

Washington, DC -- In light of New York Regional Interconnection's (NYRI) request this week that the New York State Public Service Commission (PSC) issue a declaratory ruling on whether a new state law limits the agency's authority to site the company's power line project, Congressmen Maurice Hinchey (D-NY), Michael A. Arcuri (D-NY), and John Hall (D-NY) today urged the PSC to not respond to NYRI's request. The House members sent a letter to PSC Chairwoman Patricia L. Acampora to encourage her to protect the interests of New York residents by declining to issue a ruling in response to NYRI's request because such a response could be used by the power line company to undermine the state.

"NYRI has clearly demonstrated that it will litigate at every step of the permit process for its proposal. As you know, NYRI filed suit in Federal District Court in February 2007 to challenge the applicability of the same law and the District Court dismissed NYRI's case on October 26, 2007," Hinchey, Arcuri, and Hall wrote in their letter to the PSC. "NYRI now seeks from the PSC what it was unable to obtain in federal court. It is our view that the burden of action lies with NYRI as a result of its responsibility to comply with state law, and that there is no need for the PSC to respond to a superfluous request for an interpretative ruling of that law. We believe that a better use of NYRI's time would be to comply with the PSC's prior request that NYRI resubmit its application with additional information regarding alternate routes for the project."

NYRI requested a ruling from PSC regarding the impact that New York State Transportation Corporations Law, Article II, Section 11(7) would have on the agency's ability to site the power line project and allow the use of eminent domain -- the seizing of private property -- in order to do so. Hinchey, Arcuri, and Hall have adamantly opposed and fought against NYRI's proposed power line, which would cut through communities throughout Central New York, the Catskills, the Delaware River Valley and the Hudson Valley.

"The PSC is not legally required to issue a declaratory ruling unless it determines that such a ruling is in the public interest," the House members wrote to the PSC. "Based on the clear and overwhelming public outcry against NYRI's proposal, we do not believe such action would be in the public interest. We are deeply concerned by NYRI's refusal to consider viable alternatives to its proposed route and are committed to ensuring that the PSC and New York State retain the ultimate authority in the approval and siting of electric transmission projects within New York."

Hinchey, Arcuri, and Hall continue to seek ways to overturn a federal law imposed by the then-Republican-controlled Congress in 2005 that has enabled the U.S. Department of Energy (DOE) to establish so-called "National Interest Electric Transmission Corridors" (NIETCs) -- a

designation that allows the federal government to authorize eminent domain for power line projects in certain states despite local and state objection. Much of New York has been designated as a NIETC, which could enable NYRI to move forward with its power line proposal unless DOE's authority is legislatively repealed or blocked in court.

NYRI is proposing to construct a 190-mile high voltage direct current (HVDC) electric transmission line from Oneida County to Orange County, New York despite fierce opposition throughout the communities through which it would run.

The text of the letter from Hinchey, Arcuri, and Hall to PSC Chairwoman Acampora follows:

December 13, 2007

Patricia L. Acampora, Chairwoman
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

Dear Chairwoman Acampora:

We write today to commend the Public Service Commission (PSC) for its diligence and work related to the ongoing application by New York Regional Interconnection, Inc. (NYRI) to build a 190-mile HVDC electric transmission line from Marcy to New Windsor, NY. It is our understanding that NYRI filed a petition this week seeking a declaratory ruling from the PSC on whether New York State Transportation Corporations Law, Article II, Section 11(7) would deny NYRI eminent domain authority if its project proposal were approved by the PSC. We believe that such a ruling is both unwarranted and unnecessary, and respectfully urge the PSC to protect the interests of the citizens of New York State in this matter by declining to issue any ruling on this petition.

NYRI has clearly demonstrated that it will litigate at every step of the permit process for its

proposal. As you know, NYRI filed suit in Federal District Court in February 2007 to challenge the applicability of the same law and the District Court dismissed NYRI's case on October 26, 2007. NYRI now seeks from the PSC what it was unable to obtain in federal court. It is our view that the burden of action lies with NYRI as a result of its responsibility to comply with state law, and that there is no need for the PSC to respond to a superfluous request for an interpretative ruling of that law. We believe that a better use of NYRI's time would be to comply with the PSC's prior request that NYRI resubmit its application with additional information regarding alternate routes for the project.

We applaud the decision by the PSC to require NYRI to submit a more thorough analysis of viable alternatives to their primary proposed route. The route proposed by NYRI would have severe adverse impacts on communities throughout Central New York, the Catskills, the Delaware River Valley and the Hudson Valley. Local opposition to the proposed route has been vehement and widespread. In fact, NYRI continues to challenge the New York Transportation Corporations Law because it anticipates having to use eminent domain to site its power line through residential neighborhoods, business locations, and protected environmental areas.

The PSC is not legally required to issue a declaratory ruling unless it determines that such a ruling is in the public interest. Based on the clear and overwhelming public outcry against NYRI's proposal, we do not believe such action would be in the public interest. We are deeply concerned by NYRI's refusal to consider viable alternatives to its proposed route and are committed to ensuring that the PSC and New York State retain the ultimate authority in the approval and siting of electric transmission projects within New York.

Thank you for your consideration of our request. We greatly appreciate your work on this matter. Please do not hesitate to contact any one of us if we can be of assistance.

Sincerely,

MICHAEL A. ARCURI MAURICE D. HINCHEY JOHN HALL
Member of Congress Member of Congress Member of Congress