

GENERATING INFLUENCE

Entergy's Political Spending and the Battle
over the Indian Point Nuclear Power Plant



A Report by Common Cause/NY

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Common Cause is a nonpartisan, nonprofit advocacy organization founded in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. Common Cause/New York is a state level chapter focusing on state and local government in New York. We work to strengthen public participation and faith in our institutions of government, ensure that government and the political process serve the public interest rather than special interests, curb the excessive influence of money on government policy and elections, and promote fair and honest elections and high ethical standards for government officials.

This report was prepared by Brian Paul, Susan Lerner, and Long Tran

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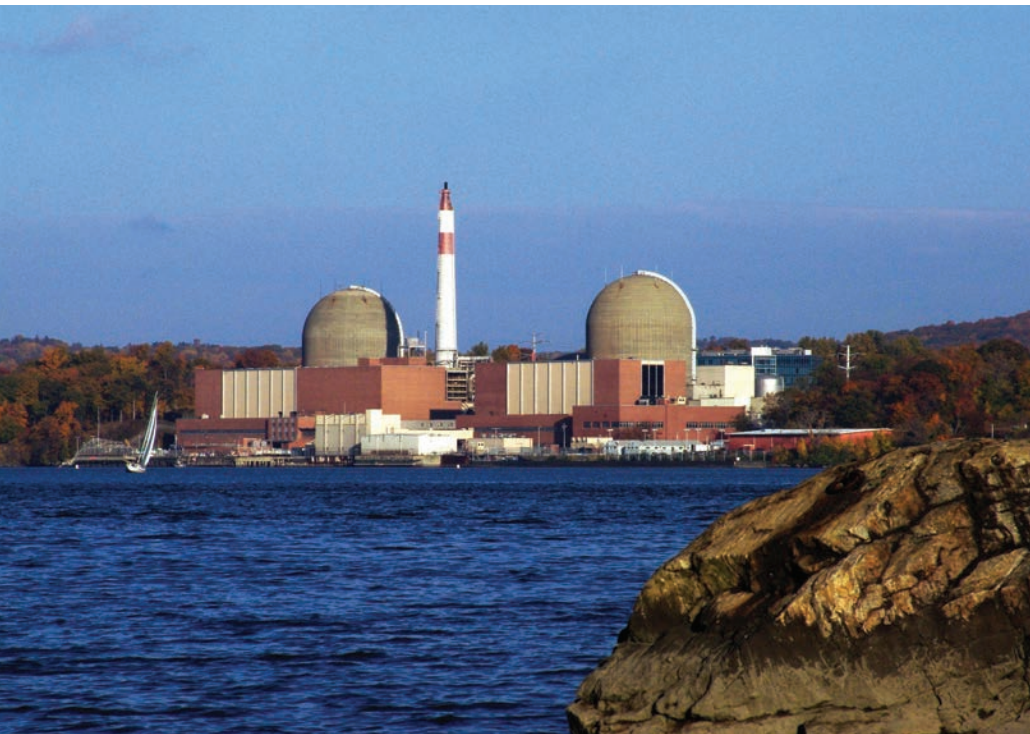
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GENERATING INFLUENCE

Entergy's Political Spending and the Battle over the Indian Point Nuclear Power Plant

THE INDIAN POINT ENERGY CENTER IS A NUCLEAR POWER

plant located in the Village of Buchanan, just outside of the City of Peekskill in northern Westchester County, New York. Since the first reactor opened in 1962,



Indian Point has served as a major source of energy generation to the New York City region. The plant consists of three reactors, of which Reactor 1 was shut down in 1974 for failing to meet regulatory requirements.¹ Reactors 2 and 3, built in 1974 and 1976, currently generate 2,000 megawatts of energy, or roughly 20 to 25 percent of the electricity used by New York City and Westchester County.²

Located only 25 miles north of New York City, Indian Point has long been the subject of criticism over the potential danger of a nuclear accident. Since 2000 the plant has been owned by Entergy³, a publically traded corporation based in

Louisiana that operates coal, gas, hydro, and nuclear power plants throughout the United States. In addition to Indian Point, Entergy owns an additional nine

In addition to the “inside game” of lobbying and campaign contributions, Entergy has engaged in an extensive “outside game” of public relations and grassroots “astroturfing” strategies to create the appearance of public support.

nuclear plants including the James A. FitzPatrick Nuclear Power Plant in upstate Oswego County, New York⁴, the Vermont Yankee Plant, and the Massachusetts Pilgrim Plant.⁵

In 2013 and 2015, Entergy’s licenses from the Nuclear Regulatory Commission (NRC) to operate Indian Point’s two remaining reactors will expire. In order to keep the plant open, the company must win 20 year license renewals from the NRC.

This report examines Entergy’s political spending and public relations campaign to secure Indian Point’s relicensing, an ideal case study for examining contemporary corporate attempts to influence policy. In addition to the “inside game” of lobbying and campaign contributions, Entergy has engaged in an extensive “outside game” of public relations and grassroots “astroturfing” strategies to create the appearance of public support.

From making targeted campaign contributions and hiring former New York Mayor Rudy Giuliani to appear in an advertising campaign,⁶ to cultivating

influential “front group” coalitions of business interests, unions, local political leaders, and non-profits (NY AREA and SHARE)⁷, Entergy is working the full spectrum of lobbying and publicity strategies in an all-out effort to keep Indian Point open.

While Common Cause/NY takes no position on the relicensing of Indian Point, we strongly believe that the final decision should be based in objective analysis of the costs and benefits and not unduly shaped by the well-funded lobbying, campaign contributions, and publicity campaigns of Entergy Corporation.

METHODOLOGY

This report includes New York state and local level campaign finance data from the New York State Board of Elections, lobbying data from the New York Joint Commission on Public Ethics (JCOPE), and federal campaign finance and lobbying data from the FEC via the Center for Responsive Politics and InfluenceExplorer.com. At the New York State level, our analysis aggregates campaign contributions and lobbying expenditures from the NY



AREA and SHARE coalitions alongside Entergy’s direct spending. While these two coalitions maintain appearances of independence, the groups’ IRS filings⁸ and independent investigations⁹ reveal that Entergy is the power behind the groups’ foundation and continuing operation.

For a full spreadsheet of the lobbying data and campaign contributions identified in this report, please contact Brian Paul at bpaul@commoncause.org.

KEY FINDINGS

New York State Level

In the eight year period from 2005 to 2012, Entergy and its associated coalitions (SHARE and NY AREA), spent just over \$4 million on lobbying at the New York state level^a and made \$573,225 in state and local campaign contributions^b.

- As the expiration of Indian Point's operating licenses approaches, Entergy's New York state lobbying expenditures and campaign contributions have steadily increased, growing by roughly 33% each election cycle since 2005-2006.
 - Total spending increased from \$706,403 in the 2006 cycle, to \$960,903 in the 2008 cycle, \$1,249,018 in the 2010 cycle, and \$1,666,747 in the 2012 cycle.
- New York state and local contributions are highly targeted, rewarding nuclear energy supporters and representatives in the geographical areas of Entergy's plants, regardless of party.
 - Entergy's contributions are concentrated at the state legislature (\$308,164) and the local level (\$129,940). Only \$35,661 in contributions have gone to statewide candidates, with ZERO for Governor Andrew Cuomo, by far the state's top overall fundraiser during this period but an opponent of Indian Point.
 - Chairs of the State Senate Energy Committee, Kevin Parker (D) and George Maziarz (R), both nuclear supporters, received \$20,300 and \$11,250 from Entergy respectively, while the Chair of the State Assembly Energy Committee, Kevin Cahill (D), an opponent of nuclear energy, received ZERO.
 - Entergy has provided significant support to Westchester County Republicans, contributing a total of \$57,250 to party candidates, committees, and PACs. County Executive Rob Astorino is a strong backer of the plant. Westchester County Democrats, comparatively less supportive of Indian Point than Republicans, have received far less from Entergy — \$11,100.

Entergy has been successful in winning powerful allies through coalition building. Overall, the business organizations and labor unions supporting Entergy's position on Indian Point have spent nearly three times as much in total lobbying (\$11.2 M) and campaign contributions (\$6.05M) than the environmental and civic organizations that have advocated for the plant's closure (\$4.4 M on lobbying, \$1.49 M in campaign contributions from affiliated individuals).

^a Lobbying totals includes \$2.99 million from Entergy, \$777,000 from the SHARE Coalition, and \$534,000 from NY AREA

^b \$573,225 total campaign contributions from 2005 through 2012, includes \$523,254 from Entergy's PAC, \$6,505 from Entergy executives, \$28,936 from Arthur Kremer (President of NY AREA), and \$14,530 from Frank Fraley (President of SHARE Coalition) and other SHARE board members.

KEY FINDINGS

Federal Level

Entergy spent a total of \$31.4 million lobbying the federal government from 2005 through 2012, retaining a total of eighteen lobbying firms and donating roughly \$4.17 million¹⁰ to candidates, PACS, and committees.

- Retained lobbyists include heavy hitters armed with dozens of influential revolving-door Washington insiders such as the Breaux Lott Leadership Group, Daryl Owen Associates, McGlotten & Jarvis, Patton Boggs LLP, and Quinn Gillespie.
- Nearly one million dollars in contributions to the parties' Senate and Congressional campaign committees — roughly a quarter million to each party in each chamber.
- Entergy is an active supporter of centrist and conservative-leaning Democrats, giving \$160,000 combined to the Blue Dog PAC, the Moderate Democrats PAC, and the New Democrat Coalition, and over \$160,000 combined to Louisiana Senator Mary Landrieu and her affiliated PACs.

Entergy's combined lobbying and campaign contributions increased by 57% for the 2008 cycle compared to the 2006 cycle. Spending continued to increase another 17% for the 2010 cycle before decreasing by 10% in the 2012 cycle.

- Entergy's surge in political spending on the federal level after the 2006 is likely connected to three ongoing politically challenging license renewals in the Northeast US; the Pilgrim Nuclear Plant in Massachusetts, the Vermont Yankee Plant, and most significantly, Indian Point in New York.

Since 2005, Entergy and its executives have contributed a total of \$158,170 to New York Senators and Congress members.

- Of the thirteen senators or congress members who have received at least \$5,000 from Entergy, eleven are on the record as supporters of nuclear energy, while nuclear opponents such as Nita Lowey, Eliot Engel, and John Hall received ZERO.
- The top recipient of Entergy contributions, Nan Hayworth (R), received \$23,200 from Entergy entirely during the 2012 election cycle. Hayworth was a freshman incumbent who was vocal in her support for the renewal of Indian Point's license¹¹.

KEY FINDINGS

PR and “Astroturfing”

In addition to the “inside game” of lobbying and campaign contributions, Entergy has also undertaken a comprehensive “outside game” of grassroots strategies and advertising to build public support for Indian Point.

- Entergy’s advertising and public relations on Indian Point are coordinated by public relations firm Burson Marsteller, self-described experts in “reputation and crisis management strategies,¹²” who have worked for such highly controversial clients as Union Carbide, Philip Morris, Blackwater, Foxconn, and Babcock & Wilcox (the firm that designed the Three Mile Island nuclear plant).
- Burson Marsteller coined the slogan “Safe, Secure, Vital” and won the Public Affairs Campaign of the Year award for their work.¹³ Indian Point’s public website, www.safesecurevital.org, continues to be owned and maintained by Burson Marsteller.¹⁴
- Considering the consistency, volume, and breadth of the ongoing campaign and comparing it with itemized expenses from similar campaigns in New York State^c, it is conservative to estimate that Entergy has spent at least \$20 million on advertising and public relations in New York since 2005.

Entergy has formed two “front groups” – SHARE (Safe Healthy Affordable Reliable Energy) and NY AREA (Affordable Reliable Electricity Alliance) – to engage in “astroturf” grassroots lobbying and coalition building.

- While appearing to be independent organizations, Entergy executives, consultants, and lobbyists are listed as officers in the Form 990 IRS filings of both groups. Both are registered as 501c 6 organizations, a status reserved for membership trade organizations. The 501c 6 status effectively veils the role of Entergy in each group because funding can be attributed to “membership dues” without specifying what specific members are contributing.
- SHARE allows Entergy to adopt the rhetoric of the environmental justice movement to attempt to build support among communities of color.
- NY AREA creates a seemingly independent voice at the grassroots level, making policy arguments to the media and public and helping bring together powerful business lobbies and labor unions in support of Indian Point.

^c For example, the American Beverage Association spent \$11.8 million in just the first half of 2010 on an advertising campaign against Governor Paterson’s proposed soda tax.

THE INDIAN POINT DEBATE

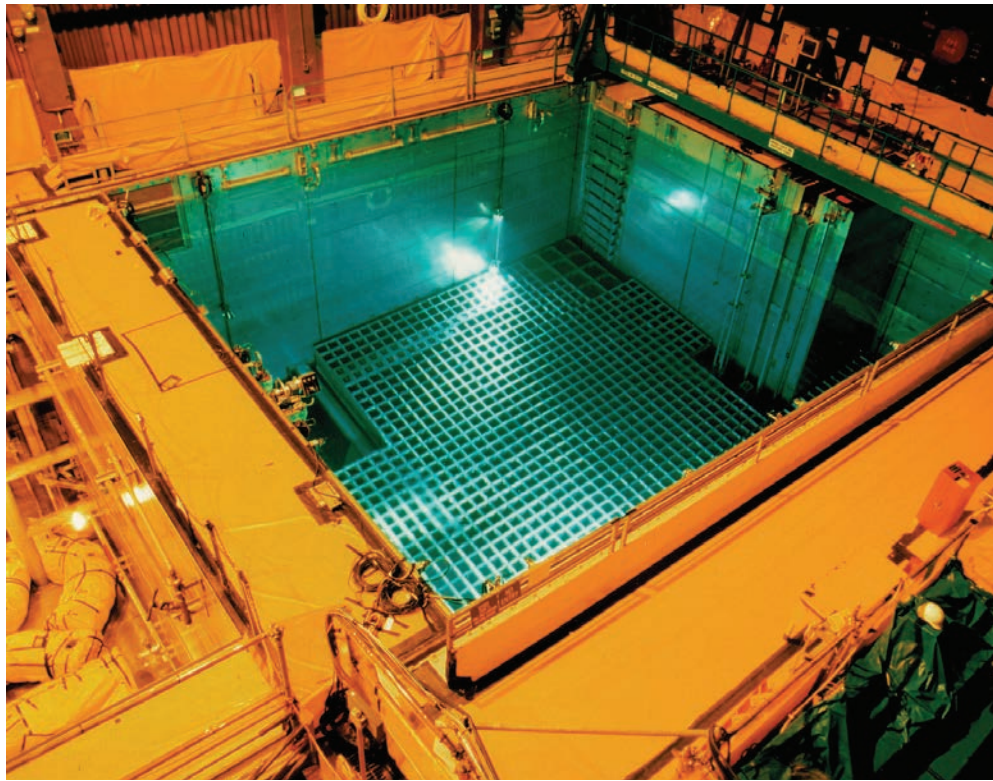
Jobs & Energy vs. Environment & Safety

In 2013 and 2015, Entergy’s licenses from the Nuclear Regulatory Commission to operate Indian Point’s two remaining reactors will expire. In order to keep the plant open, the company must win 20 year license renewals from the NRC. Entergy launched its campaign to renew the licenses in November 2006¹⁵ and the NRC process officially began in 2007¹⁶. Although a recent federal court ruling placed a freeze on all NRC licensing activity due to ongoing problems with nuclear waste storage policy¹⁷, Indian Point can continue to operate beyond the official license deadline until the NRC reaches a final ruling.

Entergy purchased Indian Point Reactor 2 in 2000 from the New York Power Authority and Indian Point Reactor 3 in 2001 from Consolidated Edison.¹⁸ Entergy is a publically traded corporation based in Louisiana that operates coal, gas, hydro, and nuclear power plants throughout the United States. With annual revenues of over \$11 billion, it is ranked the 239th largest corporation in the United States by Forbes.¹⁹ Generating over 10,000 megawatts of nuclear power from its nine plants annually, Entergy has much to lose if its licenses were not renewed by the NRC.

Entergy contends that Indian Point is one of the safest nuclear plants in the world and argues that its closure would lead to a loss of jobs, an increase in electricity costs and blackouts, and an increase in air pollution as fossil fuel plants replace emissions-free nuclear power.

As the New York Times reports, Indian Point has a long history of accidents and mishaps since the 1970s, ranging



Spent fuel pool (Nov. 2007): Highly radioactive spent fuel rods are cooled under 40 feet of water. The spent fuel is then transferred to a dry cask storage system outdoors.

from steel liners buckling to radioactive water leaking. For a period of four years during the 1990’s, repeated safety issues at Indian Point caused the plant to be placed on the NRC’s watch list of plants requiring “special oversight.”²⁰

Photo credit of spent fuel pool (Nov. 2007) courtesy of NRC.



Indian Point in context: New York City and a huge portion of the metropolitan region are within 50 miles of the plant's location.

Such incidents, coupled with the plant's close proximity to New York City, have made Indian Point a major safety concern for many decades. Political support for closing Indian Point gained traction after the terrorist attacks of September 11, 2001 raised fears that the plant could be the next target.

Environmentalists and some civic groups and concerned citizens argue that the risk of a nuclear accident or terrorist attack at Indian Point is not worth the benefit of the plant's jobs and power generation. Groups opposed to Indian Point also question the feasibility of safe disposal of nuclear waste and the damage to the Hudson River's ecology that is caused by the plant's cooling system.

To combat these concerns, Entergy has engaged in vigorous public relations and lobbying efforts to win governmental support and public opinion. From making targeted campaign contributions, to hiring former New York Mayor Rudy Giuliani to appear in an advertising campaign, to using "front groups" to form coalitions of business interests, unions, local political leaders and non-profits (the NY AREA and SHARE coalitions)²¹, Entergy is working the full spectrum of lobbying and publicity strategies in an all-out effort to keep the plant open. The company has also retained public relations giant Burson-Marsteller²² for over a decade, ever since Indian Point began to come under increased scrutiny as a potential terrorist target in the wake of the September 11th attacks²³.

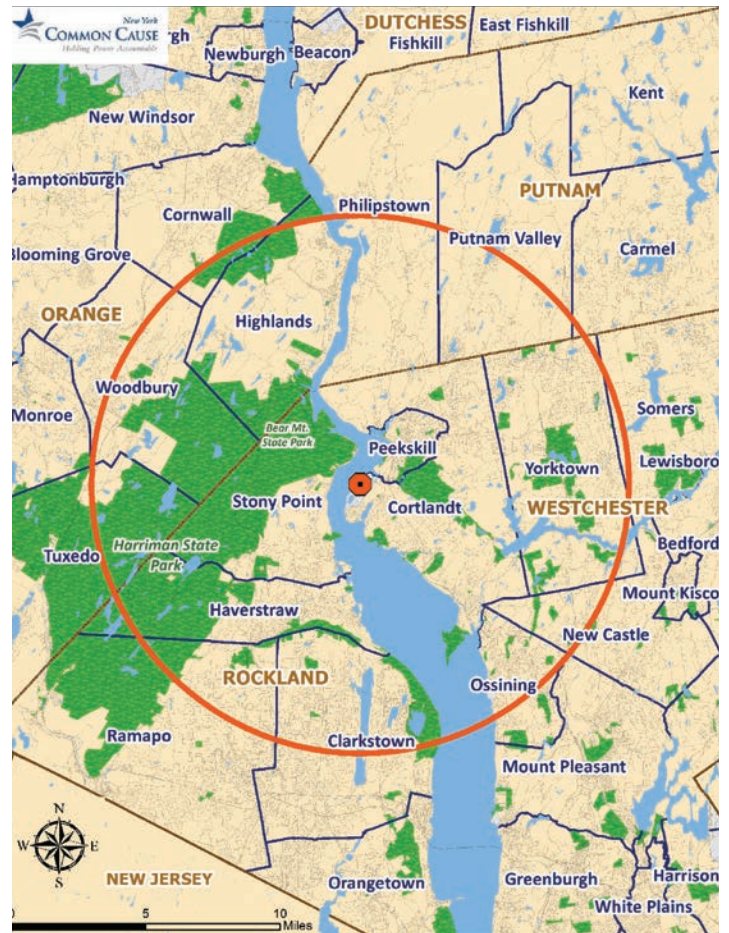
Entergy's attempts to relicense Indian Point are also threatened by the political opposition of the popular and powerful Governor Andrew Cuomo, a longtime adversary of the plant.²⁴ From the beginning of his term as Governor, Cuomo has made shutting down Indian Point a priority²⁵ and has sought to develop alternative sources of power such as an "energy highway" of additional transmission from upstate New York and Canada.

While Governor Cuomo firmly supports the shutdown of Indian Point, the decision to renew the plant's license ultimately rests at the federal level with the NRC, and is

subject to influence by political leaders representing the region in Congress, the State Legislature, and local jurisdictions. Public opinion, in its power to sway the actions of politicians and even appointed commissions like the NRC, plays an equally critical role in influencing the future of Indian Point.

In examining the debate over Indian Point, it is important to keep in mind the national policy context of nuclear energy in the United States. The nuclear power industry suffered grave damage from the 1979 partial meltdown at Three Mile Island²⁶ and the 1986 disaster at Chernobyl²⁷. No new nuclear plant has been built in the US since 1977.

But for the past decade, the nuclear industry has attempted to revive its image through a comprehensive lobbying and public relations campaign coordinated through the Nuclear Energy Institute.²⁸ In addition to reassuring the public on the issue of safety, much of this campaign is directed at rebranding nuclear as a “green” energy alternative to fossil fuels. The industry has also built relationships with labor unions attracted by the prospect of construction jobs and the fact that nuclear plants require a larger workforce than comparable fossil fuel or renewables plants.²⁹ These efforts have been successful in reviving consideration of nuclear power as part of the United States’ energy future and winning favorable policies and subsidies from both Democrats and Republicans.



More than 250,000 New Yorkers live within the 10 mile evacuation zone around Indian Point.

But nuclear energy remains highly controversial and the 2011 disaster at Japan’s Fukushima Daiichi plant (where damage from a tsunami led to meltdowns and the spread of dangerous levels of radiation for over 20 miles) has renewed fears of nuclear accidents and their potentially catastrophic consequences.

One of the arguments that critics of Indian Point raise is the alleged lack of a feasible evacuation plan in the case of a nuclear meltdown. The Nuclear Regulatory Commission (NRC) mandates only a ten-mile evacuation

area for Indian Point, reflecting its belief that New York City would not face any significant risk from radiation plumes³⁰. The threat of terrorism, the Fukushima disaster and the discovery of a possible earthquake fault line near Indian Point, however, have led to questions over whether such an evacuation plan is adequate.³¹ A recent study by the Government Accountability Office calls into question whether the 250,000 residents living within a ten-mile radius of Indian Point could successfully evacuate without escape routes grinding to a congested halt.³²

Another concern is Indian Point's spent-fuel assemblies, which the plant uses to store its used uranium. Such assemblies could be particularly vulnerable to a natural disaster and an open target for terrorist attacks. Starting in 2007, Entergy began to move portions of its waste fuel to dry cask storage to allow for upcoming re-fueling of the spent-fuel assemblies.³³ Such movement, nevertheless, has

also attracted criticism, as in 2012, a former security guard filed a lawsuit claiming that the security at Indian Point, including the proper training for employees and conditions of dry cask storage, was "totally compromised."³⁴

In 2010, New York State, citing the impacts of outdated cooling technology at Indian Point on the Hudson River's wildlife, denied Entergy's request for a water permit. According to the New York Department of Environmental Conservation, the "once-through" cooling system at Indian Point, which became obsolete in the 1970s, kills nearly a billion organisms per year as it draws 2.5 billion gallons of water a day. Furthermore, New York State also charged that Indian Point has polluted the Hudson River by leaking radioactive materials.³⁵ Because a water quality certificate is a prerequisite for the 20-year renewal for Indian Point suggested by NRC, Entergy continues to appeal New York State's decision.

If Indian Point is shut down, New York City must acquire additional power generation and/or transmission. Several projects to build new cables to transfer energy from New Jersey to New York began in 2011, with a 660-megawatt cable from Ridgefield, N.J. to Manhattan and a 6.75 mile cable from Bayonne, N.J. to Con Edison's Gowanus substation. Governor Cuomo has also expressed support for a transmission line between Hydro Quebec, Canada and New York City.



Image of dry spent fuel casks on concrete pad at a nuclear power plant site. (Nov. 2007)

In 2011, NRDC and Riverkeeper commissioned consulting firm Synapse Energy Economics to assess the feasibility of replacing Indian Point's power. The report found that Indian Point could be successfully replaced by the year 2022 with a combination of increased energy efficiency and new solar and wind development, repowering existing older natural gas plants with new combined cycle plants, and new transmission lines³⁶.

Entergy and other proponents of relicensing Indian Point counter with a study by the Manhattan Institute which estimates that closing Indian Point could potentially result in a \$1.5 billion to \$2.2 billion increase in energy costs and the loss of 26,000 to 40,000 jobs.³⁷ Currently, Indian Point has 1,200 employees and 200 contractors. The employee payroll is \$130 million, and the plant contributes \$363 million to local purchases. Another study by Energy Strategies Inc. for the Westchester Business Alliance³⁸ estimates that a high-efficiency natural gas plant would employ only twenty workers, and that even the best alternative would raise the cost of electricity.³⁹ Furthermore, Entergy has argued that replacing Indian Point with fossil fuel power would lead to more air pollution, thereby exacerbating public health issues like asthma.

Many of New York's largest environmental organizations, including the NRDC, Sierra Club, NYPIRG, Citizens



Protesters gather in Union Square in 2011 calling for Indian Point to be shut down.

Campaign for the Environment, Riverkeeper, Environmental Advocates of New York, and Scenic Hudson, support Governor Cuomo's position and have made the shutdown of Indian Point a priority. The Indian Point Safe Energy Coalition⁴⁰ includes dozens of smaller local environmental and civic groups opposed to Indian Point, focusing on grassroots organizing to pressure political officials to support the plant's shutdown.

While the NRC's final decision on Indian Point's relicensing remains unresolved, Governor Cuomo has actively pushed the New York Power Authority and Con Edison to prepare a contingency plan for the potential closure of the plant in 2015.⁴¹

GENERATING INFLUENCE

Entergy's Political Spending

The decision to relicense or close Indian Point has major implications for energy, environmental, and public health policy in New York. It also has major implications for Entergy Corporation — Indian Point is the single most important nuclear plant in their portfolio, representing 20% of their nationwide nuclear generating capacity and hundreds of millions of dollars in annual revenue.

Because Entergy's interest to keep the plant open is not necessarily the same as the public's interest, it's important to examine the role of lobbying, campaign contributions, and other political influence activities in shaping the



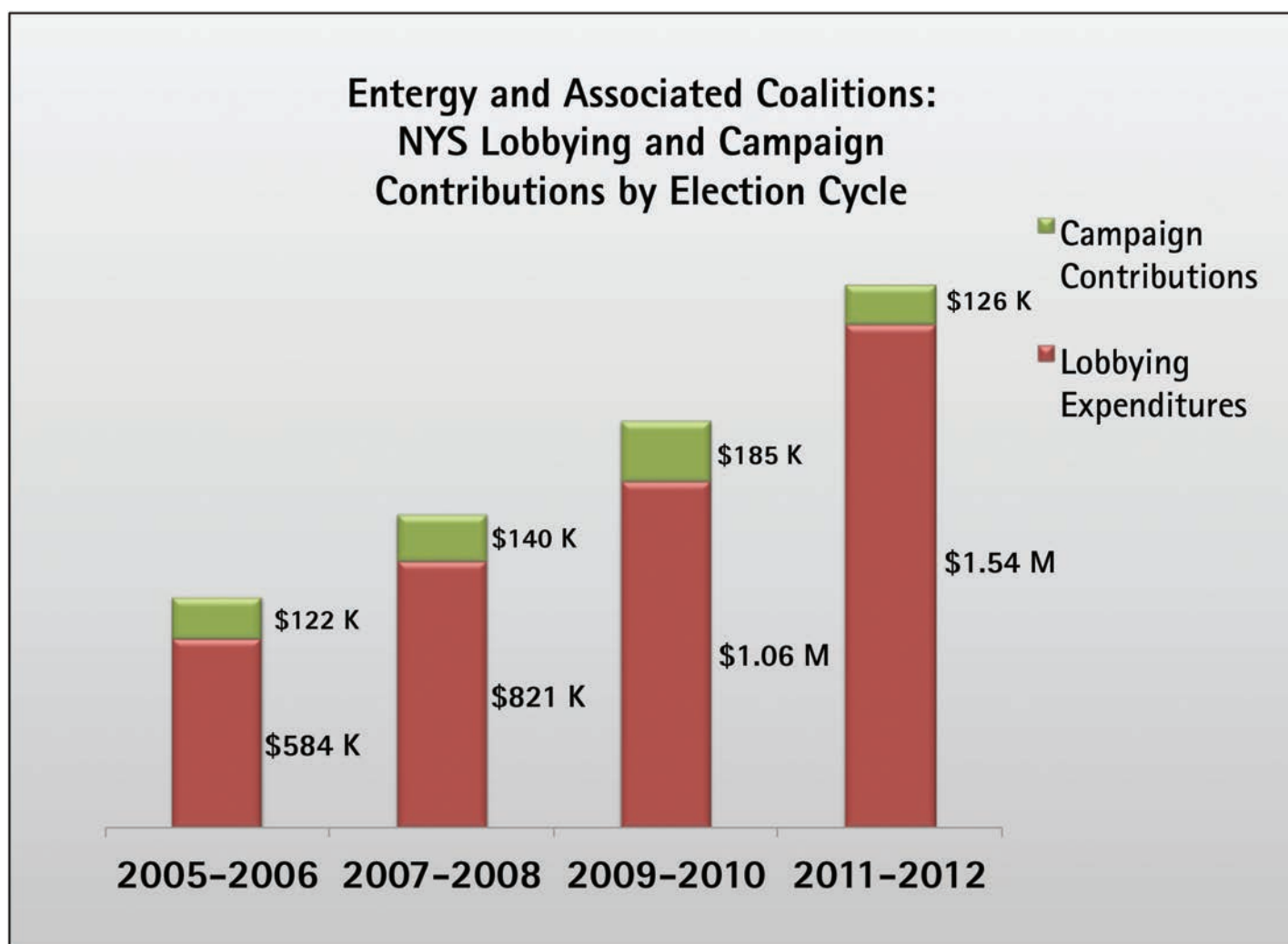
debate over Indian Point. The final decision on Indian Point should be based on objective analysis of the costs and benefits of the plant's continued operation, and not

unduly shaped by the lobbying, campaign contributions, and publicity campaigns of Entergy Corporation.

In addition to direct lobbying and campaign contributions, Entergy has been actively organizing support among New York City business organizations, labor unions, and local communities in Westchester and the New York City through two coalitions— the New York Affordable Reliable Electricity Alliance (NY AREA) and Safe Healthy Affordable Reliable Energy (SHARE).

NY AREA, chaired by former NYS Assemblyman Arthur “Jerry” Kremer, has been successful in organizing powerful business interests and labor unions like the Business Council for New York State, the New York State AFL-CIO, and the New York Building Congress in a united lobbying effort to keep Indian Point open. The SHARE Coalition led by Frank Fraley, an influential African-American political leader in Mount Vernon, has helped build support for Indian Point among minority organizations and political leadership. The SHARE Coalition has also helped Entergy develop a relationship with the NAACP and other organizations in minority communities through funding and grassroots events.⁴²

While these two coalitions maintain appearances of independence, the groups' IRS filings⁴³ and independent investigations⁴⁴ reveal that Entergy is the power behind the



groups' foundation and continuing operation. As a result, our figures for Entergy's lobbying and campaign contributions in New York State aggregate Entergy's direct activities with those from NY AREA and SHARE.

In the eight year period from 2005 to 2012, Entergy and its associated coalitions spent just over \$4 million on lobbying at the New York State level. Figure 1 includes \$2.99 million from Entergy, \$777,000 from the SHARE Coalition, and \$534,000 from NY AREA.

During the same period, Entergy and its associated coalitions made \$573,225 in campaign contributions. \$523,254

came directly from Entergy's political action committee, with the remainder from Entergy executives and NY AREA and SHARE employees and board members^d.

Entergy officially launched its campaign to relicense Indian Point in November 2006, and since that date the company's aggregate New York State lobbying expenditures and campaign contributions have steadily increased, growing by roughly 33% each election cycle as the license expiration approaches.

^d \$573,225 total campaign contributions from 2005 through 2012, includes \$523,254 from Entergy's PAC, \$6,505 from Entergy executives, \$28,936 from Arthur Kremer (President of NY AREA), and \$14,530 from Frank Fraley (President of SHARE Coalition) and SHARE board members.

Table 1: New York State Lobbyists Since 2005

Lobbyist	Total (2005-2012)
Parkside Group LLC	\$1,318,811.11
Brown, McMahon, & Weinraub, LLC	\$1,036,223.00
Featherstonhaugh, Wiley, Clyne & Cordo LLP	\$780,095.00
Wilson, Elser, Moskowitz, Edelman, & Dicker LLP	\$291,723.00
NY AREA	\$210,849.00
Vidal Group LLC	\$138,106.00
Davidoff Malito & Hutcher LLP	\$120,000.00
Regional Programs Inc.	\$47,500.00
SHARE	\$43,577.78
Entergy	\$22,961.00

Total spending increased from \$706,403 in the 2006 cycle to \$960,903 in the 2008 cycle, \$1,249,018 in the 2010 cycle, and \$1,666,747 in the 2012 cycle. It is important to note that these totals do not fully capture all of Entergy’s political spending. Entergy’s public relations and grassroots campaign spending is not reported as lobbying, nor are its politically strategic donations to non-profits and local community groups⁴⁵ reported as political contributions.

Since 2005, Entergy has engaged a total of six New York State lobbying firms. (see Table 1) NY AREA, led by influential former New York Assemblyman Arthur

Kremer,⁴⁶ lobbies on its own behalf and via Kremer’s firm Regional Programs Inc. The SHARE coalition lobbies on its own behalf and is also represented by the Parkside Group LLC. Parkside Group LLC has been Entergy’s top lobbyist since 2005, with \$585,000 in spending from Entergy directly and \$733,811.11 from the SHARE coalition. Parkside is one of the most influential and well-connected lobbying and political consulting firms in the New York City metropolitan area⁴⁷. The firm has consulted for two sitting Congressmen, fourteen State Senators, seventeen Assembly members, and twelve New York City Councilmembers⁴⁸.

Brown McMahon & Weinraub and Featherstonhaugh, Wiley, Clyne & Cordo have also been retained by Entergy since 2005. In 2010, Entergy briefly retained Davidoff, Malito, & Hutcher LLP. In July 2010, Entergy retained Wilson, Elser, Moskowitz, Edelman & Dicker, the top lobbying firm in the state, and added The Vidal Group in 2011, bringing its currently retained New York State lobbyist total to five firms.

SPREADING NUCLEAR MONEY AROUND

Entergy’s political contributions in New York State are highly concentrated on the State Legislature, the political parties’ “soft money” accounts, and strategically chosen officials and committees in the Hudson Valley and New York City area. (see Figure 2)

Figure 2

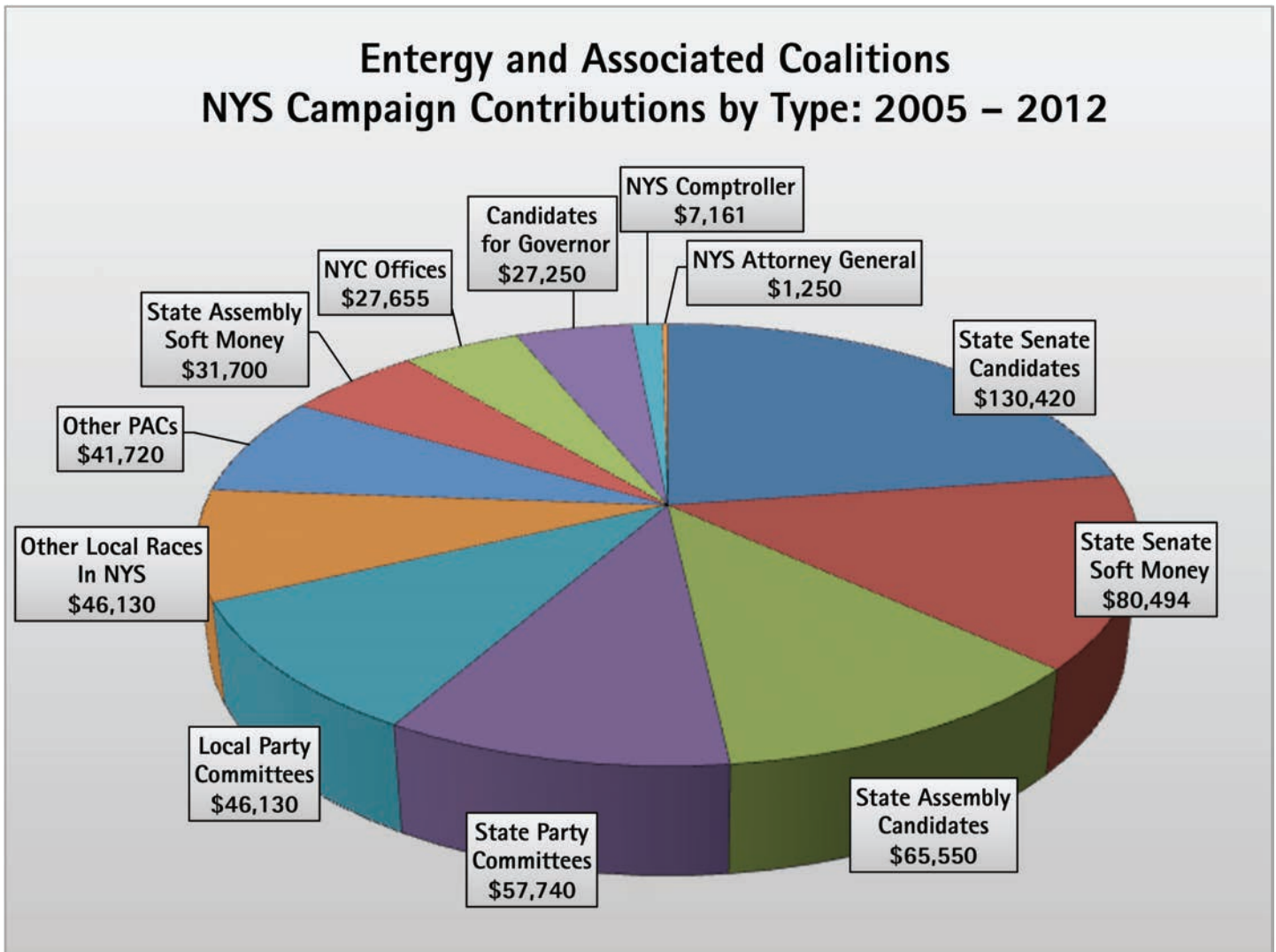
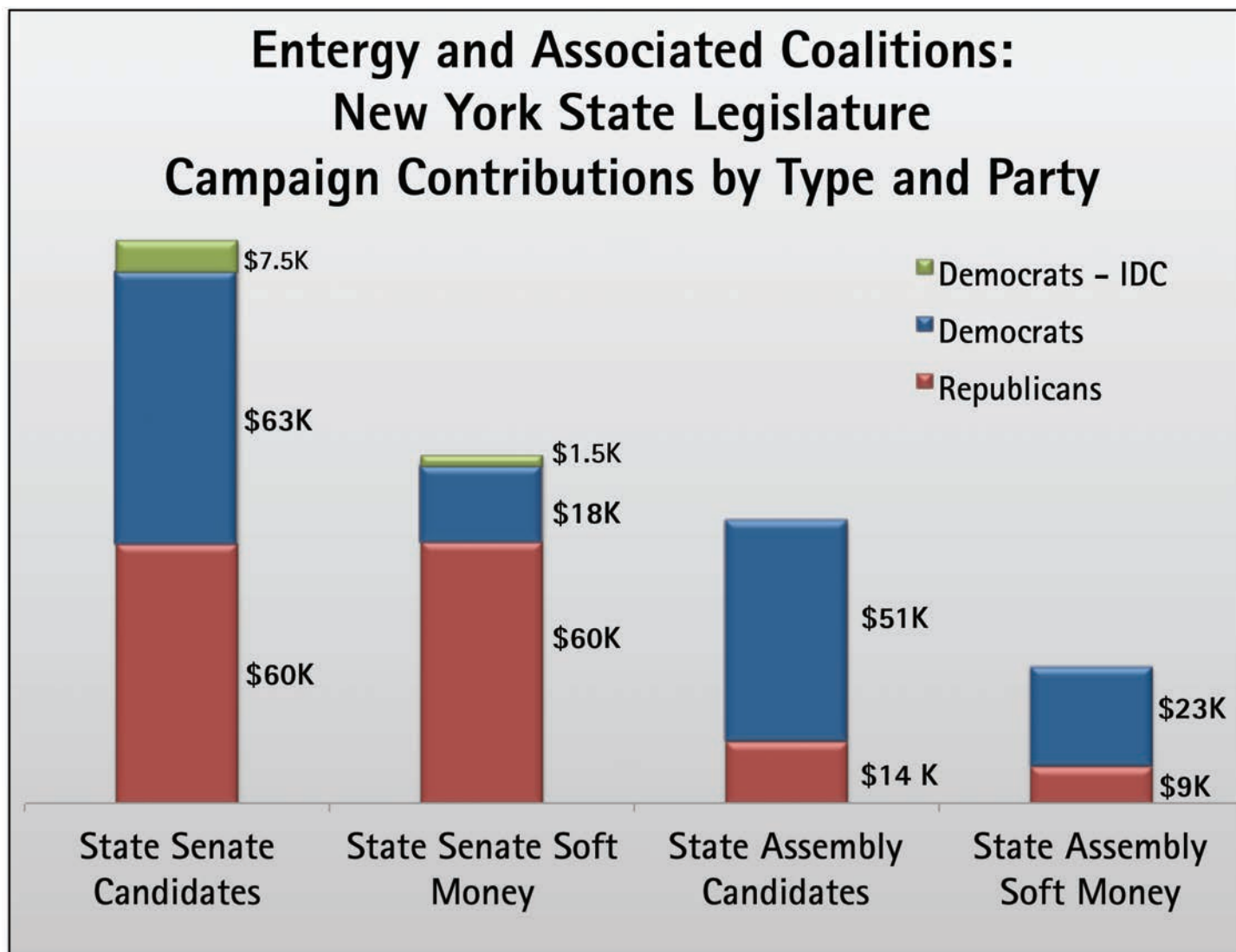


Figure 3



Entergy has made very few contributions to the statewide offices of Governor, Attorney General, and Comptroller. This pattern may be due to the fact that officials in these offices have generally been opponents of nuclear energy during this period.

More than half of all Entergy contributions – over \$308,000 – went to the candidates and committees of the State Legislature (see Figure 3). In the State Senate, where party control has swung back and forth, total contributions to candidates are nearly evenly split between the parties.

In the State Assembly, candidates in the Democratic majority have received the vast majority of contributions. These monies are split among a large number of candidates, mostly from Westchester and New York City. Of the roughly \$14,000 in contributions to Republican Assembly members, over \$11,000 went to Will Barclay, who represents District 120 in Oswego County where Entergy’s FitzPatrick Nuclear Plant is located.

For the legislative committee “soft money” accounts, Entergy has steadily made donations ranging from \$500 to \$5,000 to the Senate Republicans’ account multiple

times each year since 2005. The Assembly Democrats' soft money account has also received annual donations, while

the Senate Democrats and Assembly Republicans have received comparatively less.

TOP NEW YORK STATE-LEVEL CANDIDATE RECIPIENTS OF ENTERGY CONTRIBUTIONS

Table 2: Top New York State-Level Candidate Recipients of Entergy Contributions

Top NYS Candidate Recipients (\$5,000+)	Entergy Campaign Contributions (2005-2012)	Party	District	Location	Description
1. Kevin Parker	\$20,300.00	DEM	21	Brooklyn	Chair of Senate Energy (2009-2010) Ranking Member of Senate Energy (2011- 2012). Firmly against the closure of Indian Point, believes it would result in dramatic increases in electricity rates ⁴⁹
2. David Paterson	\$20,000.00	DEM	*	Statewide	Governor from 2008 – 2010, previously Lt. Governor and State Senator representing Harlem. Supported the closure of Indian Point as Lt. Governor and Governor ⁵⁰
3. George Maziarz	\$11,250.00	REP	62	Niagara County	Chair of Senate Energy (2010-2012), strong supporter of Indian Point, believes its closure would result in dramatic increases in electricity rates ⁵¹
4. William Barclay	\$11,100.00	REP	120	Oswego County	Assemblyman representing Oswego County since 2002, unsuccessfully ran for State Senate against Darryl Aubertine in 2008. Strong supporter of the nuclear industry and firmly against the closure of Indian Point. ⁵² His law firm, Hiscock and Barclay LLP, has represented Entergy ⁵³ in legal battles.
5. Bill Thompson	\$9,950.00	DEM	*	New York City	Candidate for NYC Mayor in 2009 and 2013. \$3,500 directly from Entergy, \$5,950 from SHARE Coalition President Frank Fraley and board member Michael Nairne.

(continued on page 18)

(Table 2 continued)

Top NYS Candidate Recipients (\$5,000+)	Entergy Campaign Contributions (2005–2012)	Party	District	Location	Description
6. Dean Skelos	\$9,000.00	REP	9	Nassau	Senate Majority Leader in 2007–2008 and 2010–2012, currently co-President of the Senate with Jeff Klein (D-IDC).
7. Jim Wright	\$8,740.00	REP	48	North Country, Oswego County	Chair of Senate Energy (2005–2007), supporter of the nuclear industry. Retired from State Senate in December 2007, became lobbyist for Fleishman–Hillard Government Relations, now Executive Director of Development Authority of the North Country ⁵⁴
8. Ruth Hassel–Thompson	\$8,700.00	DEM	36	North Bronx, Westchester – Mount Vernon	State Senator representing minority communities in the North Bronx and Mount Vernon. Does not have a vocal public position on Indian Point
9. Rob Astorino	\$8,650.00	REP	*	Westchester County	Westchester County Executive since 2009, formerly a County Legislator. Strong supporter of Indian Point and nuclear energy ⁵⁵ . One of Astorino's key staffers is a former Director of Communications for Entergy and Astorino has been accused of overly close ties to the company ⁵⁶ .
10. James Gary Pretlow	\$8,550.00	DEM	89	Westchester–Mount Vernon, Yonkers	Assemblyman representing minority communities in Mount Vernon and Yonkers. Does not have a vocal public position on Indian Point
11. Eliot Spitzer	\$8,500.00	DEM	*	Statewide	Governor from 2007–2008, publically supported the closure of Indian Point "as soon as there is sufficient replacement power available." ⁵⁷
12. Darryl Aubertine	\$8,100.00	DEM	48	Oswego County	State Senator defeated in 2010 election by Pattie Ritchie. Strong supporter of the nuclear industry and of building an additional reactor in Oswego ⁵⁸ .
13. Michael Gianaris	\$6,250.00	DEM	12	Queens	State Senator representing Astoria, Queens. Supporter of nuclear energy and Indian Point, believes it is a good alternative to "pollution spewing" fossil fuel plants ⁵⁹
14. Greg Ball	\$6,050.00	REP	40	Westchester, Putnam, Dutchess Counties	State Senator representing Indian Point's location in Buchanan, supporter of the nuclear industry. Against the closure of Indian Point, believes it would result in dramatic increases in electricity rates ⁶⁰

Entergy is highly strategic and targeted in its campaign contributions, with geography (proximity to one of their New York plants) and policy position on nuclear energy playing a major role in disbursement of contributions.

Looking at the top New York State candidate recipients, many are in positions of power or influence relative to

coalition, is a former Chief of Staff to former Mount Vernon Mayor Ernie Davis and is currently the President of the Mount Vernon Chamber of Commerce.⁶¹ In addition to the contributions to State Senator Hassell-Thompson and Assemblyman Pretlow, Entergy and Mr. Fraley have contributed a total of \$2,890 to the Mount Vernon City

The company appears to be using its campaign contributions as a strategic means of cultivating and developing relationships with supporters of its position in favor of nuclear energy.

either Indian Point in northern Westchester or the FitzPatrick nuclear plant in Oswego County. Most, including Kevin Parker, George Maziarz, Will Barclay, Jim Wright, Rob Astorino, Darryl Aubertine, Michael Gianaris, and Greg Ball, are also on the record as supporters of nuclear energy.

Bill Thompson, Ruth Hassel-Thompson, and James Gary Pretlow are not outspoken on the issue of Indian Point and nuclear power but these donations appear to be part of Entergy's concerted strategy to build support among the minority communities of Westchester and New York City. Mount Vernon seems a particular target of this approach. Frank Fraley, the President of the SHARE

Committee, \$2,600 to Mayor Clinton Young, and \$1,250 to Mayor Ernie Davis.

It is also particularly striking that the most vocal opponents of Indian Point, including Governor Andrew Cuomo, Chair of the Assembly Energy Committee Kevin Cahill⁶³, and former Assemblyman Richard Brodsky, have received ZERO contributions from Entergy. It is often more typical for special interests to donate to whoever has power over decision-making, regardless of policy stance.

The company appears to be using its campaign contributions as a strategic means of cultivating and developing relationships with supporters of its position in favor of nuclear energy.

TOP NEW YORK STATE-LEVEL COMMITTEE/PAC

RECIPIENTS OF ENERGY CONTRIBUTIONS

Table 3: Top New York State-Level Committee/PAC Recipients of Entergy Contributions

Top NYS Committee/PAC Recipients (\$2,000 and up)	Entergy and Affiliates Campaign Contributions (2005-2012)	Party	Location	Description
1. NYS Senate Republican Campaign Committee	\$60,194.00	REP	Statewide	Senate Republicans' soft money campaign account
2. NYS Democratic Committee	\$52,200.00	DEM	Statewide	New York State Democratic Party soft money account
3. Westchester Republican County Committee	\$39,000.00	REP	Westchester	Westchester County Republicans' soft money account
4. IPPNY – PAC	\$24,000.00	*	Statewide	Independent Power Producers of New York: power plant owners' trade association
5. NYS Democratic Assembly Campaign Committee	\$20,250.00	DEM	Statewide	Assembly Democrats' soft money campaign account
6. NYS Democratic Senate Campaign Committee	\$15,300.00	DEM	Statewide	Senate Democrats' soft money campaign account
7. Republican Assembly Campaign Committee	\$8,750.00	REP	Statewide	Assembly Republicans' soft money campaign account
8. New York Republican State Committee	\$5,500.00	REP	Statewide	New York State Republican Party soft money account
9. Westchester County Democratic Committee	\$3,800.00	DEM	Westchester	Westchester County Democrats' soft money account
10. Bronx Democratic County Committee	\$3,150.00	DEM	Bronx	Bronx County Democrats' soft money account

(continued on page 21)

Top NYS Committee/PAC Recipients (\$2,000 and up)	Energy and Affiliates Campaign Contributions (2005–2012)	Party	Location	Description
11. Common Sense Now PAC	\$3,100.00	* (REP)	Statewide	Pac formed by Republican Westchester County Executive Rob Astorino's Chief of Staff George Oros
12. Energy for New York PAC	\$3,000.00	*	Statewide	PAC of the Energy Association of NYS — trade association of utilities that disbanded in 2010
13. Mount Vernon City Committee	\$2,890.00	DEM	Mount Vernon	Democratic club in Mount Vernon — \$2,490 of this total is from Frank Fraley, head of the SHARE Coalition.
14. The IDC Initiative	\$2,500.00	DEM — IDC	Statewide	Independent Democratic Conference's soft money account
15. The Business Council PAC Inc.	\$2,250.00	*	Statewide	Primary statewide business association in NYS

Energy's donations to committees and PACs in New York State are also highly targeted. (See Table 3) In addition to the already discussed State Legislature soft money, Energy has given over \$52,000 to the New York State Democratic Committee account and \$5,500 to the New York Republican State Committee.

Energy has been very generous to the Westchester Republican County Committee, contributing a total of \$57,250 since 2005 to party candidates, committees, and PACs. This total includes \$39,000 to the Westchester GOP

soft money account, \$8,650 to County Executive Rob Astorino, \$4,000 to County Legislator John Testa (former Mayor of Peekskill, currently represents the Peekskill-Buchanan Indian Point district), \$1,700 to former Yonkers Mayor Phil Amicone, and \$800 to the Cortlandt Republican Committee.

Energy has also given \$3,100 to the "Common Sense Now" PAC formed by County Executive Astorino's Chief of Staff George Oros,⁶³ who formerly represented the Peekskill and Buchanan areas in the County Legislature.



Astorino is a longtime supporter of Indian Point dating back to his time in the County Legislature and replaced Andy Spano (D), a firm opponent of Indian Point, as County Executive in 2010.⁶⁴ Astorino's Director of Economic Development, Larry Gottlieb, was the Director of Communications for Entergy before joining Astorino's administration. As a County Legislator in 2005, Astorino was accused of adopting talking points on Indian Point directly from an email exchange with Mr. Gottlieb at Entergy⁶⁵.

Considering these deep ties to Mr. Astorino, it is not surprising that county and local level Democrats in Westchester have received far less support in campaign contributions from Entergy, a total of \$11,100 since 2005. This includes \$3,800 for the Westchester County Democratic Committee, \$2,750 for County Legislator Ken Jenkins,

\$3,000 for current Yonkers Mayor Mike Spano, and \$1,550 for the Peekskill Democratic City Committee.

Entergy has also given \$24,000 to the political action committee of the Independent Power Producers of New York (IPPNY), and \$2,250 to the PAC of the Business Council of New York State, two influential business associations that support the renewal of Indian Point's licenses. In addition to contributing to these political action committees, newly available disclosures on the funding of 501c4 organizations⁶⁶ reveal that Entergy has contributed \$3,659 directly to the Business Council coffers in the second half of 2012, and \$3,294 directly to IPPNY in December 2012.

Both organizations are advisory board members of NY AREA and have been a constant presence advocating for Indian Point at governmental hearings and in the media.⁶⁷

ENERGY'S POWERFUL ALLIES IN NEW YORK STATE

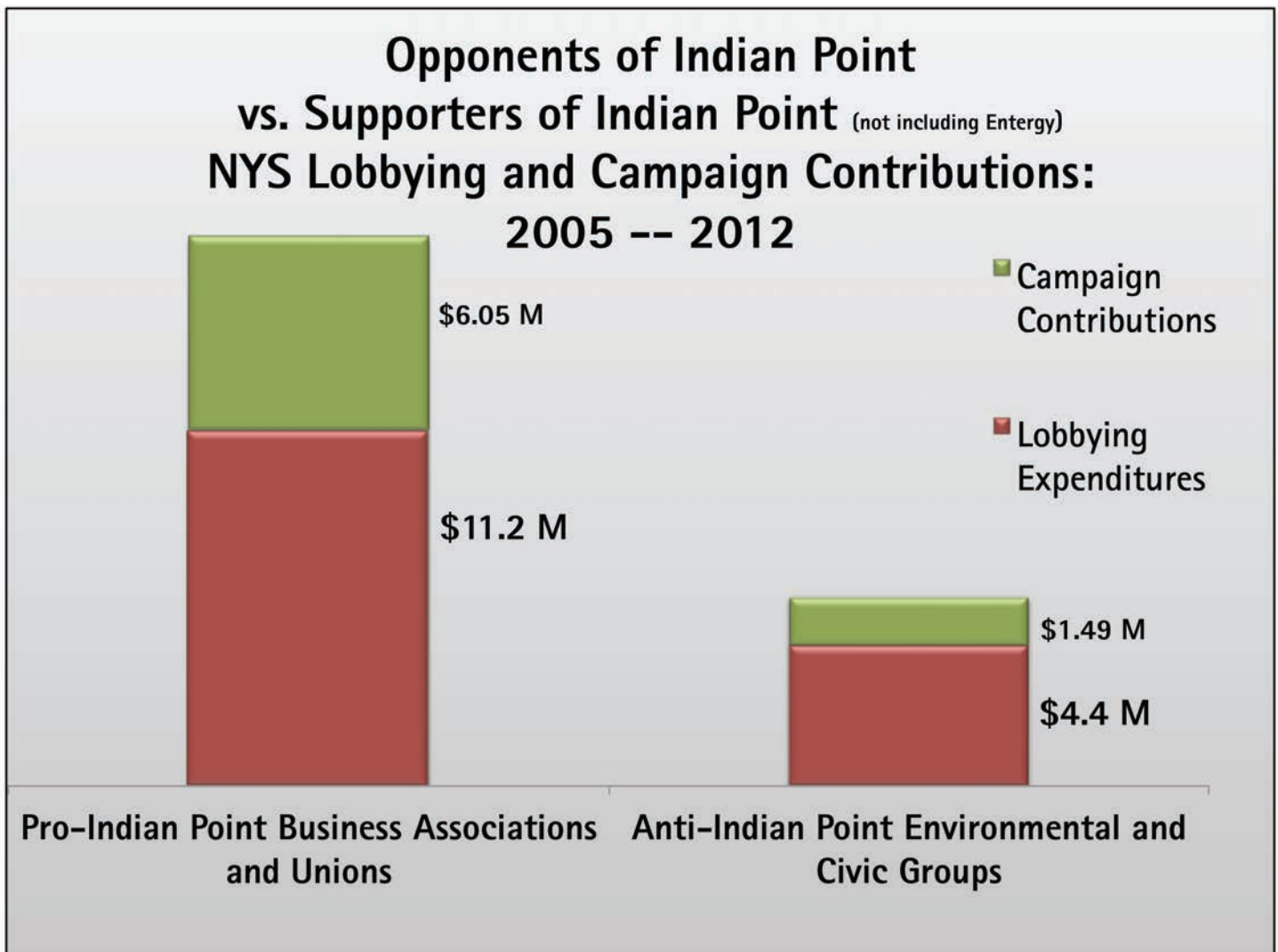
Entergy's strategy of building support for Indian Point and nuclear power among key business and labor sectors through the NY AREA and SHARE coalitions has been quite successful in winning powerful allies.

Supporters of Entergy's two connected coalitions (NY AREA and SHARE) include many of the most influential

business organizations and labor unions in the state. Organizations represented on the NY AREA advisory board that lobby and/or contribute in New York include Boilermakers Local #5, the Business Council of Westchester, the Business Council of New York State, the New York State AFL-CIO, and the Partnership for New York City.

Member organizations of SHARE that lobby and/or contribute in New York include the International Union of Operating Engineers Local 14, the International Brotherhood of Teamsters Joint Council 16, the Mason

Figure 4





NY AREA Chairman Jerry Kremer speaks at a press conference with labor and business allies in advance of the October 2012 NRC hearing.⁶⁹

Tenders District Council, the New York City District Council of Carpenters, New York State Laborers, and Regional Aid for Interim Needs, a social service organization based in the Bronx.

Altogether, these organizations have spent \$11.2 million on lobbying in New York State and \$6.05 million in campaign contributions since 2005. These organizations are involved in a multitude of policy issues of which policy on Indian Point may only be a secondary or tertiary concern. Nevertheless, these numbers do provide an indicator of the significant clout these supporting business associations and labor unions have in New York.

Overall, organizations in support of Entergy's position on Indian Point (as indicated by membership in NY AREA or SHARE) have spent nearly three times as much on

lobbying and campaign contributions than the numerous environmental and civic organizations that have advocated for the plant's closure.

Organizations that oppose Indian Point and have lobbied and/or have board members or employees that have contributed at the New York State or local level include the Children's Health Fund, Citizens Campaign for the Environment, Citizens Environmental Coalition, Environmental Advocates of New York, Healthy Schools Network, NRDC, NYPIRG, Riverkeeper, Scenic Hudson, and the Sierra Club Atlantic Chapter.

Altogether, environmental and civic groups opposing the renewal of Indian Point's license have spent \$4.4 million on lobbying and affiliated employees and board members have spent \$1.49 million on campaign contributions.

NATIONWIDE INFLUENCE

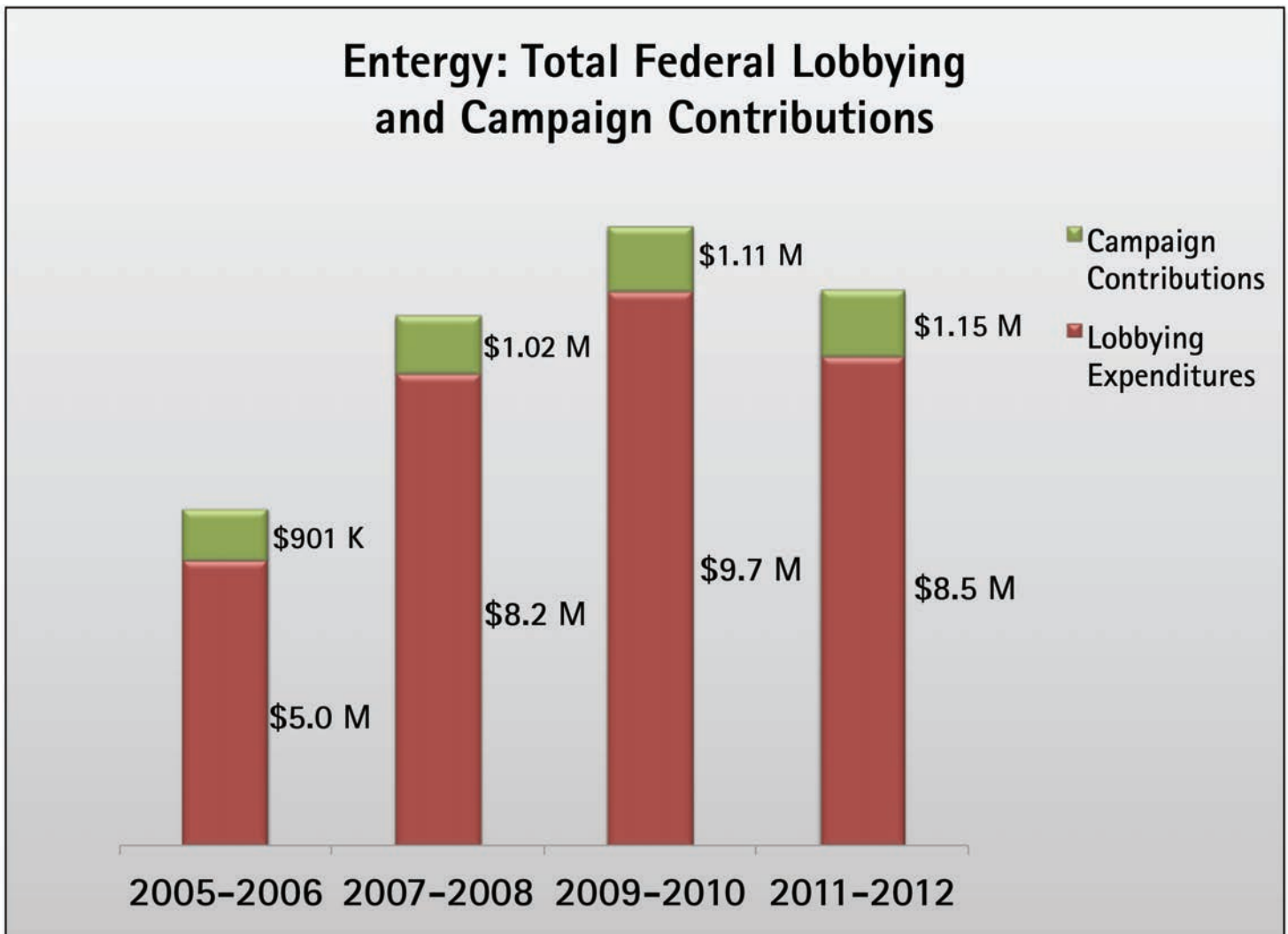
While state and local support are crucial factors in determining policy on issues such as the opening or closing of a power plant, federal energy policy sets the framework in which these decisions are made.

The Nuclear Regulatory Commission, headed by five Commissioners appointed by the President and confirmed by the Senate for five year terms,⁶⁹ oversees licensing,

decommissioning, and certification of nuclear plants and also develops and enforces regulations. Congress crafts key policies such as federal loan guarantees and other subsidies and supports.⁷⁰ The civilian nuclear power industry is deeply enmeshed in the federal government and has tremendous stakes in federal energy policy decisions.

At the federal level across the nation, Entergy and its executives have donated roughly \$4.17 million⁷¹ to candidates, PACS, and committees since 2005. (see Figure 5)

Figure 5



This sum includes nearly one million dollars to the parties' Senate and Congressional campaign committees – roughly a quarter million each to the National Republican Congressional Committee, the Democratic Congressional Campaign Committee, the Democratic Senatorial Campaign Committee, and the National Republican Senatorial Committee.

also gave over \$160,000 combined to Louisiana Senator Mary Landrieu (D) and two affiliated PACs, and roughly \$60,000 to Arkansas Senator Mark Pryor (D) and his affiliated PAC. Former Arkansas Senator Blanche Lincoln (D) and her PAC received \$74,000 from Entergy and became a board member after losing re-election in 2010.⁷⁵ Former Louisiana Blue Dog Democrat turned Republican turned

At the federal level across the nation, Entergy and its executives have donated roughly \$4.17 million to candidates, PACS, and committees since 2005.

Other large committee recipients of Entergy funding at the federal level include two influential industry lobbying outfits, the Nuclear Energy Institute (\$138,250) and the Edison Electric Institute (\$92,000). Entergy also has close ties with the US Chamber of Commerce. Board member Stuart Levenick, a Group President at Caterpillar, is on the executive board of the US Chamber,⁷² which supports the renewal of Indian Point's license⁷³ and has filed amicus briefs in support of Entergy in nuclear legal cases⁷⁴.

Entergy is a very active support of centrist and conservative-leaning congressional Democrats, giving \$160,000 combined to the Blue Dog PAC, the Moderate Democrats PAC, and the New Democrat Coalition. Entergy

lobbyist Billy Tauzin, notorious for his role as a lobbyist for the pharmaceutical industry during the drafting of the Affordable Care Act⁷⁶, is also on the Entergy board of directors.

Other top recipients include Mississippi Congressman Bennie Thompson (D) (\$69,749) and his affiliated PAC, President Obama and affiliated PACs (\$65,400), Texas Congressman Joe Barton (R) (\$49,500), the Chairman Emeritus of House Energy and his affiliated PAC, Steny Hoyer (D) and his affiliated PACs (\$40,500), Michigan Congressman Fred Upton (R) (\$39,600), the Chairman of the House Energy and Commerce Committee, South Carolina Congressman James Clyburn (D) and his PAC

(\$22,500), and the Congressional Black Caucus (\$20,000).

Since 2005, Entergy has spent a total of roughly \$31.4 million lobbying the federal government, retaining a total of eighteen lobbying firms. These firms include such heavy hitters as the Breaux Lott Leadership Group, Daryl Owen Associates, McGlotten & Jarvis, Patton Boggs LLP, and Quinn Gillespie, and are armed with dozens of influential revolving-door Washington insiders.

Entergy's combined lobbying and campaign contributions increased by 57% for the 2008 cycle compared to the 2006 cycle. Spending continued to increase another 17% for the 2010 cycle before decreasing by 10% in the 2012 cycle.

The significant bump in spending between 2006 and 2008 is consistent with a pattern within the nuclear industry as a whole. Over the past decade, the industry has undertaken a concerted campaign to improve its standing with the public and political establishment, especially with the Democratic Party, as a "clean" greenhouse gas emissions-free alternative to fossil fuels.⁷⁷ With the industry suffering enormous damage from the Three Mile Island partial-meltdown in 1979 and the Chernobyl disaster in 1986, no new nuclear plants have been built in the United States since 1977. Corporate plant owners like Entergy,



Exelon, and Duke Energy have aggressively moved to rehabilitate the industry's reputation in order to secure license renewals, construct new reactors at existing plant sites, and open the possibility of new plant construction. Much of this national effort is coordinated through the Nuclear Energy Institute.⁷⁸

For Entergy specifically, the surge in political spending on the federal level after the 2006 cycle is also likely connected to three ongoing politically challenging license renewals in the Northeast US; the Pilgrim Nuclear Plant in Massachusetts, the Vermont Yankee Plant, and most significantly, Indian Point in New York.

CAMPAIGN CONTRIBUTIONS TO NEW YORK CONGRESSIONAL CANDIDATES

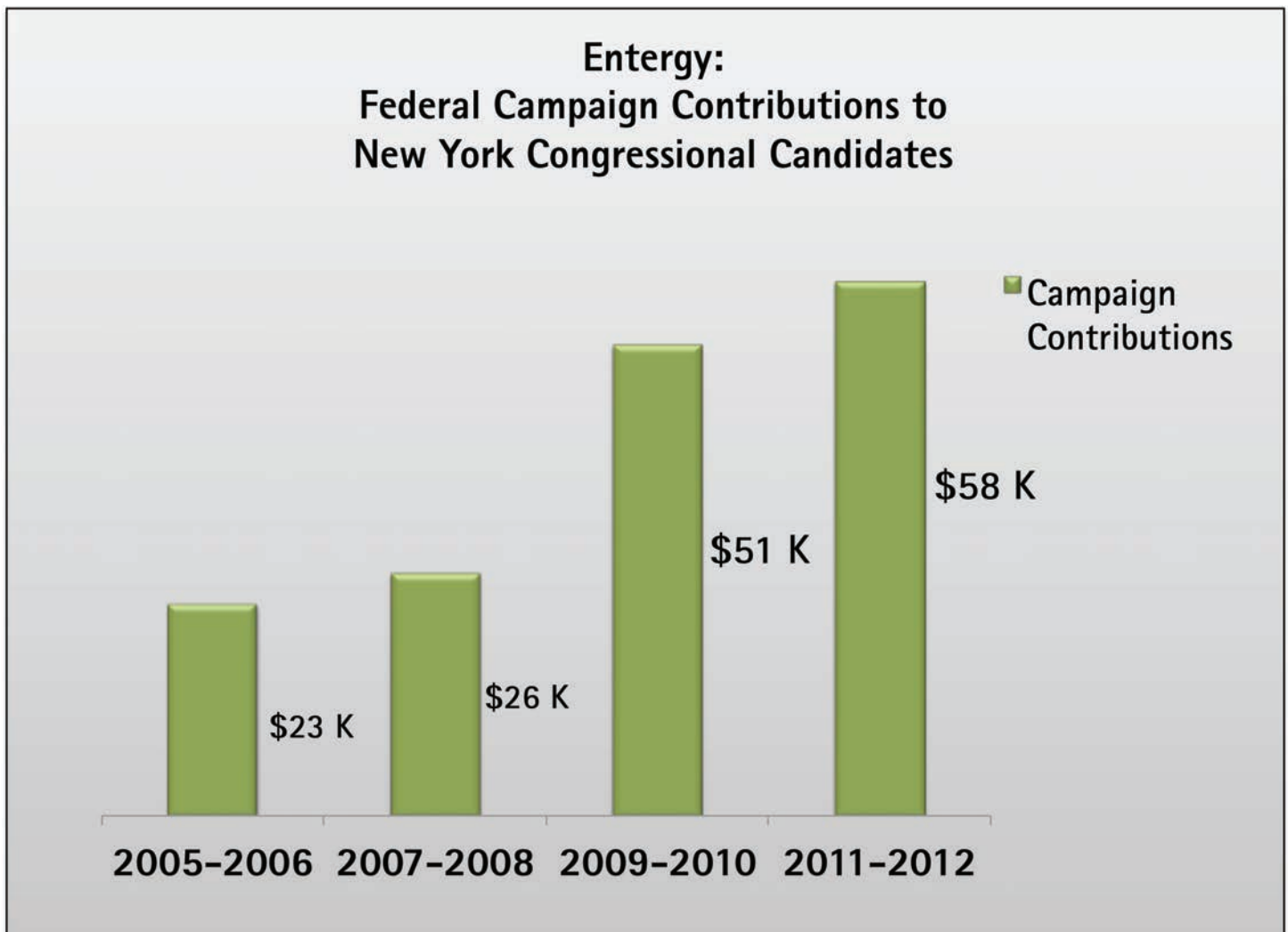
As the Nuclear Regulatory Commission’s decision on Indian Point’s operating licenses approaches, Entergy has significantly increased its campaign contributions to New York candidates at the federal level. Since 2005, Entergy and its executives have contributed a total of \$158,170 to New York Senators and Congress members.

During this period, each of New York’s three sitting Senators (Chuck Schumer 2005-Present, Hillary Clinton

2005-2008, Kirsten Gillibrand 2008-Present) and ten of the state’s Congress members have received at least \$5,000 in campaign contributions from Entergy.

The list of top New York congressional recipients of Entergy contributions is again illustrative of the company’s highly strategic and targeted method of distributing campaign cash.

Figure 6



TOP NEW YORK CONGRESSIONAL CANDIDATE RECIPIENTS OF ENTERGY DONATIONS

Table 4: Top New York Congressional Candidate Recipients of Entergy Donations

Top Federal Recipients in NY (\$5,000 and Up)	Entergy Campaign Contributions (2005-2012)	Party	District ^e	Location	Description
1. Nan Hayworth	\$23,200.00	REP	19 (now 18)	Hudson Valley	District included the Indian Point site in Buchanan. Before losing a close race in 2012, Hayworth was a vocal supporter of Entergy and Indian Point. ⁷⁹
2. Edolphus Towns	\$14,000.00	DEM	10 (now 8)	Brooklyn	Before retiring in 2012, Ed Towns was an influential senior member of Congress and a member of the energy committee. In 2007 he co-sponsored legislation to expedite the Yucca Mountain nuclear waste disposal facility, a measure strongly supported by the industry ⁸⁰
3. Kirsten Gillibrand	\$14,000.00	DEM	*	Statewide	New York's junior Senator, Gillibrand supports the nuclear industry and favors development of new plants where they are supported by local communities, while also advocating for additional oversight ⁸¹ .
4. Peter King	\$11,000.00	REP	3 and 2	Long Island	Senior Republican Congressman in New York, two time Chairman of the Homeland Security Committee. Supports expanding nuclear energy "in areas of the country that don't have evacuation concerns ⁸² "
5. Joseph Crowley	\$9,500.00	DEM	7 and 14	Queens, Bronx	Senior Democratic Congressman, Chair of the Queens County Democratic Party. Supporter of nuclear energy and a key figure in the United States' recognition of India as a legitimate nuclear power. Continues to support the entry of US nuclear companies into the Indian market ⁸³ .
6. John McHugh	\$8,500.00	REP	23 (now 21)	North Country, Oswego	Former Congressman representing the North Country and Oswego from 2003 to 2009, strong supporter of nuclear energy and Entergy's FitzPatrick plant ⁸⁴
7. Bill Owens	\$8,000.00	DEM	23 and 21	North Country, Oswego	Represented Oswego until 2012 redistricting, supporter of nuclear energy and of building new nuclear plants in the North Country ⁸⁵
8. Michael McMahon	\$7,250.00	DEM	13 (now 11)	Staten Island, South Brooklyn	Former Congressman representing Staten Island from 2008-2010, supporter of the nuclear power, ⁸⁶ co-sponsored the Nuclear Power 2021 Act to encourage the development of a new generation of plants. ⁸⁷

^e Congressional district numbers in New York State all changed after the state lost two districts during the redistricting of 2011.

(Table 4 continued)

Top Federal Recipients in NY (\$5,000 and Up)	Entergy Campaign Contributions (2005-2012)	Party	District ^e	Location	Description
9. Scott Murphy	\$7,000.00	DEM	20 (now 19)	Hudson Valley, Catskills, North Country	Winner of the 2009 Special Election to replace Kirsten Gillibrand, lost his re-election effort in 2010. Strong supporter of the nuclear industry, co-sponsored the Nuclear Power 2021 Act to encourage the development of a new generation of plants. Strong supporter of the nuclear industry, co-sponsored the Nuclear Power 2021 Act to encourage the development of a new generation of plants. ⁸⁸
10. Chuck Schumer	\$7,000.00	DEM	*	Statewide	New York's senior Senator and the third-ranking Senate Democrat in the nation. Generally supportive of the nuclear industry, stated "I'm still willing to look at nuclear" after the Fukushima disaster in 2011. Has supported additional safety measures at Indian Point but does not call for the plant's closure. ⁸⁹
11. Hillary Clinton	\$6,220.00	DEM	*	Statewide	New York Senator from 2001 through 2009. Self described "agnostic" on nuclear power. Supported increased regulation and safety measures at Indian Point but has never called for the plant's closure. ⁹⁰ Her 2008 Presidential campaign received an additional \$20,000 in Entergy donations.
12. Charles Rangel	\$5,500.00	DEM	15 and 13	Upper Manhattan	In Congress since 1971, was briefly one of the most powerful Congressional Democrats as Chairman of Ways and Means from 2007 to 2010 before an ethics scandal.
13. Steve Israel	\$5,000.00	DEM	2 and 3	Long Island	In Congress since 2001, currently chair of the DCCC. Supporter of the nuclear industry and its expansion. ⁹¹

The top recipient of Entergy contributions, Nan Hayworth (R), received \$23,200 entirely during the 2012 election cycle. This sum includes \$9,700 from Entergy executives and \$14,000 from the Entergy PAC. Representing the Hudson Valley district that includes Indian Point (District 19 before redistricting, now District 18), Hayworth was a freshman incumbent who was vocal in her support for the renewal of the plant's license.

Her opponent (now the new Congressman for the district) Sean Patrick Maloney (D), was strongly against the license renewal, preferring to "close Indian Point as quickly as possible."⁹² Mr. Maloney did not receive any support from Entergy, nor have other vocal anti-Indian Point representatives such as Congressman Eliot Engel, Congresswoman Nita Lowey, and former Congressman John Hall.

Indeed, at both the state and the federal levels in New York, Entergy's contribution patterns appear to be closely tied to the recipient's issue stance on nuclear power. This pattern is consistent with Hall and Deardorff's model of "Lobbying as a Legislative Subsidy"⁹³ in which lobbying and contributions are primarily used to cultivate and fortify supporters rather than attempting to "flip" those in opposition. But the correlation between support for

the issue and reward in the form of campaign contributions may play a role in influencing the stances of candidates, particularly those without strong ideological predispositions.

Two of the New York Congressmen on this list also have additional connections to Entergy. Christopher McCannell served as Congressman Joe Crowley's Chief of Staff from 1999 to 2007.⁹⁴ While in Crowley's office, McCannell worked to build support for Indian Point and nuclear energy among other House Democrats.⁹⁵ McCannell then moved through the revolving door to become a lobbyist for Quinn Gillespie & Associates in 2007 and lobbied on behalf of Entergy Nuclear Northeast, presumably on the very same Indian Point issue.⁹⁶ McCannell then passed back through the revolving door to become Chief of Staff for Congressman Michael McMahon, a one-term member from Staten Island who also was a strong supporter of nuclear energy.

Christopher McCannell's revolving door journey is just one indication of the kind of influence and access that \$31.4 million in lobbying and \$4.2 million in campaign contributions can achieve in Washington.

GENERATING INFLUENCE

Entergy's Public Relations Campaign and "Astroturf" Front Groups

Entergy's direct lobbying and campaign contributions only cover a portion of its influence-making activities. In addition to this "inside game" there is also the "outside game" of grassroots strategies and advertising to build public support. Such expenses are not disclosed in official reporting, yet they are an essential aspect of Entergy's campaign to keep Indian Point open.

Entergy's advertising and public relations on Indian Point are coordinated by public relations firm Burson Marsteller, known for its work in "reputation and crisis management strategies."⁹⁷ The firm's clients have included highly controversial corporations like Union Carbide, Philip Morris, Blackwater, Foxconn, and Babcock & Wilcox (the firm that designed the Three Mile Island nuclear plant) among others⁹⁸.

Entergy initially hired Burson

Marsteller in 2002 to address fears

over Indian Point's vulnerability to terrorism after September 11th.⁹⁹ Burson Marsteller coined the slogan "Safe, Secure, Vital" and won the Public Affairs Campaign of

the Year award for their work on the campaign.¹⁰⁰ Indian Point's public website, www.safesecurevital.org, continues to be owned and maintained by Burson Marsteller.¹⁰¹ The firm has also helped coordinate Entergy's outreach and relationship-building with non-profit organizations in Westchester and New York City.¹⁰²

Entergy's advertising campaigns are ubiquitous across the New York City metropolitan region. For nearly a decade, New York Yankees radio host John Sterling has reassured listeners that Indian Point is "safe, secure, and vital" with "zero greenhouse gases and reliable energy." Since 2003, former New York City Mayor Rudy Giuliani's consulting firm, Giuliani Partners, has been retained by Entergy¹⁰³ ostensibly to "provide advice on emergency planning and security matters."

However, Giuliani's support for Indian Point and Entergy's other nuclear plants has always been very public and he

Entergy's advertising and public relations on Indian Point are coordinated by public relations firm Burson Marsteller, known for its work in "reputation and crisis management strategies."⁹⁷

has appeared at numerous press conferences and events on behalf of Entergy.¹⁰⁴ After the 2011 Fukushima incident, Giuliani began to directly appear in television, radio, and

print advertisements as part of Entergy’s “Right for New York” campaign to reassure the public on nuclear safety.¹⁰⁵

Currently, Entergy is also running a more locally targeted campaign called “Your Positive Energy.”¹⁰⁶ In one radio



Rudy Giuliani in Entergy’s “Right for New York” Campaign

advertisement, a woman’s voice announces “Indian Point is committed to ensuring the continued supply of reliable clean and affordable energy for all New Yorkers. We are focused on bringing positive energy into communities... We need your voice; we need your positive energy. Go to YourPositiveEnergy.com to tell us how you are bringing positive energy into New York.”¹⁰⁷

In another less formal spot, the DJ for Westchester radio station WFAS raves “What an afternoon that I spent yesterday with my colleagues up at Indian Point...you really need more than a day, it’s like going to Disney World, you

can’t see it all in one day...if you’re concerned about Indian Point and you have questions, there’s a lot of misconceptions, knowledge is the key.”¹⁰⁸

Although these advertisements are clearly designed to influence public opinion (and thus public officials) these campaigns are not legally considered “lobbying” because they do not explicitly ask the public to contact their representatives to advocate for specific legislation or policy on Indian Point. Entergy does not disclose their cost as lobbying expenses. But the website

these ads direct the public to, www.safesecurevital.org, offers detailed information on the license renewal process and public hearings. The line between public relations and lobbying is increasingly blurred as corporate advertising campaigns and grassroots strategies grow more and more sophisticated.

Considering the consistency, volume, and breadth of the advertising and comparing it with itemized expenses from similar campaigns in New York State¹⁰⁹, it is conservative to estimate that Entergy has spent at least \$20 million on advertising and public relations in New York since 2005.

Entergy's campaign to build local support for Indian Point has also involved numerous grants and targeted donations to local government and non-profit organizations. In 2009, Entergy established a "Safety Responders Fund" grant program that has awarded over \$1.25 million in grants to local fire, police, and emergency medical response teams within the 10 mile area around Indian Point.¹¹⁰ In addition, Entergy gives small grants to a variety of non-profit organizations in the area, from youth sports leagues, to performing arts venues, to local parks.¹¹¹ Many of these organizations have testified at public hearings on behalf of Entergy's corporate citizenship in support of granting Indian Point a license extension¹¹².

As mentioned earlier in this report, one aspect of Entergy's strategy to influence public opinion on Indian Point is to build support among communities of color in Westchester and New York City. In recent years, Entergy has developed relationships with many non-profit civil rights and community organizations such as 100 Black Men, the New York State NAACP, and the Bronx Hispanic Chamber of Commerce.

Entergy has had success in winning over many of these groups based on the argument that shutting down Indian Point will require construction of new fossil fuel plants in the area. New fossil fuel plants will reduce air quality, especially in urban areas with large minority

populations where air quality is already problematic and asthma and other respiratory illnesses are prevalent. In making this argument, Entergy has adopted the rhetoric of the environmental justice movement,¹¹³ creating an effective framework for winning support. But this argument depends on the alternative to Indian Point being fossil fuel plants rather than new transmission from hydropower in Canada or other renewable energy alternatives. And Entergy has built relationships with these organizations through grants,¹¹⁴ sponsoring events,¹¹⁵ and other forms of monetary support.¹¹⁶

Entergy and its consultants also realize that an environmental justice argument may be less than convincing coming directly from the corporation itself. This is where the SHARE (Safe, Healthy, Affordable, Reliable Energy) Coalition plays a role in creating the appearance that the argument is originating from a grassroots source within the minority community rather than Entergy.

In 2010, journalist Brian Palmer writing for www.Colorlines.com, a publication of the [Applied Research Center](http://AppliedResearchCenter.org), undertook an in-depth investigation of Entergy's astroturfing in New York's communities of color. On a tour of Indian Point for minority leaders organized by SHARE, Palmer observed deliberate attempts by SHARE employees to use race as a wedge to delegitimize anti-nuclear environmental groups like Riverkeeper. "I've

never seen Bobby Kennedy walk around 125th Street...I'm sure he's never come down when the lights go out" said SHARE's Deputy Director Gregory Joseph.



Frank T. Fraley, President of SHARE NY, leading Brooklyn Clergy members on a tour of Indian Point in July, 2012.¹¹⁷

SHARE attempts to portray itself as a coalition of community groups working on issues of clean air and affordable electricity in general¹¹⁸. The group authors op-eds, press releases, and testimonies without reference to their funding by Entergy,¹¹⁹ describing the organization as “a coalition dedicated to ensuring the continued supply of reliable, clean and affordable electricity for all New Yorkers.”

But Entergy consultants and executives are listed as officers in SHARE's IRS filings.¹²⁰ New York lobbyist Alfredo Vidal (The Vidal Group, retained by Entergy) is listed as President, Darren Peters (Entergy's Director of Federal Policy Initiatives) is listed as Treasurer, and Joanne Fernandez (Entergy's head of government affairs in New York) is listed as secretary. SHARE also retains The



SHARE and Entergy staff use the same table to lobby at the NYS Black, Puerto-Rican, Hispanic, and Asian Legislative Caucus in February 2013.¹²¹

Parkside Group as its New York lobbyist, a firm that also represents Entergy.

Judging from SHARE's own news feed^f it is very clear that the group's purpose is to advocate for the extension of Indian Point's license. In addition to testifying and organizing turnout at public hearings, the group has repeatedly organized tours of Indian Point for minority community leaders¹²². Colorlines' Palmer attended one of these tours and observed that the intimate relationship between SHARE and Entergy was never disclosed to the guests.¹²³

The SHARE coalition is not Entergy's first attempt to create a front group for outreach to minority communities. In 2003 Entergy engaged in the very same strategy called the “Campaign for Affordable Energy, Environmental, and Economic Justice”¹²⁴ but was exposed and widely criticized in the media and by then County Executive Andy Spano.¹²⁵

^f <http://shareny.org/news.php> . In 2012, 9 out of 17 press releases issued by SHARE directly addressed Indian Point or Entergy, and an additional one is a testimony against Governor Cuomo's proposed “Energy Highway” of transmission from Canada (which would help replace the power provided by Indian Point). The other seven releases are descriptions of community events that SHARE has participated in to spread its message. (<http://shareny.org/news.php> .)

In this earlier instance, Entergy used its direct corporate name and its own employees to conduct parts of the campaign, leading to a backlash from the communities and representatives that were targeted. The SHARE campaign has been much more tactful.

While the SHARE coalition serves as Entergy's grassroots front group, NY AREA (Affordable Reliable Electricity Alliance) serves the role of the grassroots front group, bringing together powerful statewide business and labor groups in support of Indian Point. NY AREA's Chairman is former Assemblyman Arthur "Jerry" Kremer, a constant presence in the media, writing op-eds¹²⁶, speaking on panels, and issuing policy briefs in support of Indian Point.

Entergy's spokespeople have admitted that the company was "instrumental in the founding of New York AREA,¹²⁷" which launched in 2006 with the commencement of Entergy's campaign to renew Indian Point's license. As is the case with SHARE, Entergy executives are listed as officers in NY AREA's IRS filings.¹²⁸ In this case it's Ken Theobalds, Entergy Nuclear Northeast's Vice President of Government and Regulatory Affairs. John Basile, a retired former plant manager of Indian Point 2, is also listed as an officer¹²⁹.

Another officer listed in NY AREA's IRS filings is Mark Serrano of ProActive Communications. Shortly after NY

AREA was started, an organization named "Massachusetts AREA" also sprung up to advocate for the renewal of the license at Entergy's Pilgrim nuclear plant. And a "Vermont Energy Partnership" appeared to advocate for Entergy's Vermont Yankee license renewal. All three groups used ProActive Communications to handle their public relations, in some cases sharing the exact wording of materials, and all three groups made use of former Greenpeace activist Patrick Moore as a spokesperson¹³⁰.

Like SHARE, NY AREA's press releases and other materials are overwhelmingly focused on support for nuclear power and Indian Point,¹³¹ and NY AREA spokespeople do not typically disclose their group's intimate connection with Entergy.

Both SHARE and NY AREA are registered with the IRS as 501c 6 organizations, a status reserved for business or trade associations lobbying for a common business interest of all members in the organization¹³². The IRS requires 501c 6 groups to define the "common business interest" in the Form 990 filings. SHARE defines their purpose as "to educate and ensure the continued supply of reliable, clean, and affordable energy for all New Yorkers." NY AREA defines their purpose as promoting "safe and reliable energy sources." The 501c 6 status effectively veils the role of Entergy in each group because funding can be attributed to "membership dues" without specifying what specific

Three States, Three Entergy Nuclear Plants, Three Astroturf Front Groups¹³³



Yes! I want to join the Massachusetts Affordable Reliable Electricity Alliance.

I support your efforts to educate communities regarding the necessity for safe, reliable energy and advocacy to ensure that Massachusetts has an ample and reliable electricity supply and economic prosperity for years to come.* Enclosed is my tax-deductible contribution of:



Yes! I want to join the New York Affordable Reliable Electricity Alliance.

I support your efforts to educate communities regarding the necessity for safe, reliable energy and advocacy to ensure that New York has an ample and reliable electricity supply and economic prosperity for years to come.* Enclosed is my tax-deductible contribution of:



Yes! I want to join the Vermont Energy Partnership

I support your efforts to educate communities regarding the necessity for safe, reliable energy and advocacy to ensure that Vermont has an ample and reliable electricity supply and economic prosperity for years to come.* Enclosed is my tax-deductible contribution of:

Newsletters for Mass AREA, NY AREA, and the Vermont Energy Partnership share identical language and in the case of MASS AREA and NY AREA, identical graphic design.

members are contributing. Both SHARE and NY AREA report a range of \$300,000 to \$700,000 in “membership dues” annually for the past three years in their Form 990 IRS filings.

Corporate use of “front groups” like SHARE and NY AREA, also known as “astroturfing”, is an increasingly common tool in efforts to influence public opinion and policy makers.¹³⁴ Front groups are effective because they conceal the corporation’s self-interest, giving legitimacy

to arguments and tactics that would not be as effective if made by the corporation directly¹³⁵.

Through advertising, retaining respected spokespeople, engaging in strategic charitable giving, and astroturfing at the grassroots and grasstops, Entergy has deployed all of the state-of-the-art techniques in lobbying and public relations in its attempt to win renewal of Indian Point’s license.

CONCLUSION

Policy decisions such as the relicensing of an aging nuclear power plant are supposed to be objective judgments based in science and the best interest of the public.

In reality, powerful vested interests constantly seek to influence the outcomes through whatever means necessary and available. Special interests like Entergy have every right to communicate their views to policymakers and the public. But without full transparency, disclosure, and reasonable limits and safeguards, they can too easily achieve undue influence and subvert our democratic processes and principles. Entergy's expansive pattern of political spending illustrates the need for our laws and regulations dealing with political spending to keep pace with the activities of those who seek to influence public policy.

Restore the Public Trust with Fair Elections

It is unsettling to consider the possibility that campaign contributions from Entergy may play a role in determining our leaders' policy positions on such an important issue. Looking at the top New York recipients, it's clear that Entergy uses campaign contributions to cultivate supporters of nuclear energy. While it's impossible to prove that contributions literally "buy" votes, such correlations may play a role in influencing the stances of candidates, particularly those without strong ideological predispositions.

At the New York state level, campaign finance reform with public financing of elections would significantly help

reduce candidates' dependency on raising money through large checks from special interests like Entergy. A Fair Elections comprehensive campaign finance system, with small individual donations matched 6 to 1 by public money, provides candidates an incentive to raise the campaign funds they need directly from constituents in smaller amounts.

Additional Disclosures, and Improved Enforcement

As corporate "astroturfing"¹³⁶ and "dark money"¹³⁷ contributions continue to grow, corporate disclosures of political spending must be expanded to keep pace with actual practice in the information marketplace. For publicly owned companies like Entergy, it is possible that new political disclosure rules will soon be instituted at the federal level by the SEC.¹³⁸ Absent SEC action, shareholder resolutions are another means of compelling a public company to fully disclose political spending.

Shareholder resolutions calling for disclosure of political spending are rapidly becoming more common, with 115 such resolutions up for consideration in the Spring 2013 quarter.¹³⁹ Entergy is one of the corporations facing such a resolution, calling for full disclosure of "company policy and procedures governing lobbying, both direct and indirect, and grassroots lobbying communications" and all "payments by Entergy used for (a) direct or indirect lobbying or (b) grassroots lobbying communications, in each case including the amount of the payment and the recipient."

Entergy's board is unanimously opposing the resolution, claiming that such reporting would be "unduly burdensome"; that the company follows all state and federal disclosure regulations and already self-discloses its political contributions through an annual report.¹⁴⁰ However, Entergy's current self-reporting is highly misleading and incomplete – it does not report giving by its PAC (the source of the vast majority of Entergy donations), its lobbying expenditures, or its role in contributing to front groups like NY AREA and SHARE.

State and local governments can also act to compel additional disclosures of corporate political spending. In New York, State Comptroller Thomas DiNapoli is using the investing power of the state's pension fund as leverage in his attempts to increase disclosures.¹⁴¹ New York State also recently began enforcement of a new requirement in the New York Lobbying Act requiring the disclosure of the source of funding used for lobbying activities by non-profit organizations¹⁴². It appears that both SHARE and NY AREA may be in violation of that disclosure requirement. Both entities should be required to comply with the new provisions and disclose the source of their funding.

Many of the recommendations that we made in our 2011, *Lifting the Veil*¹⁴³, are applicable to Entergy's conduct. We believe that Entergy should be identified as the leading funder on all advertisements, websites, and campaign materials for any grassroots lobbying campaign it pays for, directly or indirectly. The public is entitled to know who is speaking to it at the time it receives the communication.

It is our continuing position that the identities of the top five contributors who provide \$10,000 or more towards the cost of any grassroots lobbying campaign costing \$100,000 or more should be disclosed on any material distributed directly to the public as part of the campaign. In this case, this regulation would likely result in all materials generated by NY AREA and SHARE to be identified as Entergy-sponsored.

The purpose of disclosure requirements is to allow the public to monitor their elected representatives' conduct and to hold them accountable for acting in the public interest. Industry and special interests are endlessly inventive. Our lawmakers must be equally creative in protecting the public interest and the public's right to know.

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