

# 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*

July 5, 2001

Honorable David P. Boergers  
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 Boergers:

For filing please find the Notice of Intervention and Comments of the New York State Public Service Commission in the above-entitled proceedings. Should you have any questions, please feel free to contact me at (518) 473-8178.

Very truly yours,

David G. Drexler  
Assistant Counsel

Enclosures

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

ENERGY EAST CORPORATION, )  
RGS ENERGY GROUP, INC. ) Docket No. EC01-97-000  
)  
)

**NOTICE OF INTERVENTION AND COMMENTS OF THE  
PUBLIC SERVICE COMMISSION OF THE  
STATE OF NEW YORK**

Pursuant to a Notice of Filing, dated May 17, 2001, and Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §385.214), the Public Service Commission of the State of New York (NYPSC) hereby submits its Notice of Intervention and Comments in the above-captioned proceeding.

Copies of all correspondence and pleadings should be addressed to:

Lawrence G. Malone, Esq.  
David G. Drexler, Esq.  
Public Service Commission  
of the State of New York  
3 Empire State Plaza  
Albany, NY 12223

Ronald Liberty  
Director Fed. En. Interv.  
Public Service Commission  
of the State of New York  
3 Empire State Plaza  
Albany, NY 12223

On May 9, 2001, Energy East Corp. (Energy East) and RGS Energy Group, Inc. (RGS Group) filed a joint application with the Federal Energy Regulatory Commission (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., and Eagle Merger Corp., filed a joint petition with the NYPSC for approval of the acquisition merger and transactions, whereby Energy East will acquire RGS Group and NYSEG's stock will be transferred to RGS Group (hereinafter "joint petition").<sup>1</sup>

The NYPSC is currently analyzing the potential impacts of the proposed transactions on New York ratepayers, and expects to rule on the transactions upon completion of the analysis. At that time, NYPSC will inform FERC of the decision.

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: July 5, 2001  
Albany, New York

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<sup>1</sup> 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.

CERTIFICATE OF SERVICE

I, Naomi Tague, do hereby certify that I will serve on July 5, 2001, 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: July 5, 2001  
Albany, New York

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Naomi Tague