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WESTLAW New York State Register**Establishment of Compensation for Nuclear Facilities Relative to a Zero-Emissions Credit Progra...
NY-ADR**

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RULE MAKING ACTIVITIES
PUBLIC SERVICE COMMISSION
PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

I.D No. PSC-21-16-00009-P**Establishment of Compensation for Nuclear Facilities Relative to a Zero-Emissions Credit Program**

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action:

The Commission is considering a petition filed by Constellation Energy Nuclear Group LLC, et al., to determine a compensation mechanism for certain nuclear facilities relative to a Zero-Emissions Credit program under a Clean Energy Standard.

Statutory authority:

Public Service Law, sections 5(2), 65(1), and 66(1), (2), (3), (4), (5) and (12)

Subject:

Establishment of compensation for nuclear facilities relative to a Zero-Emissions Credit program.

Purpose:

To preserve zero-emissions attributes of generation facilities serving New York electric customers.

Substance of proposed rule:

The Public Service Commission (Commission) is considering a petition filed on May 9, 2016, by Constellation Energy Nuclear Group LLC, R.E. Ginna Nuclear Power Plant, LLC, and Nine Mile Point Nuclear Station, LLC (collectively, Petitioners), seeking to have the Commission consider certain financial data concerning the R.E. Ginna Nuclear Power Plant and the Nine Mile Point Nuclear Station and determine an appropriate compensation mechanism under a program the Petitioners anticipate will be adopted by the Commission as part of the Clean Energy Standard (CES) in Case 15-E-0302, and whether and/or how such facilities will qualify for compensation under such program. Petitioners request consideration of their petition and submitted cost data concurrently with the Commission's consideration of the CES program so that the lead time involved in planning and operating decisions for its nuclear plants can be accommodated, without additional risk that the facilities may cease operations prematurely. The CES program under consideration envisions providing eligible nuclear facilities with compensation for the zero-emission attributes of their production in the form of zero-emission credits ("ZECs") and is intended to serve as a bridge to the State achieving the reductions in greenhouse gas emissions ("GHG") envisioned by the State Energy Plan. In particular, the petition requests that the Commission appropriately consider certain financial data, identified by Petitioners as containing trade secret and/or confidential information, which may be used to establish nuclear generator costs relevant to the development of an appropriate compensation mechanism under a ZEC program. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:

John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email:

john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to:

Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until:

45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0270SP1)

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