

NEW YORK STATE BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT

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:
Application of the NEW YORK STATE ELECTRIC :
& GAS CORPORATION and the LONG ISLAND :
LIGHTING COMPANY pursuant to Article VIII :
of the Public Service Law for a certificate : CASE NO. 80008
of environmental compatibility and public :
need to construct two 1250-megawatt nuclear :
generating units in the Town of New Haven, :
Oswego County, or at an alternate site in :
the Town of Stuyvesant, Columbia County. :
:
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APPLICANTS' REPLY TO COMMENTS
ON RECOMMENDATION OF THE
PUBLIC SERVICE COMMISSION

INTRODUCTION

In its certification of the appeal of Ecology
Action of Oswego (Ecology Action) to the New York State
Board on Electric Generation Siting and the Environment for
Case 80008 (Siting Board), the Public Service Commission
ordered that parties desiring to comment on the certification
could do so by submitting comments on July 25, 1979 and
replies to any party's comments could be submitted on August
6, 1979. Applicants received only three sets of comments;
one by the Department of Environmental Conservation, one by
the attorneys for Columbia County, the Town of Stuyvesant,
Concerned Citizens for Safe Energy, and Mid-Hudson Nuclear
Opponents and one signed by Anne Curtin, ostensibly on behalf

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of the Town of Kinderhook.*

DEC argues that in the event that other pending applications pursuant to Article VIII are denied, issues of fact exist and suggests suspension of the New Haven Application (Case 80008) pending the decision in other Article VIII proceedings.

The statement on behalf of the Town of Kinderhook merely expresses its support for the recommendation of the Public Service Commission. The statement on behalf of Columbia County et al. asserts the need for definitive applicants, argues that Long Island Lighting Company has disappeared from the proceeding, and concludes that the application with only New York State Electric & Gas Corporation is not viable. The statement on behalf of Columbia County et al. does not indicate in what manner the application is not viable with a single applicant, nor does it cite any new authority for its allegation of the disappearance of Long Island Lighting Company.

* Ms. Curtin has previously played, and presumably still does play a lead role for Concerned Citizens for Safe Energy. She has not filed a notice of appearance on behalf of, or any indicia of authority to speak on behalf of the Town of Kinderhook. Applicants question the appropriateness of a person or organization having two chances to argue the same question in this proceeding under the guise of representing another entity.

THE APPLICATION SHOULD
NOT BE SUSPENDED

The argument advanced on behalf of DEC implicitly concedes there are issues of fact to be tried in this proceeding. By statement of its conclusion that the licensing of other proposed facilities will obviate the need for the New Haven Station, DEC has made a great number of conclusions of fact. Implicit in such a statement are conclusions as to load forecasts, load shape, relative fuel costs and a great number of other matters of fact which are or presumably will be the subject of contentions in this proceeding. To the extent that DEC concludes that the proposed generating station is not needed if other plants are certified, the Application clearly contains facts which differ from those leading to the conclusion of DEC.

Applicants recognize that decisions in pending Article VIII proceedings will have a significant effect on the planning of electric generation capacity in the State of New York. The crucial question is whether the proposed units in this proceeding can be in service when they are needed. Since the enactment of Article VIII in 1972, only the certificate issued in Case 80002 can be acted upon and

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that station is scheduled to be in service in October, 1984 some 12 years after enactment of Article VIII. The schedule suggested by the Public Service Commission Staff in this case extends licensing over a minimum of three years and a certification in 1982 is currently expected. Considering the need for engineering and preparation of a Compliance Filing, after certification and a construction period of from 8 to 10 years, any significant delay in the processing of the New Haven application would seriously threaten the proposed in service dates of 1992 and 1994.

Logically under the facts as adduced in Chapter I of the Application, the need for New Haven can only be accelerated by the denial of other pending Article VIII Applications. For instance, New York State Electric & Gas Corporation projects minimal surpluses or capacity deficiencies in each winter from the winter of 1986/87 to the winter of 1994/95 even assuming the construction of Jamesport. (Environmental Report, Table 1.1-62) Without New York State Electric & Gas Corporation's share of Jamesport, its deficiency in 1989 rises to 539 Megawatts and to 720 Megawatts in 1990. Thus, the New York State Electric & Gas Corporation's need accelerates if negative decisions are made on at least one of the units in licensing. Obviously the need to substitute

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capacity for oil fired units is also greatly affected by the denial of certificates for facilities using fuels other than oil. A failure to progress the New Haven application could result in serious harm to the State of New York in the event certificates are not granted in pending Article VIII proceedings.

Applicants submit that the realities of licensing of generating stations is such that an indefinite suspension of New Haven cannot be tolerated even under the assumptions of DEC.

LONG ISLAND LIGHTING IS A
PARTY TO THIS PROCEEDING

The statement filed on behalf of Columbia County and others asserts that Long Island Lighting has disappeared from the proceeding. Such an assertion is patently erroneous. Long Island Lighting Company has not withdrawn from the proceeding. At a pre-hearing conference held on March 22, 1979, Edward J. Walsh, Esq. noted his appearance on behalf of Long Island Lighting Company and on May 23, 1979, Mr. Schutt noted in another pre-hearing conference that since New York State Electric & Gas Corporation had been given authority to take all steps necessary to license the proposed plant, he represented both New York State Electric & Gas

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Corporation and Long Island Lighting Company. (SM 611).
Clearly, the record in this proceeding belies the claim that
Long Island Lighting Company has disappeared.

CONCLUSION

The statements submitted by the Department of
Environmental Conservation and Columbia County et al. do not
establish any grounds for the dismissal or suspension of
this proceeding.

Respectfully submitted,

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Dated: August 6, 1979

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RELATED CORRESPONDENCE

NEW YORK STATE BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT

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: Application of the NEW YORK STATE ELECTRIC :
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: the Town of Stuyvesant, Columbia County. :
: -----X

CASE NO. 80008

CERTIFICATION OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)



This is to certify that a true copy of Applicants' Reply to Comments on Recommendation of the Public Service Commission was served upon the persons appearing on the attached list by depositing in the post office box regularly maintained by the government of the United States in the County of New York, State of New York.

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