

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

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PUBLIC SERVICE COMMISSION

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March 8, 2002

Honorable Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1-A209
Washington, D.C. 20426

Re: Docket No. EC01-97-000 - Energy East
Corporation and RGS Energy Group, Inc.

Dear Secretary Salas:

Enclosed for filing, please find one original and fifteen copies of the Motion to File Late Comments and Comments of the New York State Public Service Commission in the above-entitled docket number. Should you have any questions, please feel free to contact me at (518) 473-8178.

Very truly yours,

David G. Drexler
Assistant Counsel

Enclosures

cc: Official Service List (via U.S. mail)

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

ENERGY EAST CORPORATION,
RGS ENERGY GROUP, INC.

)
) Docket No. EC01-97-000
)
)

**MOTION TO FILE LATE COMMENTS AND
COMMENTS OF THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEW YORK**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission's (FERC's or Commission's) Rules of Practice and Procedure (18 C.F.R. §385.212), the Public Service Commission of the State of New York (NYPSC) hereby submits its Motion to File Late Comments and Comments.

On May 9, 2001, Energy East Corp. (Energy East) and RGS Energy Group, Inc. (RGS Group) filed a joint application with FERC for approval of an acquisition and merger proposal and the resulting disposition of jurisdictional facilities (hereinafter "joint application"). Similarly, in a filing dated March 23, 2001, Energy East, RGS Group, New York State Electric & Gas Corp. (NYSEG), Rochester Gas and Electric Corp. (RG&E), and Eagle Merger Corp. (Eagle), filed a joint petition with the NYPSC for approval of the acquisition merger and transactions, whereby Energy East will acquire the common stock of RGS Group; RGS Group would be merged into Eagle; and NYSEG's common stock will be transferred to RGS Group, thereby placing NYSEG and RG&E

under a common management structure (hereinafter "joint petition").¹

The NYPSC has completed its review of the joint petition and has determined that "the merger...is in the public interest and should be approved under [New York Public Service Law] §70."² Specifically, "[t]he merger will not impair competitive markets or hinder their further development and the transition to competitive markets will continue."³ Attached is a copy of the NYPSC's ruling. Because no party will be harmed by accepting these comments, we respectfully request that FERC grant the

¹ Case 01-M-0404, Joint Petition of Energy East Corporation, RGS Energy Group, Inc., New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation and Eagle Merger Corp. for Approval of Merger and Stock Acquisition.

² Cases 01-E-0359, Petition of New York State Electric & Gas Corporation for Approval of its Electric Price Protection Plan; 01-M-0404, Joint Petition of Energy East Corporation, RGS Energy Group, Inc. New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation and Eagle Merger Corp. for Approval of Merger and Stock Acquisition, Order Adopting Provisions of Joint Proposal With Modifications (issued February 27, 2002).

³ Id.

Motion and make our ruling part of the record in this proceeding.

Respectfully Submitted,

Lawrence G. Malone
General Counsel
By: David G. Drexler
Assistant Counsel
Public Service Commission
Of the State of New York
3 Empire State Plaza
Albany, NY 12223-1305
(518) 473-8178

Dated: March 8, 2002
Albany, New York

CERTIFICATE OF SERVICE

I, Naomi Tague, do hereby certify that I will serve on March 8, 2002, the foregoing Notice of Intervention and Comments of the Public Service Commission of the State of New York by depositing a copy thereof, first class postage prepaid, in the United States mail, properly addressed to each of the parties of record, indicated on the official service list compiled by the Secretary in this proceeding.

Date: March 8, 2002
Albany, New York

Naomi Tague