

BOOKLET NUMBER

RELATED CORRESPONDENCE

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July 18, 1979

Hon. Thomas R. Matias
Presiding Examiner
Public Service Commission
of the State of New York
Empire State Plaza
Albany, New York 12223



Re: Case 80008 - Notification under
16 NYCRR 70.20 of Ecology Action
of Oswego

Dear Judge Matias:

On July 10, 1979, under the guise of a notification under 16 NYCRR 70.20, Ecology Action of Oswego (Ecology Action) submitted another in a series of documents seeking relief without stating any factual basis for the position it advocates. Although New York State Electric & Gas Corporation (Applicant) strongly opposes the suggestion that it is Applicant's duty to undertake a siting study in order to develop Ecology Action's undefined position regarding power generation siting, it would be inappropriate at this time to require Applicant to set forth its argument in opposition or for the Presiding Examiner to rule on the Ecology Action motion.

At present, Applicant is involved in responding to the Public Service Commission's July 5, 1979 order (the Order) in the instant case which certifies Ecology Action's interlocutory appeal of April 26, 1979 to the New York State Board on Electric Generation Siting and the Environment (the Board). Considering the nature of this certification and the potential impact it may have on Case 80008, Applicant's counsel's resources are presently totally directed toward a formulation of a response to the Order. Further, Applicant is unaware of the positions of other parties to the Ecology Action filing of July 10, 1979. Applicant is hesitant to comment upon this filing without knowing whether and how other parties may

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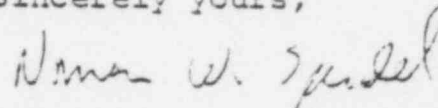
July 18, 1979

Hon. Thomas R. Matias

support the initial filing.* It is patently unfair to respond to a position taken by one party if supporting documents are filed subsequent to said response.

In light of the above, Applicant requests that the Presiding Examiners defer their consideration of the July 10 filing by Ecology Action until after the Siting Board acts with regard to the Public Service Commission's July 5 certification. Applicant further requests that the Presiding Examiners establish a schedule whereby all parties supporting Ecology Action's July 10 filing be required to apprise all parties of their support within 20 days of the forthcoming Siting Board ruling and all parties opposing said filing be required to serve their statements 30 days after service of the supporting documents. The adoption of Applicant's suggestions will restore some semblance of procedural order to Case 80008.

Sincerely yours,



Norman W. Spindel

NWS:ar

cc: All parties

* Instances of parties supporting other filings after Applicant has served its answer have already occurred in this proceeding. The Department of Environmental Conservation supported Ecology Action's original March 7, 1979 Motion to Dismiss in a letter dated April 9, 1979. This latter submittal is dated four days after Applicant served its response to Ecology Action's motion.