



Bryan C. Hanson  
President and Chief Nuclear Officer

4300 Winfield Road  
Warrenville, IL 60555

630.657.3611 Office  
630.657.4335 Fax  
www.exeloncorp.com  
bryan.hanson@exeloncorp.com

April 10, 2017

VIA EMAIL ([secretary@dps.ny.gov](mailto:secretary@dps.ny.gov))

Hon. Kathleen Burgess  
Secretary  
New York Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

**Re: James A. FitzPatrick Nuclear Generating Facility  
Notice of Intent to Continue Operations**

Dear Secretary Burgess:

Exelon Generation Company, LLC ("ExGen") hereby provides notice to the New York Public Service Commission ("Commission") of its intention to continue commercial operation of the James A. FitzPatrick Nuclear Power Plant ("FitzPatrick Facility")<sup>1</sup> and requests that the November 2, 2015 notice of intent to retire the Fitzpatrick Facility be withdrawn.<sup>2</sup>

On November 2, 2015, Entergy Nuclear FitzPatrick, LLC ("ENFP"), then the owner of the FitzPatrick Facility, notified the Commission and the New York Independent System Operator ("NYISO") of its intention to retire the FitzPatrick Facility during the 4<sup>th</sup> quarter of 2016 or the first quarter of 2017. On August 8, 2016, ENFP and ExGen executed agreements providing for ENFP's asset sale of the FitzPatrick Facility and associated assets to ExGen (the "Transaction"). On January 17, 2017, ExGen provided a conditional notice of its intent to continue commercial operation of the FitzPatrick Facility subject to certain conditions, including the closing of the Transaction. ExGen and ENFP received all required regulatory approvals for the Transaction, including approvals from the Commission, the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission. On March 31, 2017, ExGen and ENFP successfully closed the Transaction; ExGen is now the owner of the FitzPatrick Facility.

ExGen's decision to continue commercial operations is made in reliance upon the continued validity of the New York Public Service Commission's ("NYPSC") Clean Energy Standard ("CES") and the Zero-Emissions Credit ("ZEC") Requirement established in Case 15-E-0302. ExGen reserves the exclusive right, consistent with all applicable laws and requirements of the NYISO tariff, to cease commercial operations in the event that the ZEC Requirement is modified in a manner adverse to ExGen or is terminated, suspended or stayed.

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<sup>1</sup> The FitzPatrick Facility is an 882 MW nameplate facility located in Oswego County, New York, NYISO Zone C. The FitzPatrick Facility is interconnected to the New York Power Authority's transmission system and is located in the National Grid service territory.

<sup>2</sup> ExGen contemporaneously is providing a notice of withdrawal of deactivation notice to NYISO.

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Should you have any questions about the foregoing, please do not hesitate to contact Tamra Domeyer, Associate General Counsel, at 630-657-3753 or [tamra.domeyer@exeloncorp.com](mailto:tamra.domeyer@exeloncorp.com).

Sincerely,



Bryan C. Hanson  
President and Chief Nuclear Officer, Exelon Nuclear  
Senior Vice President, Exelon Generation Company, LLC

cc: NYISO at [generator\\_retirement@nyiso.com](mailto:generator_retirement@nyiso.com)  
Kathryn Cox-Arslan, National Grid ([kathryn.Cox-Arslan@nationalgrid.com](mailto:kathryn.Cox-Arslan@nationalgrid.com))  
Amanda Downey, National Grid ([amanda.downey@nationalgrid.com](mailto:amanda.downey@nationalgrid.com))  
Philip Toia, NYPA ([Philip.Toia@nypa.gov](mailto:Philip.Toia@nypa.gov))  
Andrew Neuman, NYPA ([Andrew.neuman@nypa.gov](mailto:Andrew.neuman@nypa.gov))