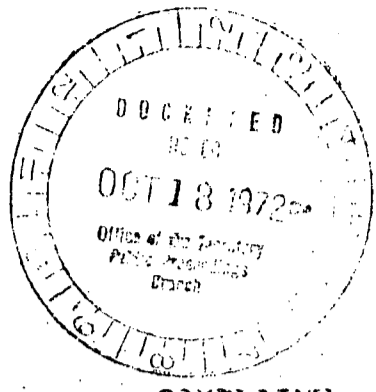


DOCKET NUMBER
PROD. & UTIL. FAC. 50-247

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK



-----X
THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-against-

COMPLAINT

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.,

Index No.

Defendant.
-----X

The plaintiff herein, by LOUIS J. LEFKOWITZ,
Attorney General of the State of New York, complaining of the
defendant, alleges:

1. The State of New York is a body politic and a
sovereign entity and brings this action on behalf of itself and,
as parens patriae, trustee, guardian, and representative, on
behalf of all residents and citizens of the State.

2. The defendant is a domestic corporation with
offices in the City and County of New York and is engaged in the
business of manufacturing and selling electricity to its sub-
scribers.

3. At all times hereinafter mentioned, defendant
operates and controls a nuclear power plant at Indian Point
near Buchanan, New York, said plant being commonly known as
Indian Point Unit No. 2.

4. In the operation of the above-mentioned nuclear
plant, defendant has withdrawn from and discharged into the
Hudson River great quantities of water.

5. Defendant, by means of intake pumps, draws
water from the Hudson River for condenser cooling at its Indian
Point Unit No. 2 plant and as the water passes into the intake

structure, it is filtered by wire mesh screens placed so as to prevent fish and other objects from entering the plant.

6. From the period January 11, 1972 to February 26, 1972, approximately 163,776 fish were impaled on the screens as a result of defendant's operation of its water intake structures. Approximately 133,535 fish were so impaled on the screens during the four-day period from February 22, 1972 to February 26, 1972, when defendant was testing its intake pumps at fifty percent of capacity.

7. None of the above-mentioned 163,766 fish survived.

8. Section 339(4) of the Conservation Law provides for the assessment of a civil penalty in the amount of FIVE HUNDRED DOLLARS and an additional penalty in the amount of TEN DOLLARS for each fish taken or possessed in violation of § 275(1)(b).

9. This action has been initiated upon the order of the New York State Department of Environmental Conservation.

WHEREFORE, plaintiff demands judgment:

(a) In the sum of \$1,638,160;

(b) For such other and further relief as may be just, together with the costs and disbursements of this action.

Dated: New York New York
May 23, 1972

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