

U.S. Department of Labor

Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



February 1, 2016

TA-W-91,195  
Dunkirk Power LLC  
Dunkirk, NY

Theodore Skerpon  
713 Erie Boulevard West  
Syracuse, NY 13204

Dear Theodore Skerpon:

The U.S. Department of Labor (Department) recently conducted the investigation in the petition for Trade Adjustment Assistance (TAA) that you filed on behalf of worker groups at the above referenced firm, pursuant to the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), which was enacted as title IV of the Trade Preferences Extension Act of 2015, Public Law No. 114-27, on June 29, 2015.

Enclosed is a copy of a determination for **Certification of Eligibility to Apply for Worker Adjustment Assistance** pursuant to Section 223 of the Trade Act of 1974, as amended, which allows a worker to apply for benefits under the TAA Program now in effect. The Department posts electronic copies of determinations on the TAA Web site ([http://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](http://www.doleta.gov/tradeact/taa/taa_search_form.cfm)) under "Search by Petition Number."

TAA Program benefits are available through your state. Upon receipt of this certification determination, please visit your local American Job Center to apply for benefits and obtain information regarding the TAA program. Because there are deadlines associated with applying for individual-level benefits, you are encouraged to contact your American Job Center in person or via the Internet as soon as possible. To obtain contact information of the American Job Center nearest you, visit <http://servicelocator.org> or call the toll-free help line at 1-877-US2-JOBS.

If you have any questions regarding this letter, please call the Office of Trade Adjustment Assistance toll free at 888-365-6822. Information about the TAA program is available through the TAA Web site at [www.doleta.gov/tradeact](http://www.doleta.gov/tradeact).

Sincerely,

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-91,195

DUNKIRK POWER LLC  
A SUBSIDIARY OF NRG ENERGY, INC.  
INCLUDING ON-SITE LEASED WORKERS FROM PONTOON SOLUTIONS, INC.  
DUNKIRK, NEW YORK

Certification Regarding Eligibility  
To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. § 2273, the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

The group eligibility requirements for workers of a firm under Section 222(a) of the Act, 19 U.S.C. § 2272(a), are satisfied if the following criteria are met:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) (A) (i) the sales or production, or both, of such firm have decreased absolutely; and

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm.

The investigation was initiated in response to a petition filed on December 7, 2015 by the International Brotherhood of Electrical Workers, Local Union 97 on behalf of workers of Dunkirk Power LLC, a subsidiary of NRG Energy Inc., including on-site leased workers from Pontoon Solutions, Inc., Dunkirk, New York. The workers' firm is engaged in activities related to the production of electrical generation, capacity and ancillary services.

During the course of the investigation, information was collected from the workers' firm and major declining customer.

Section 222(a)(1) has been met because a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated.

Section 222(a)(2)(A)(i) has been met because the sales and/or production of electrical generation, capacity and ancillary services by Dunkirk Power LLC, a subsidiary of NRG Energy Inc., Dunkirk, New York, have decreased absolutely.

Section 222(a)(2)(A)(ii) has been met because customer imports of articles like or directly competitive with the article produced by Dunkirk Power LLC, a subsidiary of NRG Energy Inc., Dunkirk, New York, have increased.

Finally, Section 222(a)(2)(A)(iii) has been met because increased customer imports contributed importantly to the

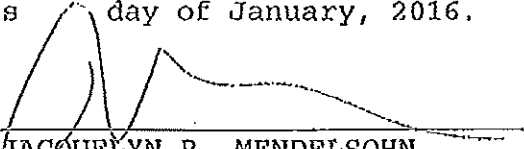
worker group separations and sales/production declines at Dunkirk Power LLC, a subsidiary of NRG Energy Inc., Dunkirk, New York.

### Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Dunkirk Power LLC, a subsidiary of NRG Energy Inc., including on-site leased workers from Pontoon Solutions, Inc., Dunkirk, New York, who are engaged in activities related to the production of electrical generation, capacity and ancillary services meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. § 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. § 2273, I make the following certification:

"All workers of Dunkirk Power LLC, a subsidiary of NRG Energy Inc., including on-site leased workers from Pontoon Solutions, Inc., Dunkirk, New York, who became totally or partially separated from employment on or after December 4, 2014 through two years from the date of certification, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed in Washington, D.C. this      day of January, 2016.



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JACQUELYN R. MENDELSON  
Certifying Officer, Office of  
Trade Adjustment Assistance