



## Public Service Commission

**For Immediate Release:** 09/14/18

John B. Rhodes, Chair

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**18080/18-E-0399**

### **Cassadaga Wind Project Public Statement Hearing Scheduled — Public Comment Sought on Certificate of Public Convenience and Necessity —**

**ALBANY** — The New York State Public Service Commission (Commission) today announced it would hold a public statement hearing in the Village of Sinclairville, Chautauqua County, to receive comments on Cassadaga Wind LLC's (Cassadaga) petition requesting issuance of a Certificate of Public Convenience and Necessity (CPCN).

On January 17, 2018, the New York State Board on Electric Siting and the Environment (Siting Board) issued an order which granted a conditional CPCN to Cassadaga to construct and operate a wind generating facility and associated facilities in portions of Chautauqua County. Pursuant to the order, the Commission may require approvals, consents, permits, certificates or other conditions for the construction or operation of the Cassadaga facility so long as it does not duplicate the need and environmental compatibility issues already addressed by the Siting Board.

The order determined that Cassadaga Wind had demonstrated a need for its proposed wind generating facility and that its plans were compatible with environmental regulations and concerns. As noted, consideration of whether to issue an Article 10 certificate does not include examination of a certified copy of an Article 10 applicant's charter to determine whether it legally may own or operate the proposed electric plant, whether the applicant is properly registered to do business in New York State, or whether the applicant has received all required consents for the use of any municipal property or public rights-of-way. Instead these determinations that involve the readiness of Cassadaga Wind to commence construction are made by the Commission through its approval process. The Siting Board granted the Applicant the right to construct and operate a wind facility, and the Commission's review here is limited to whether the Applicant is ready and able to exercise its rights. It is not an opportunity for parties to relitigate issues already decided by the Siting Board.

Section 68 of the Public Service Law (PSL) states that the Commission may issue a CPCN after holding a hearing to determine whether facility construction and the exercise of a granted franchise, right or privilege is in the public interest. In its July 9, 2018 petition, Cassadaga states that the Article 10 proceeding involved several public hearings such that the Commission could move expeditiously.

On July 20, 2018, residents that will be directly impacted by the wind facility submitted a joint request to the Commission for a public hearing. PSL section 68 requires a hearing to be held regardless of the foregoing because the issues, while limited in scope, do not directly overlap with the Article 10 process. The hearing scheduled by this press release fulfills the requirements the PSL and is responsive to the residents' request.

Opportunity for public comment will be held, as follows:

**Monday, September 17, 2018**

**Sinclairville Fire Department  
30 Main Street  
Sinclairville, New York 14782**

**Public Statement Hearing - 6 PM**

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. A verbatim transcript of the hearings will be made for inclusion in the record of these proceedings and will be posted on the Commission's website.

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 Department at 1-800-342-3377 for free language assistance services regarding this press release.

**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 provide your comments to the Commission. Comments should refer to "Case 18-E-0399 – Cassadaga Wind."

**Internet or Mail:** You may enter comments directly into the case file from the Department of Public Service website, [www.dps.ny.gov](http://www.dps.ny.gov), by clicking on "Search" at the top of the page and then entering "18-E-0399" 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. Alternatively, e-mail comments may be sent directly to the Secretary of the Siting Board at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov). Comments may also be sent by mail or delivery service to Hon. Kathleen H. Burgess, Secretary, Siting Board, Three Empire State Plaza, Albany, New York 12223-1350.

**Toll-Free Opinion Line:** You may call the Department of Public Service'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 calls are not transcribed but a summary will be reported to the Commission.

All written comments will become part of the record considered by the Commission and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the "Public Comments" tab.

Although comments will be accepted throughout the pendency of this proceeding, they are requested by **Oct. 8, 2018**.