



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RICHARD L. BRODSKY

Westchester County

CHAIRMAN
Committee on
Corporations, Authorities and Commissions

August 21, 2008

Honorable Gerald Lynch
Honorable David L. Prestemon
Public Service Commission
Three Empire Plaza
Albany, New York 12223

Re: CASE 08-E-0077, Entergy Corporation, et al. – Joint Petition For a Declaratory Ruling Regarding a Corporate Reorganization, or, in the Alternative, an Order Approving the Transaction and an Order Approving Debt Financing

Dear Judges Lynch and Prestemon:

Please understand that Assemblyman Brodsky has been deeply involved in matters involving the Legislative Special Session that has made our recent availability for resolution of disputes less than we had hoped. We trust that you will understand that this unavoidable conflict. Accordingly, if our concerns have been addressed in some other form, we are prepared to recognize that fact.

However, with respect to EN-105, EN-106, EN-111 these responses are legally and factual insufficient and unresponsive. Response EN-108 is completely unresponsive rather than produce the documents relevant to the question asked, Petitioners referred us to all documents in the case. Assemblyman Brodsky is aware the document in this case; Assemblyman Brodsky sought particular documents in answer to his question, which he did not receive. Response EN-107 is non-responsive since Assemblyman Brodsky asked for the elements of the “public interest” consideration under PSL § 70 and reference to the Petition merely explains the Petitioners assertion that the transfer is in the public’s interest.

For these reasons, we disagree that Petitioners’ responded to our discovery requests.

Sincerely,

/s/

SARAH L. WAGNER

cc: active party list via email