

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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PUBLIC SERVICE COMMISSION

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LAWRENCE G. MALONE

General Counsel

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Secretary

November 14, 2002

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

Re: Critical Energy Infrastructure Information
Docket Nos. RM02-4-000 and PL02-1-000

Dear Secretary Salas:

For filing please find the Comments of the Public Service Commission of New York in the above-entitled proceeding. Should you have any questions, please feel free to contact me at (518) 486-2652.

Very truly yours,

Saul A. Rigberg
Assistant Counsel

Enclosures

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

Critical Energy Infrastructure Information)	Docket Nos. RM02-4-000
)	PL02-1-000
)	
Statement of Policy on Treatment of)	
Previously Public Documents)	

COMMENTS OF THE PUBLIC SERVICE COMMISSION OF NEW YORK

The New York State Public Service Commission (NYPSC) submits these Comments pursuant to a Notice of Extension of Time that was issued on October 9, 2002. As a state agency with energy regulatory responsibilities, the NYPSC must continue to have access to information pertaining to energy infrastructure. The process discussed in the NOPR for obtaining that information would enable us to do so.

Copies of all correspondence and pleadings should be addressed to:

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We do wish to comment, however, on the question on page 35 of the NOPR regarding the need for Non-Disclosure Agreements (NDAs). In our case, at least, a NDA is not necessary because confidential material is protected from public dissemination by state law in several ways. First, under Section 15 of the New York State Public Service Law, it is a misdemeanor for any NYPSC employee to disclose such information. Second, Sections 87 and 89 of the New York State Public Officers Law provide the means by which trade secret information or information involving public safety can be protected from public disclosure. Accordingly, while

we would not necessarily refuse to sign an NDA, we do not see a need for that process in New York State.

Respectfully submitted,

Lawrence G. Malone
General Counsel
By: Saul A. Rigberg
Assistant Counsel
Public Service Commission
of the State of New York
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Dated: November 14, 2002
Albany, New York

CERTIFICATE OF SERVICE

I, Karen Houle, do hereby certify that I will serve on November 14, 2002, the foregoing 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.

Karen Houle

Date: November 14, 2002
Albany, New York