15-F-0122/20-F-0067 - Siting Board - 5-6-2020

NEW YORK STATE BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

CASE 15-F-0122 - Application of Baron Winds, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility.


Siting Board Meeting via WEBEX

Date: Wednesday, May 6, 2020 @ 10:30 am

JOHN B. RHODES, Chair

LOUIS ALEXANDER, alternate of Basil Seggos, Department of Environmental Conservation

DR. ELIZABETH LEWIS-MICHL, alternate of Dr. Howard Zucker, Department of Health

VINCENT RAVASCHIERE, alternate of Eric Gertler, Empire State Development Corporation

JOHN WILLIAMS, alternate of Richard Kauffman, New York State Energy Research and Development Authority
CHAIRMAN RHODES: Good morning. This is John Rhodes, Chair of the Public Service Commission and Chair of the Board on Electric Generation and Siting in the Environment. I call this meeting of that Board to order.

Folks, please mute if you’re not speaking. Before we get started, I would like to note our arrangements for the meeting today. In line with the guidelines concerning social distancing and minimizing large gatherings and in keeping with Executive Orders suspending provisions of the Open Meeting Law on an emergency basis, we are conducting today’s meeting remotely.

I’d like to remind those who are participating by phone, to please -- to please mute their lines, except when they are speaking. The public will have the opportunity to listen to the meeting, by going to the Department’s webcast page and we will also record and transcribe the meeting, as has been our practice.

These arrangements have been reviewed by our general counsel and he has found that they meet the requirements of the Executive Orders and that they meet my own expectations of honoring the
intent of the Open Meetings Law.

Before moving to the agenda, I would like to introduce the alternates representing the permanent members of the Siting Board. After I say your name and -- and affiliation, could you please respond that you’re here?

Louis Alexander, alternate of Basil Seggos, Department of Environmental Conservation.

MR. ALEXANDER: Here.

CHAIRMAN RHODES: Thank you. Dr. Elizabeth Lewis-Michl, alternate of Dr. Howard Zucker, Department of Health.

DR. LEWIS-MICHL: Here.

CHAIRMAN RHODES: Thank you. Vincent Ravaschiere, alternate for Eric Gertler, Acting Commissioner of New York State Department of Economic Development and President and Chief Executive Officer Designate Empire State Development.

MR. RAVASCHIERE: Here.

CHAIRMAN RHODES: Thank you. John Williams, alternate of Richard Kauffman, New York State Energy Research and Development Authority.

MR. WILLIAMS: Here.

CHAIRMAN RHODES: Thank you.
Secretary Phillips, are there any changes to the agenda?

SECRETARY PHILLIPS: There are no changes to the agenda.

CHAIRMAN RHODES: Thank you. Then let’s get right to that agenda. We -- we’re taking up Case 20-F-0067, in the Matter Of The Rules And Regulations of the Board on Electric Generation Siting and the Environment 16 N.Y.C.R.R., Chapter X-10, Certification of Major Electric Generating Facilities, proposed amendments to Parts 1000 and 1001, presented by Robert Rosenthal, General Counsel. Mr. Rosenthal, please begin.

MR. ROSENTHAL: Thank you, Chair Rhodes. Let me just start by hoping that everybody on this meeting and otherwise participating is doing well. As noted by the Chair, I’m going to start with a discussion of the rulemaking that is in front of you today.

On February 13th, 2020, this Board approved an emergency rulemaking, to modify the definition of the term revision and related provisions of the original regulations, adopted to implement Article 10 of the Public Service Law.
The purpose of the regulatory changes, was to address the fact that the definition of revision, was creating unintended negative consequences and most prominent, of which, is to cause unwarranted delays in permitting and construction of wind energy projects. These delays in turn, could potentially render projects uneconomic for several reasons, including by making them ineligible for a Federal tax credit set to expire at the end of 2020 and by failing to meet construction milestones, tied to project financing.

The definition of revision included in the original regulations, incorporated a bright line test that would be triggered if project components, like an access road, transmission interconnection or turbines are relocated by more than 500 feet. As explained during my presentation, regarding the emergency regulations, this test is particularly problematic for wind projects, where turbines associated with a single project, can be sited on dozens of parcels.

As noted then, it is fairly typical for the developer to relocate project components
during the construction design phase of the project, which occurs after the issuance of the certificate.

Additionally, given the duration of Article 10 certificate proceedings, the project developer may decide to substitute into a certificated project, more efficient technologies or technologies that recently came on the market.

Anyway, this Board approved the emergency rulemaking on February 22nd. It also approved for publication in the State Register, a notice of proposed rulemaking, to finalize the same set of proposed regulatory changes. Like any rulemaking under SAPA, the public was afforded a sixty-day, public-comment process.

The comments to the extent opposing the final rule, advance two general arguments. First, that the emergency justification underlying the Board’s initial action, was unwarranted. And, second, the proposed regulatory changes would hinder public involvement and result in increased negative impacts to the environment.

As a purely legal matter, the first concern questioning the emergency nature of the Board’s initial action, would be rendered moot by the
Board’s final action today, on the final rule and that’s because the final rule would replace the emergency rule, which would no longer be legally challengeable. In any event, the Order approving the emergency rulemaking, sufficiently established the emergency basis of the rulemaking, some of which if summarized at the outset of this presentation.

As for the comments claiming that the final rule would undermine public involvement in the Article 10 process and result in increased environmental impacts, the Order before you finds to the contrary. The important role that interveners play in the pre-application -- in application processes, would remain unchanged. Interveners would still be provided with funding by the Applicant and afforded the same rights as the Applicant in the evidentiary hearing process.

The intervener’s role is important, precisely because it focuses the process on critical local issues, including with respect to wind, noise impacts, setbacks, flicker and visual impacts. Due in large part to the role played by interveners, the evidentiary hearing process results in strict and comprehensive certificate standards and conditions
that apply to these projects. The standards and conditions of a certificate, are intended to ensure that the -- the project either avoids significant adverse environmental impacts or mitigates such impacts to the greatest extent practical.

Those standards and conditions will remain applicable to any project change subject to the certificate amendment. This is important because under the new definition of revision, the Applicant would be required to show that the project changes would not result in potential new or increase significant adverse environmental impacts, compared to those evaluated as part of the certificate process. To do that, the Applicant would have to show, that the project changes would be able to comply the strict standards and conditions of the previously issued certificate, which again are based on the same test that addresses the significance of environmental and other impacts.

In sum, because the regulatory changes at issue here, ensure that the environmental significance review applies to any changes subject to a project amendment, there is no basis to believe that the regulatory changes, themselves, will result
in increased environmental impacts. For these reasons, the emergency rulemaking that you have already approved, should be made final, pursuant to your action today. And, with that, let me know if you have any questions on this initial issue. Thank you.

Chair Rhodes, any questions?

CHAIRMAN RHODES: Thank you for that gentle reminder. I was on mute. Thank you. My own comment is, that as in the emergency rulemaking, I find these changes to be reasonable, pragmatic and protective. Of course, there’s community concerns but also the environmental concerns and the public opportunity to comment. Since these are all preserved and since we are improving the practical reality of the process, I am going to be in favor. Are there any comments or questions from my fellow Board members? Mr. Alexander:

MR. ALEXANDER: I have no questions.

CHAIRMAN RHODES: Thank you. Dr. Lewis-Michl?

DR. LEWIS-MICHL: No questions.

CHAIRMAN RHODES: Thank you. Mr. Ravaschiere?
MR. RAVASCHIERE: No questions.
CHAIRMAN RHODES: Thank you and Mr. Williams?

MR. ROSENTHAL: Mr. Williams, I think you’re on mute.

MR. WILLIAMS: No questions.
CHAIRMAN RHODES: Thank you. With that, let’s proceed to call for a vote. My own vote is in favor of adopting the memorandum and resolutions as final rule as just described and for avoidance of doubt, this is John Rhodes voting. Mr. Alexander, how do you vote?

MR. ALEXANDER: I vote in favor.
CHAIRMAN RHODES: Thank you. Dr. Lewis-Michl, how do you vote?

DR. LEWIS-MICHL: In favor.
CHAIRMAN RHODES: Thank you. Mr. Ravaschiere, how do you vote?

MR. RAVASCHIERE: In favor.
CHAIRMAN RHODES: Thank you and Mr. Williams, how do you vote?

MR. WILLIAMS: In favor.
CHAIRMAN RHODES: Thank you. The matter is approved and the recommendation is adopted.
We will now move to the next item on the agenda, Case 15-F-0122, Application of Baron Winds, L.L.C., for a Certificate of Environmental Compatibility and Public Need, pursuant to Article 10, to construct a wind energy facility, again presented by Mr. Rosenthal. Mr. Rosenthal, please begin.

MR. ROSENTHAL: Thank you, Chair Rhodes. The next matter relates to an amendment sought by Baron Winds, to a certificate issued by this Board on September 12th, 2019. As brief background, the certificate approved a wind energy project, having a capacity of up to 242 megawatts, to be located within the Towns of Cohocton, Dansville, Freemont and Wayland in Steuben County.

The project as certificated, would have spread the 242 megawatts over 69 wind turbines. On March 9th, 2020, Baron Winds filed an amendment petition, requesting the Siting Board to amend certain aspects of the certificate. The amendment petition seeks approval to modify certain project components, including changes to wind turbine size and technology and associated access roads and electrical collection lines.
The proposed amendment would also divide the project into two phases. In phase one, Baron Winds would use a different turbine technology, that would increase the capacity of individual turbines from 3.55 to 5 megawatts, spread out over 26 turbines.

Keeping the overall capacity of the project constant between phases one and two, in other words 242 megawatts, means that this increase in per turbine capacity as part of phase one, would result in the overall number of turbines included as part of the total project being significantly reduced.

If Phase Two of the project also uses 5 megawatt turbines and the number of turbines for the entire project would be reduced from 69 to 48. If phase two uses a 3.55 megawatt turbine average, which was approved as part of the certificate, then the total number of turbines would be reduced from 69 to 54.

As noted in my presentation earlier this morning regarding the new definition of revision, the Company needs to show that the changes sought through the amendment, would not result in
potential new or increase significant adverse environmental impacts associated with the full project. Also as noted, Baron Winds must do this by showing that the project changes would be able to comply with the standards and conditions incorporated into the previously issued certificate.

The Draft Order before you, finds that Baron has made this showing. So, using the same example as I used in my presentation related to the *rulemaking, with the changes proposed as part of phase one, the project as whole, would still meet the standards and conditions incorporated into the certificate, as related to noise, flicker, setback, wet lands and all of the remaining impacts associated with the project as certificated.

One issue of note, is that the visual impacts would change, as a result of the proposed amendment but in an insignificant way. Specifically, the different turbine technology associated with phase one, would increase the turbine height of the 26 turbines included in phase one, from 500 to 650 feet. However, to be conservative, the amendment assumes under the visual analysis, that all of the remaining 43 turbines authorized in the certificate,
would be built as part of phase two, even though as I noted, the likelihood would be that that number would be significantly reduced.

In this respect, this submission made by Baron, shows that the perceptible area of visibility, would be increased by 4.7 square miles, within a visual study area of 569.2 square miles, which represents an incremental increase in the area of visibility of less than one percent.

After consulting with agency staff, regarding these issues, the Secretary found that the proposed amendment did not constitute a revision. In other words, that the project changes would not result in new or increased significant adverse environmental and other impacts.

The Order before you, would adopt that finding and approve the certificate amendment sought by Baron Winds here. One more issue, we learned at -- on Monday, two days ago, that the Town of Cohocton where the 26 turbines would be built, may take action regarding the part of the Town’s law, that authorizes turbine heights up to 650 feet.

Article 10 requires this Board to make a determination regarding whether the proposed
amendments made by Baron Winds, would comply with existing law, not a local law that may be changed in the future.

Based on our review of the record, the part of the Town law regarding turbine height, remains in effect and has not been changed or repealed. Accordingly, the Draft Order also finds that the proposed changes in the amendment petition, comply with existing Town law. And, with that, I remain open to any questions. Thank you.

CHAIRMAN RHODES: Thank you Bob. This is -- this is John Rhodes. I -- I’m going to be in -- in favor of this recommendation to -- to approve their amendment request. I find that the amendments meet the test and that the Applicant has properly shown and -- and I also note that Staff has properly -- finds the same thing, has properly shown no new negative or no increased negative consequences, including the visual impact analysis and I accept with and -- I accept and concur with counsel’s review of the -- the legal status of existing Town law and whether this complies. I’m going to be in favor of this item. Are there any comments or questions from my fellow Board members? Mr. Alexander?
MR. ALEXANDER: I have no questions.

CHAIRMAN RHODES: Thank you. Dr. Lewis-Michl?

DR. LEWIS-MICHL: No questions.

CHAIRMAN RHODES: Thank you. Mr. Ravaschiere?

MR. RAVASCHIERE: I have no questions.

CHAIRMAN RHODES: Thank you and Mr. Williams?

MR. WILLIAMS: No questions.

CHAIRMAN RHODES: Thank you. With that, I will proceed to call for a vote. My own vote is in favor of the recommendation to approve the amendment request and for avoidance of doubt, this is John Rhodes voting -- voting.

Mr. Alexander, how do you vote?

MR. ALEXANDER: I vote in favor.

CHAIRMAN RHODES: Dr. Lewis-Michl, how do you vote?

DR. LEWIS-MICHL: In favor.

CHAIRMAN RHODES: Thank you. Mr. Ravaschiere, how do you vote?

MR. RAVASCHIERE: In favor.

CHAIRMAN RHODES: Thank you. Mr.
Williams, how do you vote?

    MR. WILLIAMS: In favor.

    CHAIRMAN RHODES: Thank you. The matter is approved and the recommendation is adopted. Secretary Phillips, is there anything further to come before us today?

    SECRETARY PHILLIPS: This is Secretary Phillips. There is nothing further to come before you today.

    CHAIRMAN RHODES: Thank you very much. Then, I adjourn and once again, this is John Rhodes adjourning the meeting. Thank you very much all for making this -- this format work. Stay safe everybody.
STATE OF NEW YORK

I, HANNAH ALLEN, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 17, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 7th day of May, 2020.

HANNAH ALLEN, Reporter
<table>
<thead>
<tr>
<th>A</th>
<th>aspects 11:21</th>
</tr>
</thead>
<tbody>
<tr>
<td>able 8:16 13:5</td>
<td>associated 5:22 11:24 13:3,15</td>
</tr>
<tr>
<td>accept 15:20,21</td>
<td>13:20</td>
</tr>
<tr>
<td>access 5:17 11:24</td>
<td>assumes 13:24</td>
</tr>
<tr>
<td>Acting 3:16</td>
<td>Authority 1:23 3:23</td>
</tr>
<tr>
<td>Additionally 6:4</td>
<td>authorizes 14:22</td>
</tr>
<tr>
<td>address 5:3</td>
<td>average 12:18</td>
</tr>
<tr>
<td>addresses 8:19</td>
<td>avoidance 10:12 16:15</td>
</tr>
<tr>
<td>adjourn 17:12</td>
<td>avoids 8:4</td>
</tr>
<tr>
<td>adjourning 17:13</td>
<td></td>
</tr>
<tr>
<td>adopt 14:17</td>
<td></td>
</tr>
<tr>
<td>adopted 4:24 10:25 17:5</td>
<td></td>
</tr>
<tr>
<td>adopting 10:10</td>
<td></td>
</tr>
<tr>
<td>advance 6:17</td>
<td></td>
</tr>
<tr>
<td>inverse 8:5,13 13:2 14:15</td>
<td></td>
</tr>
<tr>
<td>affiliation 3:6</td>
<td></td>
</tr>
<tr>
<td>afforded 6:14 7:17</td>
<td></td>
</tr>
<tr>
<td>agency 14:11</td>
<td></td>
</tr>
<tr>
<td>agenda 3:3 4:3,5,7 11:3</td>
<td></td>
</tr>
<tr>
<td>ago 14:20</td>
<td></td>
</tr>
<tr>
<td>Alexander 1:18 3:8,10 9:19,20</td>
<td></td>
</tr>
<tr>
<td>10:13,14 15:25 16:2,17,18</td>
<td></td>
</tr>
<tr>
<td>ALLEN 18:3,13</td>
<td></td>
</tr>
<tr>
<td>alternate 1:18,19,21,23 3:8,12</td>
<td></td>
</tr>
<tr>
<td>3:16,22</td>
<td></td>
</tr>
<tr>
<td>alternates 3:4</td>
<td></td>
</tr>
<tr>
<td>amend 11:20</td>
<td></td>
</tr>
<tr>
<td>amendment 8:9,24 11:10,19,21</td>
<td></td>
</tr>
<tr>
<td>12:2,25 13:19,23 14:13,18</td>
<td></td>
</tr>
<tr>
<td>15:9,15 16:15</td>
<td></td>
</tr>
<tr>
<td>amendments 1:13 4:12 15:2,15</td>
<td></td>
</tr>
<tr>
<td>analysis 13:24 15:20</td>
<td></td>
</tr>
<tr>
<td>Anyway 6:9</td>
<td></td>
</tr>
<tr>
<td>applicable 8:8</td>
<td></td>
</tr>
<tr>
<td>Applicant 7:16,17 8:10,15 15:16</td>
<td></td>
</tr>
<tr>
<td>application 1:5 7:14 11:3</td>
<td></td>
</tr>
<tr>
<td>applies 8:23</td>
<td></td>
</tr>
<tr>
<td>apply 8:2</td>
<td></td>
</tr>
<tr>
<td>approval 11:22</td>
<td></td>
</tr>
<tr>
<td>approve 14:18 15:14 16:14</td>
<td></td>
</tr>
<tr>
<td>approved 4:22 6:9,11 9:4 10:25</td>
<td></td>
</tr>
<tr>
<td>11:13 12:19 17:5</td>
<td></td>
</tr>
<tr>
<td>approving 7:5</td>
<td></td>
</tr>
<tr>
<td>area 14:6,8,9</td>
<td></td>
</tr>
<tr>
<td>arguments 6:17</td>
<td></td>
</tr>
<tr>
<td>arrangements 2:9,22</td>
<td></td>
</tr>
<tr>
<td>Article 1:7 4:25 6:5 7:11 11:5</td>
<td></td>
</tr>
<tr>
<td>14:24</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B 1:17</td>
<td></td>
</tr>
<tr>
<td>background 11:13</td>
<td></td>
</tr>
<tr>
<td>Baron 1:1,5 2:1 3:1 4:1 5:1 6:1</td>
<td></td>
</tr>
<tr>
<td>7:1 8:1 9:1 10:1 11:1,3,11,19</td>
<td></td>
</tr>
<tr>
<td>12:1,4 13:1,4,9 14:1,6,19</td>
<td></td>
</tr>
<tr>
<td>15:1,2 16:1 17:1 18:1</td>
<td></td>
</tr>
<tr>
<td>based 8:18 15:5</td>
<td></td>
</tr>
<tr>
<td>Basil 1:18 3:8</td>
<td></td>
</tr>
<tr>
<td>basis 2:13 7:7 8:24</td>
<td></td>
</tr>
<tr>
<td>believe 8:24</td>
<td></td>
</tr>
<tr>
<td>Board 1:2,10,14 2:4,6 3:5 4:9</td>
<td></td>
</tr>
<tr>
<td>Board’s 6:19,25 7:2</td>
<td></td>
</tr>
<tr>
<td>Bob 15:12</td>
<td></td>
</tr>
<tr>
<td>brief 11:12</td>
<td></td>
</tr>
<tr>
<td>bright 5:15</td>
<td></td>
</tr>
<tr>
<td>built 14:2,21</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>call 2:5 10:9 16:13</td>
<td></td>
</tr>
<tr>
<td>capacity 11:14 12:5,8,11</td>
<td></td>
</tr>
<tr>
<td>caption 18:5</td>
<td></td>
</tr>
<tr>
<td>Case 1:5,9 4:8 11:3</td>
<td></td>
</tr>
<tr>
<td>cause 5:6 18:4</td>
<td></td>
</tr>
<tr>
<td>certain 11:21,22</td>
<td></td>
</tr>
<tr>
<td>certificate 1:6 6:3,5 7:25 8:3</td>
<td></td>
</tr>
<tr>
<td>8:9,14,18 11:4,11,13,21 12:19</td>
<td></td>
</tr>
<tr>
<td>13:7,14,25 14:18</td>
<td></td>
</tr>
<tr>
<td>certificated 6:7 11:17 13:16</td>
<td></td>
</tr>
<tr>
<td>Certification 1:12 4:11</td>
<td></td>
</tr>
<tr>
<td>certify 18:3</td>
<td></td>
</tr>
<tr>
<td>Chair 1:17 2:3,4 4:15,18 9:8</td>
<td></td>
</tr>
<tr>
<td>11:9</td>
<td></td>
</tr>
<tr>
<td>CHAIRMAN 2:2 3:11,15,21,25 4:6</td>
<td></td>
</tr>
<tr>
<td>9:9,21,24 10:3,8,15,18,21,24</td>
<td></td>
</tr>
<tr>
<td>15:12 16:3,6,9,12,19,22,25</td>
<td></td>
</tr>
<tr>
<td>17:4,11</td>
<td></td>
</tr>
</tbody>
</table>
challengeable 7:5
change 8:8 13:18
changed 15:3,7
Chapter 1:11 4:10
Chief 3:18
claiming 7:9
Cohocton 11:15 14:20
collection 11:25
come 17:6,9
comment 9:11,15
comments 6:16 7:9 9:18 15:24
Commission 2:4
Commissioner 3:17
community 9:13
Company 12:24
compared 8:13
Compatibility 1:6 11:5
complies 15:23
comply 8:17 13:6 15:2,10
components 5:16,25 11:23
comprehensive 7:25
concern 6:24
centering 2:10
centers 9:13,14
concur 15:21
conditions 7:25 8:3,7,17 13:6 13:13
conducting 2:13
consequences 5:5 15:19
Conservation 1:18 3:9
conservative 13:23
consisting 18:6
constant 12:9
constitute 14:13
construct 1:7 11:6
construction 5:7,12 6:2
consulting 14:11
Contained 1:11
contrary 7:13
Corporation 1:22
counsel 2:23 4:13
counsel’s 15:21
County 11:16
course 9:13
creating 5:4
credit 5:11
critical 7:20

D
Dansville 11:15
Date 1:15
day 18:10
days 14:20
decide 6:6
definition 4:23 5:3,14 8:10 12:23
delays 5:6,8
Department 1:18,20 3:9,13,17
Department’s 2:19
described 10:11
design 6:2
Designate 3:19
determination 14:25
developer 5:25 6:6
Development 1:22,23 3:18,19,23
different 12:4 13:20
discussion 4:19
distancing 2:10
divide 12:3
doing 4:17
doubt 10:12 16:15
dozens 5:23
Dr 1:19,19 3:11,12,14 9:21,23 10:15,17 16:3,5,19,21
DRAFT 13:8 15:8
Due 7:22
duration 6:4

E
earlier 12:22
Economic 3:17
effect 15:7
efficient 6:7
either 8:4
Electric 1:2,10,12 2:4 4:9,11
electrical 11:25
Elizabeth 1:19 3:12
emergency 2:13 4:22 5:20 6:10 6:18,24 7:4,6,7 9:3,11
Empire 1:21 3:19
energy 1:7,23 3:23 5:7 11:6,13
ensure 8:3,22
entire 12:17
environment 1:3,11 2:5 4:10 6:22
environmental 1:6,18 3:9 7:12 8:5,13,20,22 9:2,14 11:4 13:3
<table>
<thead>
<tr>
<th>14:16</th>
<th>Eric 1:21 3:16</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>established 7:6</td>
</tr>
<tr>
<td></td>
<td>evaluated 8:14</td>
</tr>
<tr>
<td></td>
<td>event 7:5</td>
</tr>
<tr>
<td>everybody 4:16 17:15</td>
<td>evaluated 7:18,24</td>
</tr>
<tr>
<td>evidentiary 7:18,24</td>
<td>example 13:10</td>
</tr>
<tr>
<td>Executive 2:12,24 3:18</td>
<td>existing 15:3,10,22</td>
</tr>
<tr>
<td>existing 15:3,10,22</td>
<td>expectations 2:25</td>
</tr>
<tr>
<td>expire 5:11</td>
<td>explained 5:19</td>
</tr>
<tr>
<td>extent 6:16 8:6</td>
<td></td>
</tr>
</tbody>
</table>

**F**

| Facilities 1:12 4:12 |
| facility 1:8 11:6 |
| fact 5:3 |
| failing 5:12 |
| fairly 5:24 |
| favor 9:17 10:10,14,17,20,23 |
| 15:14,23 16:14,18,21,24 17:3 |
| February 4:21 6:10 |
| Federal 5:11 |
| feet 5:18 13:23 14:23 |
| fellow 9:18 15:25 |
| filed 11:19 |
| final 6:17 7:2,2,3,10 9:4 10:11 |
| finalize 6:12 |
| financing 5:13 |
| find 9:12 15:15 |
| finding 14:18 |
| finds 7:12 13:8 15:8,18 |
| first 6:18,23 |
| flicker 7:22 13:14 |
| focuses 7:20 |
| Folks 2:7 |
| foregoing 18:3,6 |
| format 17:14 |
| found 2:23 14:12 |
| Freemont 11:16 |
| front 4:19 |
| full 13:3 |
| funding 7:16 |
| further 17:6,9 |
| future 15:4 |

**G**

| gatherings 2:11 |

| general 2:23 4:13 6:17 |
| Generating 1:12 4:11 |
| Generation 1:2,10 2:5 4:9 |
| gentle 9:10 |
| Gertler 1:21 3:16 |
| given 6:4 |
| going 2:19 4:18 9:17 15:13,23 |
| Good 2:2 |
| greatest 8:6 |
| guidelines 2:10 |

**H**

| HANNAH 18:3,13 |
| Health 1:20 3:13 |
| hearing 7:18,24 18:8 |
| height 13:21 15:6 |
| heights 14:23 |
| hereof 18:5 |
| hereto 18:5 |
| hereunto 18:9 |
| hinder 6:20 |
| honoring 2:25 |
| hoping 4:16 |
| Howard 1:19 3:12 |

**I**

<p>| I’d 2:15 |
| I’m 4:18 15:13,23 |
| impact 15:20 |
| impacts 6:22 7:12,12,22 22 8:5,6 |
| 8:13,20 9:2 13:3,15,18 14:16 |
| implement 4:25 |
| important 7:13,19 8:9 |
| improving 9:16 |
| included 5:14 12:12 13:22 |
| including 5:10 7:21 11:23 15:20 |
| incorporated 5:15 13:6,13 |
| increase 8:12 12:5,10 13:2,21 14:9 |
| increased 6:21 7:11 9:2 14:7,15 15:19 |
| incremental 14:9 |
| individual 12:5 |
| ineligible 5:10 |
| initial 6:19,25 9:6 |
| insignificant 13:19 |
| intended 8:3 |
| intent 3:2 |
| interconnection 5:17 |
| intervener’s 7:19 |</p>
<table>
<thead>
<tr>
<th>interveners 7:13, 15, 23</th>
</tr>
</thead>
<tbody>
<tr>
<td>introduce 3:4</td>
</tr>
<tr>
<td>involvement 6:21 7:10</td>
</tr>
<tr>
<td>issuance 6:3</td>
</tr>
<tr>
<td>issue 8:22 9:6 13:17 14:19</td>
</tr>
<tr>
<td>issued 8:18 11:11 13:7</td>
</tr>
<tr>
<td>issues 7:21 14:12</td>
</tr>
<tr>
<td>item 11:2 15:24</td>
</tr>
<tr>
<td>J</td>
</tr>
<tr>
<td>John 1:17, 23 2:3 3:21 10:12 15:13 16:16 17:12</td>
</tr>
<tr>
<td>justification 6:18</td>
</tr>
<tr>
<td>K</td>
</tr>
<tr>
<td>Kauffman 1:23 3:22</td>
</tr>
<tr>
<td>keeping 2:11 12:8</td>
</tr>
<tr>
<td>know 9:5</td>
</tr>
<tr>
<td>L</td>
</tr>
<tr>
<td>L.L.C 11:4</td>
</tr>
<tr>
<td>lands 13:15</td>
</tr>
<tr>
<td>large 2:11 7:23</td>
</tr>
<tr>
<td>learned 14:19</td>
</tr>
<tr>
<td>legal 6:23 15:22</td>
</tr>
<tr>
<td>legally 7:4</td>
</tr>
<tr>
<td>let’s 4:7 10:9</td>
</tr>
<tr>
<td>likelihood 14:3</td>
</tr>
<tr>
<td>line 2:9 5:15</td>
</tr>
<tr>
<td>lines 2:17 11:25</td>
</tr>
<tr>
<td>listen 2:18</td>
</tr>
<tr>
<td>local 7:21 15:3</td>
</tr>
<tr>
<td>located 11:15</td>
</tr>
<tr>
<td>longer 7:4</td>
</tr>
<tr>
<td>Louis 1:18 3:8</td>
</tr>
<tr>
<td>M</td>
</tr>
<tr>
<td>Major 1:12 4:11</td>
</tr>
<tr>
<td>making 5:10 17:14</td>
</tr>
<tr>
<td>March 11:19</td>
</tr>
<tr>
<td>market 6:8</td>
</tr>
<tr>
<td>matter 1:9 4:8 6:23 10:25 11:10 17:5</td>
</tr>
<tr>
<td>means 12:10</td>
</tr>
<tr>
<td>meet 2:24, 25 5:12 13:12 15:16</td>
</tr>
<tr>
<td>meeting 1:14 2:6, 9, 13, 14, 19, 20 4:17 17:13</td>
</tr>
<tr>
<td>Meetings 3:2</td>
</tr>
<tr>
<td>megawatt 12:16, 18</td>
</tr>
<tr>
<td>megawatts 11:14, 18 12:6, 10</td>
</tr>
<tr>
<td>members 3:5 9:19 15:25</td>
</tr>
<tr>
<td>memorandum 10:10</td>
</tr>
<tr>
<td>miles 14:7, 8</td>
</tr>
<tr>
<td>milestones 5:12</td>
</tr>
<tr>
<td>minimizing 2:11</td>
</tr>
<tr>
<td>mitigates 8:5</td>
</tr>
<tr>
<td>modify 4:22 11:22</td>
</tr>
<tr>
<td>Monday 14:20</td>
</tr>
<tr>
<td>moot 6:25</td>
</tr>
<tr>
<td>morning 2:2 12:23</td>
</tr>
<tr>
<td>move 11:2</td>
</tr>
<tr>
<td>moving 3:3</td>
</tr>
<tr>
<td>mute 2:7, 16 9:10 10:6</td>
</tr>
<tr>
<td>N</td>
</tr>
<tr>
<td>N.Y.C.R.R 4:10</td>
</tr>
<tr>
<td>name 3:6 18:10</td>
</tr>
<tr>
<td>nature 6:24</td>
</tr>
<tr>
<td>Need 1:6 11:5</td>
</tr>
<tr>
<td>needs 12:24</td>
</tr>
<tr>
<td>negative 5:4 6:21 15:19, 19</td>
</tr>
<tr>
<td>new 1:2, 23 3:17, 22 8:10, 12 12:23 13:2 14:15 15:18 18:2</td>
</tr>
<tr>
<td>noise 7:21 13:14</td>
</tr>
<tr>
<td>note 2:9 13:17 15:17</td>
</tr>
<tr>
<td>noted 4:18 5:24 12:22 13:4 14:3</td>
</tr>
<tr>
<td>notice 6:12</td>
</tr>
<tr>
<td>number 12:12, 16, 20 14:3</td>
</tr>
<tr>
<td>NYCRR 1:11</td>
</tr>
<tr>
<td>N.Y.C.R.R. 4:10</td>
</tr>
<tr>
<td>name 3:6 18:10</td>
</tr>
<tr>
<td>nature 6:24</td>
</tr>
<tr>
<td>Need 1:6 11:5</td>
</tr>
<tr>
<td>needs 12:24</td>
</tr>
<tr>
<td>negative 5:4 6:21 15:19, 19</td>
</tr>
<tr>
<td>new 1:2, 23 3:17, 22 8:10, 12 12:23 13:2 14:15 15:18 18:2</td>
</tr>
<tr>
<td>noise 7:21 13:14</td>
</tr>
<tr>
<td>note 2:9 13:17 15:17</td>
</tr>
<tr>
<td>noted 4:18 5:24 12:22 13:4 14:3</td>
</tr>
<tr>
<td>notice 6:12</td>
</tr>
<tr>
<td>number 12:12, 16, 20 14:3</td>
</tr>
<tr>
<td>NYCRR 1:11</td>
</tr>
<tr>
<td>O</td>
</tr>
<tr>
<td>occurs 6:3</td>
</tr>
<tr>
<td>Officer 3:18</td>
</tr>
<tr>
<td>once 17:12</td>
</tr>
<tr>
<td>open 2:12 3:2 15:11</td>
</tr>
<tr>
<td>opportunity 2:18 9:15</td>
</tr>
<tr>
<td>opposing 6:16</td>
</tr>
<tr>
<td>order 2:6 7:5, 12 13:8 14:17 15:8</td>
</tr>
<tr>
<td>Orders 2:12, 24</td>
</tr>
<tr>
<td>original 4:24 5:15</td>
</tr>
<tr>
<td>outset 7:8</td>
</tr>
<tr>
<td>overall 12:8, 12</td>
</tr>
</tbody>
</table>
protective 9:13
provided 7:16
provisions 2:12 4:24
public-comment 6:15
publication 6:11
purely 6:23
purpose 5:2
pursuant 1:7 9:4 11:5

Q
questioning 6:24
questions 9:6,8,18,20,23 10:2,7 15:11,24 16:2,5,8,11

R
reality 9:17
reasonable 9:12
reasons 5:10 9:3
recommendation 10:25 15:14 16:14 17:5
record 2:20 15:5 18:7
reduced 12:14,17,20 14:4
regarding 5:19 12:23 14:12,22 14:25 15:6
Register 6:11
regulations 1:10 4:9,24 5:15,20
regulatory 5:2 6:13,20 8:21,25
related 4:23 13:10,14
relates 11:10
relocate 5:25
relocated 5:18
remain 7:15 8:8 15:11
remaining 13:15,25
remains 15:7
remind 2:15
reminder 9:10
remotely 2:14
render 5:9
rendered 6:25
repealed 15:8
replace 7:3
reported 18:4
Reporter 18:13
representing 3:4
represents 14:9
request 15:15 16:15
requesting 11:20
required 8:11
requirements 2:24
requires 14:24
Research 1:23 3:23
resolutions 10:11
respect 7:21 14:5
respond 3:7
result 6:21 7:11 8:12,25 12:11
  12:25 13:18 14:15
results 7:24
review 8:23 15:5,21
reviewed 2:22
revision 4:23 5:4,14 8:10 12:24
  14:13
Rhodes 1:17 2:2,3 3:11,15,21,25
  4:6,16 9:8,9,21,24 10:3,8,12
  10:15,18,21,24 11:10 15:12,13
  16:3,6,9,12,16,19,22,25 17:4
  17:11,12
Richard 1:23 3:22
right 4:7
rights 7:17
road 5:17
roads 11:24
Robert 4:13
role 7:13,19,23
Rosenthal 4:13,14,15 10:5 11:7
  11:7,9
rule 6:17 7:2,3,4,10 10:11
rulemaking 4:19,22 6:10,12,14
  7:6,7 9:3,11 13:11
Rules 1:9 4:8

show 8:11,16 12:24
showing 13:5,9
shown 15:17,18
shows 14:6
significance 8:19,23
significant 8:4,13 13:2 14:15
significantly 12:13 14:4
single 5:22
sited 5:22
Siting 1:2,10,14 2:5 3:5 4:10
  11:20
sixteen-day 6:15
size 11:23
social 2:10
sought 11:11 12:25 14:18
speaking 2:8,17
Specifically 13:19
spread 11:18 12:6
square 14:7,8
staff 14:11 15:17
standards 7:25 8:2,7,17 13:6,13
start 4:16,18
started 2:8
State 1:2,22,23 3:17,19,23 6:11
  18:2
stated 18:5
status 15:22
Stay 17:14
Steuben 11:16
strict 7:24 8:17
study 14:8
subject 8:8,23
submission 14:5
subscribed 18:10
substitute 6:6
sufficiently 7:6
sum 8:21
summarized 7:8
suspending 2:12

S

safe 17:14
SAPA 6:14
second 6:20
Secretary 4:2,4 14:12 17:6,8,8
seeks 11:22
Seggos 1:18 3:9
September 11:12
Service 2:3 4:25
set 5:11 6:13
setback 13:14
setbacks 7:22
show 8:11,16 12:24
showing 13:5,9

T

take 14:21

tax 5:11
technologies 6:7,8
technology 11:24 12:4 13:20
term 4:23
test 5:16,20 8:19 15:16
Thank 3:11,15,21,25 4:6,15 9:6
  9:9,10,21,24 10:3,8,15,18,21
  10:24 11:9 15:11,12 16:3,6,9
  16:12,22,25 17:4,11,13
that’s 7:3
there’s 9:13
thing 15:18
think 10:5
tied 5:12
time 18:4
today 2:9 4:20 7:2 9:5 17:7,10
today’s 2:14
total 12:13,20
town 14:20 15:6,10,22
town’s 14:22
towns 11:15
transcribe 2:20
transcription 18:6
transmission 5:17
triggered 5:16
true 18:7
turbine 11:23 12:4,11,18 13:20
  13:21 14:23 15:6
turbines 5:18,21 11:18 12:6,7
  12:12,16,16,20 13:22,25 14:21
turn 5:8
two 6:17 12:3,9,15,18 14:2,20
typewritten 18:6
typical 5:24

U
unchanged 7:15
underlying 6:18
undermine 7:10
uneconomic 5:9
unintended 5:4
unwarranted 5:6 6:19
use 12:4
uses 12:15,18

V
Vincent 1:21 3:15
visibility 14:7,10
visual 7:22 13:17,24 14:8 15:20
vote 10:9,9,13,14,16,19,22
  16:13,13,17,18,20,23 17:2
voting 10:12 16:16,16

W
way 13:19
Wayland 11:16
we’re 4:7
webcast 2:19
WEBEX 1:14
Wednesday 1:15

wet 13:15
WHEREOF 18:9
Williams 1:23 3:22,24 10:4,5,7
  10:22,23 16:10,11 17:2,3
wind 1:7 5:7,21 7:21 11:6,13,18
  11:23
Winds 1:1,5 2:1 3:1 4:1 5:1 6:1
  7:1 8:1 9:1 10:1 11:1,4,11,19
  12:1,4 13:1,4 14:1,19 15:1,2
  16:1 17:1 18:1
WITNESS 18:9
words 12:10 14:14
work 17:14

X
X 1:11
X- 4:10

Y
York 1:2,23 3:17,22 18:2
you’re 2:7 3:7 10:6

Z
Zucker 1:19 3:13

0

1
118:5,6
  14:24
10:30 1:15
1000 1:13 4:12
1001 1:13 4:13
12th 11:12
13th 4:21
15-F-0122 1:1,5 2:1 3:1 4:1 5:1
  6:1 7:1 8:1 9:1 10:1 11:1,3
  12:1 13:1 14:1 15:1 16:1 17:1
  18:1
16 1:11 4:10
17 18:7

2
20-F-0067 1:9 4:8
2019 11:12
2020 1:15 4:21 5:11 11:19 18:10
22nd 6:10
242 11:14,18 12:10
26 12:6 13:22 14:21
3
3.55 12:6,18

4
4.7 14:7
43 13:25
48 12:17

5
5 12:6,15
5-6-2020 1:1 2:1 3:1 4:1 5:1
6:1 7:1 8:1 9:1 10:1 11:1
12:1 13:1 14:1 15:1 16:1 17:1
18:1
500 5:18 13:22
54 12:21
569.2 14:8

6
6 1:15
650 13:22 14:23
69 11:18 12:17,20

7
7th 18:10

8

9
9th 11:19