



Public Service Commission

For Immediate Release: 11/3/16

Audrey Zibelman, Chair

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16074/15-M-0642

Comment Sought on Fortistar's Request to Sell Energy

ALBANY – The New York State Public Service Commission (Commission) today announced it will hold a public statement hearing concerning a request by Fortistar North Tonawanda Inc. (Fortistar) for a certificate to sell thermal energy to Wheatfield Gardening, LLC (Wheatfield), a local greenhouse facility that produces vegetables. Thermal energy, heat in the form of steam, is the primary source of heat for the greenhouse. The company also seeks to be designated as a company eligible to produce and distribute steam heat.

Fortistar is the owner and operator of a 55 MW cogeneration facility located in North Tonawanda. The facility sells energy, capacity and ancillary services exclusively at wholesale and, in addition, sells its thermal energy output through a steam pipe to Wheatfield. Fortistar plans to reduce the volume of its thermal sales and, as a result, will no longer be regulated under federal jurisdiction and will be subject to the Commission's jurisdiction as an electric and a steam corporation. Therefore, Fortistar would be required to obtain a certificate from the Commission to operate its steam facilities. No new construction is associated with Fortistar's facilities or the petition before the Commission.

Members of the public wishing to comment will have an opportunity to make a statement on the record at the public statement hearing. A verbatim transcript of the hearing will be made for inclusion in the record of the proceeding. The public statement hearing will be held as follows:

**Wednesday, November 9, 2016
Wheatfield Town Hall Courtroom
2800 Church Road
Wheatfield, New York 14120**

Informational Forum and Public Statement Hearing 6:00 PM

Prior to the start of the public statement hearing, representatives of Fortistar will give a short presentation regarding the request and representatives of the New York State Department of Public Service Staff will give a presentation on the review process in this case. Members of the public may pose questions to the presenters at the conclusion of the presentations.

It is not necessary to make an appointment in advance, or to present written material to speak at the hearing. Persons will be called to speak after completing a request card. The public statement hearing will continue until everyone wishing to speak has been heard or other reasonable

arrangements have been made to include their comments in the record.

Disabled persons requiring special accommodations should call the Department of Public Service's Human Resources Management Office at (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Commission at 1-800-342-3377 for free language assistance services regarding this notice.

Other Ways to Comment

For those who cannot attend or prefer not to speak at a public statement hearing, there are several other ways to send comments to the Commission regarding this proposal. Comments should refer to "Case 15-M-0642 - Fortistar CPCN Petition" and are requested by **November 18, 2016**.

Internet or Mail: The public may enter comments directly into the case file from the Commission's website, www.dps.ny.gov, by clicking on "Search" at the top of the page and then entering "15-M-0642" into the "Search by Case Number" field. In the open case, access the screen to enter comments by clicking on the "Post Comments" box at the top right of the page. Comments may also be submitted electronically to the Hon. Kathleen H. Burgess, Secretary, at secretary@dps.ny.gov, or by mail or delivery to Secretary Burgess at the New York State Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. All written comments will become part of the record considered by the Commission and can be read on the website by searching by the case number, as described above, and clicking on the "Public Comments" tab. Many libraries offer free Internet access.

Toll-Free Opinion Line: Individuals may choose to submit comments by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers, 24 hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.