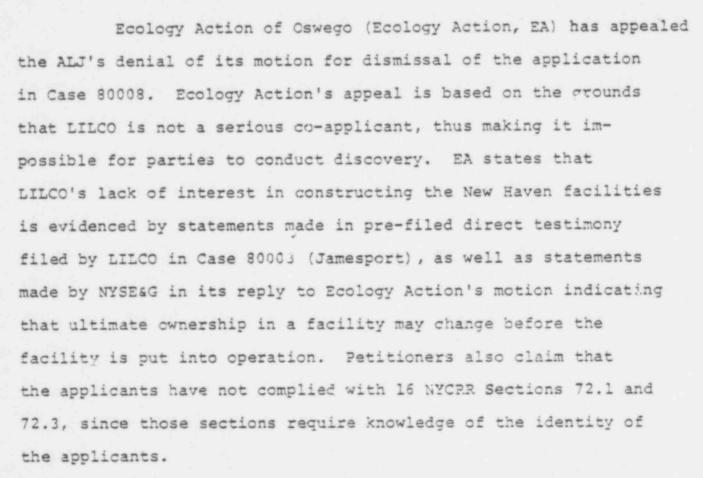
STATE OF NEW YORK PUBLIC SERVICE COMMISSION

May 7, 1979

CASE 80008 - New Haven 1 and 2.

STAFF'S REPLY TO ECOLOGY ACTION'S APPEAL ON DENIAL OF MOTION FOR DISMISSAL



We agree that a firm commitment by the applicants to construct a proposed generating facility is essential to going forward with hearings. Thus, as Ecology Action points out, we must know the identity of the applicant(s) in order

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at a minimum to assess its ability to finance the proposed facility, to assess the likely impacts on ratepayers during the construction period and to assess their need for capacity. These considerations and others will be part of a balancing between installing the facility before there is a capacity demand for it and the cost impacts of early installation.

We believe, however, Ecology Action's argument that viable co-applicants do not exist is as yet unsupported by a record.* The statements referred to in LILCO's 80003 testimony are as yet unsworn and have not been cross-examined. The additional statements made by NYSE&G in its reply to Ecology Action are also insufficient to form a basis for dismissing the application.

Thus, at this time we recommend that the motion be denied without prejudice so that parties may make it later when a record supports it.

Respectfully submitted,

ROBERT GREY Staff Counsel

^{*} See Staff's response to Ecology Action's motion below (April 6, 1979)