STOUFFER
SUSAN LAWRENCE
353 Hamilton Street
Albany, NY 11210
Tel: (518) 426-9144
Email: sierrany12210@yahoo.com
shlawr2@aol.com

SMALL CUSTOMER MARKET
COALITION
USHER FOGEL
557 Central Avenue, Suite 4A
Cedarhurst, NY 11516
Tel: (516) 967-3242
Fax: (516) 374-2600
Email: ufogel@aol.com

SOLAR ENERGY INDUSTRIES
ASSOCIATION
GREG ANDECK
424 Dryden Road
Ithaca, NY 14850
Tel: (607) 592-7832
Fax: (607) 628-7779
Email: gandeck@seia.org
COLIN MURCHIE
GLENN HAMER
1616 H Street, NW 8th Fl.
Washington, DC 2006
Tel: (607) 592-7832
Fax: (202) 628-7779
Email:
cmurchie@seia.org
ghamer@seia.org

STERLING PLANET
BERNAYS T. BARCLAY
ADAM SHEINKIN
1185 Avenue of the Americas
New York, NY 10036
Tel: (212) 556-2180
Fax: (212) 556-2222
Email: bbarclay@kslaw.com
MEL JONES
3775 Mansell Road
Alpharetta, GA 30022
Tel: (770) 408-6389
Fax: (770) 594-0815
Email:
mjones@sterlingplanet.com

ROBERT A. MADDOX, JR.
P.O. Box 186
Litchfield, CT 06759
Tel: (877) 276-3525
Email:
bmaddox@sterlingplanet.com

STRATEGIC ENERGY
FRANCIS E. PULLARO
45 Main Street, Suite 608
Brooklyn NY 11201
Tel: 718-246-1840
Fax: 718-246-1599
Email: fpullaro@sel.com

STRATEGIC POWER MANAGEMENT,
INC.
DANIEL P. DUTHIE
51 Greenwich Avenue
Goshen, NY 1024
Tel: (845) 294-7746
Fax: (845) 294-0643
Email:
duthie@strategicpower.com

THE SUNY CENTER FOR
SUSTAINABLE AND RENEWABLE
ENERGY
MICHAEL R. BROWER
Tel: (315) 470-6639
Fax: (315) 470-6779
Email: mrbrower@esf.edu

SUSTAINABLE ENERGY
DEVELOPMENTS, INC.
KEVIN M. SCHULTE
885 Thousand Acre Road
Delanson, NY 12053
Tel: (518) 895-5440
Fax: (518) 895-8181
Email:
kevin.schulte@sed-net.com

SLATER CONSULTING

MARK YOUNGER

69 Werking Road
East Greenbush, NY 12061
Tel: (518) 286-1937
Fax: (518) 286-1941
Email:
mdy@slater-consulting.com

**SUSTAINABLE ENERGY ALLIANCE OF
LONG ISLAND**

KATHLEEN A. WHITLEY

P.O. Box 789
Bridgehampton, NY 11932
Tel: (631) 537-8282
Fax: (631) 537-4680
Email: info@seali.org

**TANNERY ISLAND POWER COMPANY
HYDRO POWER, INC.**

PAUL V. NOLAN

5515 N. 17th Street
Arlington, VA 22205
Tel: (703) 534-5509
Fax: (703) 538-5257
Email: pvnnpvn@aol.com

**TAYLOR RECYCLING FACILITY, LLC
TOM KACANDES**

350 Neelytown Road
Montgomery, NY 12549
Tel: (845) 457-4021
Fax: (845) 457-4003
Email:
tom@taylor-recycling.com

THOMPSON HINE LLP

ROBERT J. GLASSER

One Chase Manhattan Bank
New York, NY 10005
Tel: (212) 908-3909
Fax: (212) 809-6890
Email:
bob.glasser@thompsonhine.com

TRANSMISSION OWNERS

**COMMITTEE OF THE ENERGY
ASSOCIATION OF NEW YORK
STATE**

**LEBOEUF, LAMB, GREENE &
MACRAE, LLP**

PAUL L. GIOIA,
99 Washington Avenue
Suite 2020
Albany, NY 12210-2820
Tel: (518) 626-9000
Fax: (518) 626-9010
Email: pgioia@llgm.com

MR. GENE TRISKO

ATTORNEY AT LAW

P.O. Box 596
Berkley Springs, WV 25411
Tel: (304) 258-1977
Email: emtrisko@intrepid.net

UNION OF CONCERNED SCIENTISTS

JEFF DEYETTE

Two Brattle Square
Cambridge, MA 02238
Tel: (617) 547-5552
Email: jdeyette@ucsusa.org

WEBGEN SYSTEMS, INC.

MARK NOYES

41 William Linskey Way
Cambridge, MA 02142
Tel: (617) 349-0724
Fax: (617) 349-3612
Email:
mnoyes@webgensystems.com

PETER J.P. BRICKFIELD

**BRICKFIELD, BURCHETTE, RITTS
& STONE**

1025 Thomas Jefferson St., NW
8th Floor, West Tower
Washington, DC 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
Email: pjpb@bbrslaw.com

WHEELABRATOR TECHNOLOGIES INC.
FRANCIS A. FERRARO
4 Liberty Lane West
Hampton, NH 03842
Tel: (603) 929-3305
Fax: (603) 929-3135
Email: fferraro@wm.com

WILSON RICKERSON
TRIA CASE
Tel: (212) 927.6533
Fax:
Email: whrick@hotmail.com
triacase@attbi.com

WIND TURBINE & ENERGY CABLES CORP.
EUGENE J. TONKOVICH
DOUGLAS W. SCHMIDT
Suite 415, Polygon Plaza
2050 Center Avenue
Fort Lee, NJ 07024-4909
Tel: (201) 242-9906
Fax: (201) 242-9926
Email:
gtonkovixh@windenergy.com
dschmidt@windenregy.com

ZILKA RENEWABLE ENERGY
PATRICK DOYLE
615 Vanderlyn Lane
Slingerlands, NY 12159
Tel: (518) 452-1483
Fax: (208) 485-8289
Email: pdoyle@zilkha.com

RUPERT REVERENCE
ERIC GAGNON
1442 Chemin Haut de la Riviere
Nord
Saint-Pie (Quebec)
Canada JOH 1W0
Tel: (450) 772-5899
Fax: (450) 772-5899
Email: actiplan@sympatico.ca
JACQUELINE LEROUX
Tel: (418) 748-7317
Fax: (418) 748-7317
Email:
leroux.bentz@sympatico.ca

FLAT ROCK WIND POWER LLC
WILLIAM M. MOORE
7612 State Street, Suite #7
Lowville, NY 13367
Tel: (315) 377-3002
Fax: (202) 478-0450
Email: bill.moore@atlantic-renewable.com

UTC POWER
HEATHER HUNT
W.H. ROBERT AND H.F. HUNT, LLC
242 Whippoorwill Lane
Stratford, CT 06614
Tel: (203) 380-1477
Fax: (203) 375-7910
Email: heather@wrobert.net

SITHE ENERGIES, INC.
DAVID APPLEBAUM
335 Madison Avenue
New York, New York 10017
Tel: (212) 351-0000
Fax: (212) 351-0005