

In the Matter of: Entergy Nuclear Operations, Inc.  
(Indian Point Nuclear Generating Units 2 and 3)

ASLBP #: 07-858-03-LR-BD01  
Docket #: 05000247 | 05000286  
Exhibit #: NYS000075-00-BD01  
Admitted: 10/15/2012  
Rejected:  
Other:

Identified: 10/15/2012  
Withdrawn:  
Stricken:

NYS000075

Submitted: December 14, 2011

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350  
Internet Address: <http://www.dps.state.ny.us>

## PUBLIC SERVICE COMMISSION

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*Secretary*

April 21, 2009

Leonard H. Singer, Esq.  
Couch White LLP  
540 Broadway  
P.O. Box 22222  
Albany, New York 12201

RE: Case 06-T-0650 – Application of New York Regional Interconnect, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for a high voltage direct current electric transmission line running between National Grid's Edic Substation in the Town of Marcy, and Central Hudson Gas & Electric's Rock Tavern Substation located in the Town of New Windsor.

Dear Mr. Singer:

At its session of April 21, 2009, the Public Service Commission reviewed your correspondence of April 6 and 8, 2009, notifying of the withdrawal of the petition of New York Regional Interconnect (NYRI) for a certificate under Article VII of the Public Service Law. The withdrawal follows a Federal Regulatory Commission (FERC) denial of a NYRI rehearing petition with respect to study processes of the New York Independent System Operator (NYISO).<sup>1</sup> The Commission has also reviewed correspondence from other parties variously seeking a declaration that the NYRI application is no longer pending, withdrawal of the application with prejudice, the striking of various NYRI testimony/exhibits, and a denial of the application on the merits.

Given the timing of, and basis for, the withdrawal, the advanced state of the proceeding, and the likely prejudice to other parties of a withdrawal of the application without prejudice, the Commission treats your request as one to withdraw the petition, grants the withdrawal request, with prejudice, and dismisses the application. Any future pursuit of the

<sup>1</sup> FERC Docket No. OA08-52-003, New York Independent System Operator, Inc., Order on Rehearing, 126 FERC ¶61, 320 (Issued March 31, 2009).

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NYRI project should be done through the filing of a new application complying with all Commission requirements effective as of the date of that application. This disposition of your correspondence moots the other parties' requests for a decision on the merits and resolution of evidentiary issues. Accordingly, the petition in this matter is withdrawn with prejudice, the application is dismissed and this proceeding is closed.

By direction of the Commission,

Jaclyn A. Brillling  
Secretary

cc: Active Parties