

THE ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK  
42 WEST 44TH STREET  
NEW YORK, NY 10036-6689

COMMITTEE ON ENERGY

RICHARD S. GREEN  
CHAIR  
875 THIRD AVENUE  
NEW YORK, NY 10022-6225  
(212) 603-2202  
FAX # (212) 829-2006  
rgreen@thelenreid.com

ROSA PIETANZA  
SECRETARY  
605 THIRD AVENUE  
NEW YORK, NY 10158  
(212) 455-5501  
FAX # (212) 661-5759  
rpietanza@huberlaw.com

March 19, 2004

Hon. George E. Pataki  
Governor  
State Capitol  
Albany, NY 12224

Hon. Sheldon Silver  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, NY 11248

Hon. Joseph L. Bruno  
Senate Majority Leader  
909 Legislative Office Building  
Albany, NY 11248

Re: Article X of the Public Service Law governing the process for the siting of electric generation facilities in New York

Dear Governor Pataki, Speaker Silver and Majority Leader Bruno:

On December 27, 2002, the Committee on Energy of The Association of the Bar of the City of New York (hereinafter "the Committee") wrote you to support extension of Article X of the Public Service Law, Pub. S. L. §160 et seq. (hereinafter "Article X"). Unfortunately, Article X was allowed to expire on January 1, 2003. The Assembly very recently passed its version of a new Article X and we understand that a bill in being drafted in the Governor's Office.

The Committee believes that a specialized process for the siting of power plants is imperative. With a potential increase in the demand for power over the next several years and the environmental consequences of continuing to operate old, inefficient facilities, new facilities are necessary. The importance of providing adequate and uninterrupted electricity to residents and businesses warrants a different and tailored process that will allow informed siting decisions to be made as expeditiously as possible. Legislation that

prescribes a distinct and clearly defined process is essential for the consistency and stability that power producers need to obtain financing. Further, there are special environmental considerations which must be addressed in the siting process.

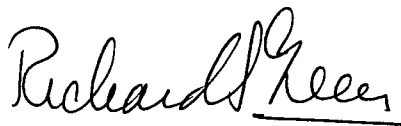
There has been much debate with regard to various ways to reform Article X. The Committee urges the Administration and the Legislature to make every attempt this session to reach consensus on a siting bill; one that provides for a reasonable and fair process, community involvement, and protection of public health and the environment. The Committee further recommends, as it did in 2002, that any siting law enacted should remain effective for at least ten years to avoid the problems that occurred with the sunset of Article X.

Members of the Committee are drawn from the private, government and public interest sectors. Not surprisingly, the Committee membership represents diverse viewpoints with respect to energy matters in the State. It is therefore with great interest and concern that the Committee submits this letter.

The Committee would be pleased to discuss its recommendations with you further and to assist you in any way on this important matter.

Respectfully,

**Energy Committee  
The Association of the Bar of the City of  
New York**

A handwritten signature in cursive script that reads "Richard S. Green". The signature is written in black ink and is positioned above a solid horizontal line.

**Richard S. Green, Esq.  
Chair**

Cc: Hon. Paul Tonko, New York State Assembly  
Hon. James Wright, New York State Senate  
Hon. William Flynn, Chair, Public Service Commission  
Carl Patka/Charles Fox, Governor's Office