

PEASE AND GUSTAFSON, LLP

Daniel S. Pease
Eric J. Gustafson

Attorneys at Law
40 Main Street
Massena NY 13662
Tel. (315) 769-3898 Fax. (315) 769-5018
www.pgnylaw.com

Associate
Virginia A. Gettmann

October 15, 2009

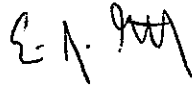
SEP Comments NYSERDA
17 Columbia Circle
Albany NY 12203-6399

Re: Massena Electric Department Comments to the NY State Draft Energy Plan

Dear Sir/Madam:

Enclosed herewith please find the Massena Electric Board's comments to the draft State Energy Plan.

Very truly yours,



Eric J. Gustafson

EJG/jah
Enc.

To: New York State Energy Planning Board

From: Massena Electric Department Administrative Board

Date: October 15, 2009

Re: Comments to Draft Energy Plan

The Massena Electric Department is supportive of the Goals of the State Energy Plan and applaud its efforts to:

- reduce the net retail price of electricity
- create jobs and economic development;
- reduce energy imports;
- reduce price volatility of fossil fuels;
- reduce potential negative health impacts associated with fossil fuels;
- lower peak demand; and
- relieve transmission and distribution bottlenecks.

We believe New York can achieve these goals. However, one important omission from the Plan is to treat all licensed hydroelectric facilities equally under the state renewable portfolio standard.

The Massena Electric Department (MED) is pursuing a unique multi-purpose hydroelectric facility that may not receive Renewable Portfolio Standard benefits because it is a new project.

Hydro Projects must undergo a rigorous federal licensing process that sets forth conditions for meeting environmental and generation goals. The process is open and transparent giving all stakeholders an opportunity to participate in the process. For Example, in MED's case, the Army Corps. of Engineers, N.Y. Department of Environmental Conservation and Department of State, and Saint Regis Mohawk Tribe represent a partial list of parties participating in FERC's licensing of the project. As such, a successful, permitted project after a complete vetting, should not be treated as a lesser type of renewable resource.

While we applaud the goals as outlined in the State Energy Plan, we believe you should adopt a more expansive view of renewables and recognize projects like MED's, and other similar projects, for what they are: an integral part of a laudable and achievable goal.

**PEASE
AND
GUSTAFSON, LLP**

Attorneys at Law
40 Main Street
Massena, NY 13662
315-769-3898
Fax. 315 769-5018