

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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Secretary

October 11, 2005

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

Re: Docket No. EL05-145-000 - Emergency Petition and
Complaint of District of Columbia Public Service
Commission

Dear Secretary Salas:

For filing, please find the Motion for Inclusion on the
Restricted Service List of the New York State Public Service
Commission in the above-entitled proceeding. Should you
have any questions, please feel free to contact me at (518)
473-8178.

Very truly yours,

David G. Drexler
Assistant Counsel

Attachment

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

Emergency Petition and Complaint)
of District of Columbia Public) Docket No. EL05-145-000
Service Commission)

**MOTION FOR INCLUSION ON THE RESTRICTED
SERVICE LIST OF THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEW YORK**

BACKGROUND

On August 25, 2005, the District of Columbia Public Service Commission filed an emergency petition and complaint seeking to require the operation of the Potomac River Generating Station power plant owned and operated by Mirant Corporation and its public utility subsidiaries. On September 23, 2005, the Federal Energy Regulatory Commission (FERC or Commission) issued a Notice of Proposed Restricted Service List (Notice) in this proceeding.

**MOTION FOR INCLUSION ON THE
RESTRICTED SERVICE LIST**

Pursuant to the Notice and Rule 212 of the Commission's Rules of Practice and Procedure, the New York State Public Service Commission (NYPSC) submits its Motion for Inclusion on the Restricted Service List. The NYPSC should be included on the Restricted Service List given our responsibilities in ensuring the provision of reliable electric service to retail

consumers in New York State,¹ and the implications that this proceeding may have upon our ability to do so.² In addition, the NYPSC's interest in ensuring safe and adequate service to such consumers is not adequately represented by other parties to this proceeding, and our participation will therefore serve the public interest. Inclusion on the Restricted Service List will allow the NYPSC to fully participate in all stages of this proceeding and to contribute to a complete and accurate record upon which the Commission may base its decision.

Copies of all correspondence and pleadings should be addressed to:

David Drexler
Assistant Counsel
New York State Department
of Public Service
Three Empire State Plaza
Albany, New York 12223-1350
david_drexler@dps.state.ny.us

Raj Addepalli
Manager, Staff ISO Team
New York State Department
of Public Service
Three Empire State Plaza
Albany, New York 12223-1350
rpa@dps.state.ny.us

¹ The NYPSC is currently undertaking an investigation into the implications of generator retirements upon reliability. Case 05-E-0889, Proceeding on Motion of the Commission to Establish Policies and Procedures Regarding Generation Unit Retirements, Order Instituting Proceeding and Notice Soliciting Comments (issued July 27, 2005).

² For example, the NYPSC is aware of a settlement agreement between the New York State Attorney General, the New York State Department of Environmental Conservation and Mirant regarding environmental compliance issues at some of its generating units, and the outcome of this proceeding may have a bearing upon how those issues will be resolved in New York.

CONCLUSION

For the above reasons, the Commission should grant the NYPSC's Motion for Inclusion on the Restricted Service List.

Respectfully submitted,

Dawn Jablonski Ryman
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: October 11, 2005
Albany, New York

CERTIFICATE OF SERVICE

I, Leann Ayer, do hereby certify that I will serve on October 11, 2005, the foregoing Motion for Inclusion on the Restricted Service List of the Public Service Commission of the State of New York upon each of the parties of record, indicated on the official service list compiled by the Secretary in this proceeding.

Date: October 11, 2005
Albany, New York

Leann Ayer