

08-E-0077

Petition of Entergy Nuclear FitzPatrick, LLC, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, Entergy Nuclear Operations, Inc, NewCo and Entergy Corporation for a Declaratory Ruling Regarding a Corporate Reorganization or, in the Alternative, an Order Approving the Transaction and an Order Approving Debt Financings.

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**Category:** Correspondence

**Subject:** Status & Informal Ruling

**Company:** 2194 Entergy Nuclear FitzPatrick; LLC

**Date Received:** 06/12/2008

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**Filed By:** DPS Staff (E-mail)

## Comments and Attachments

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NYS Department of Public Service  
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----- Forwarded by Jaclyn Brillling/Exec/NYSDPS on 06/12/2008 03:45 PM -----

**Gerald  
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06/12/2008  
03:07 PM

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Subject RE: Case 08-E-0077 – Entergy Petition  
– Status and Informal Ruling

To All Active Parties:

A letter of appearance from Assemblyman Brodsky and his Counsel was received this afternoon. The active parties list will be updated and reposted presently.

I am working hard to prepare a general protective order based on all the submissions to date and any supplemental submissions filed and served today. It is possible the general order will be issued tomorrow but it is also possible that will not happen. In light of this situation, I diverted my attention to the Petitioners' letter request of June 6, 2008. That letter asks that certain information responsive to DPS-7 be provided to DPS Staff now, subject to conditions similar to those set forth in two interim protective orders previously issued in this case. As before, access to the same information by other active parties would be governed by the forthcoming general protective order for this case.

Based on my review, it appears that the information provided on June 6 is relevant. It is also very likely that some or all of that responsive information warrants permanent protection from disclosure. Accordingly, I hereby accord such information interim protection and will make it available to DPS Staff Counsel at his earliest convenience. The conditions that apply in this instance are the same as those set forth and numbered one through ten in the Second Interim Protective Order issued June 5, 2008. The exception is that all references in those conditions to June 3 should be understood to refer to June 6 for purposes of today's ruling.

This ruling is effective immediately and has the full force and effect of a ruling issued formally.

Gerald L. Lynch  
Administrative Law Judge

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