

Siting Board Meeting - 8-20-19

NEW YORK STATE

DEPARTMENT OF PUBLIC SERVICE

SITING BOARD MEETING

DATE: August 20, 2019

Louis Alexander,
alternate of Basil Sagoes, Department of
Environmental Conservation,

Dr. Elizabeth Lewis-Michl,

alternate of Dr. Howard Zuckard, Department of
Health,

John Williams,
alternate of Richard Kaufman, New York State Energy
Research and Development Authority

Vincent Ravaschiere,
alternate of Howard Zempske, Empire State Development
Corporation.

John Rhodes, Public Service Commission, Chairman
A.L.J. MICHELLE PHILLIPS Michelle Phillips.

Associate Examiner, A.L.J. James McClymonds

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2 CHAIRMAN RHODES: Good morning. I'd
3 like to call this meeting of the Board on Electric
4 Generation Siting and Environment -- and the
5 Environment to order.

6 Before moving to the agenda, I'd like
7 to introduce the alternates, representing the
8 permanent members of the Siting Board, starting from
9 my right, your left, we have Louis Alexander,
10 alternate of Basil Sagoes, Department of
11 Environmental Conservation, Dr. Elizabeth Lewis-
12 Michl, alternate of Dr. Howard Zuckard, Department of
13 Health, John Williams, alternate of Richard Kaufman,
14 New York State Energy Research and Development
15 Authority and in New York City, Vincent Ravaschiere,
16 alternate of Howard Zempske, Empire State Development
17 Corporation and I'm John Rhodes, Department -- Public
18 Service Commission.

19 Secretary Burgess, are there any
20 changes to the agenda?

21 MS. BURGESS: Good morning. There are
22 no changes to this morning's agenda.

23 CHAIRMAN RHODES: Thank you. With
24 that, we'll get into it. We have Case 16-F-0062,
25 which is the Application of Eight Point Wind, L.L.C.,

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2 for a Certificate of Environmental Compatibility and
3 Public Need, pursuant to Article Ten, to construct a
4 wind energy project, presented by Sean Mullany,
5 Administrative Law Judge, Department of Public
6 Service. Michelle Phillips, Administrative Law
7 Judge, Department of Public Service and James
8 McClymonds, Chief Administrative Law Judge,
9 Department of Environmental Conservation are
10 available for questions.

11 Judge Mullany, please begin.

12 A.L.J. MULLANY: Good morning,
13 Chairman Rhodes and members of the Board. I'm one of
14 the two assigned presiding examiners of this case.
15 Sitting to my right, is Judge Phillips. Sitting to
16 my left, is the Associate Examiner, Chief A.L.J.
17 James McClymonds and will be available for questions
18 at the end of my remarks.

19 I'm going to offer briefs remarks this
20 morning on Case 16-F-0062. You have before you a
21 proposed order of the Siting Board, granting a
22 Certificate of Public Convenience and Necessity to
23 Eight Point Wind, L.L.C., the Applicant in this case.
24 The grant of the Certificate, would be subject to the
25 detailed conditions that are included as Attachment

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2 One -- or Attachment A, rather, to the proposed
3 order.

4 Eight Point proposes to construct and
5 operate a commercial scale electric generating
6 facility, within the Towns of Greenwood and West
7 Union in Steuben County, New York.

8 The project will included 31 wind
9 turbines, having a total maximum generating capacity
10 of up to 101.8 megawatts and will include associated
11 facilities.

12 This case is notable because most of
13 the parties in the case, in fact all of the active
14 parties in the case and this includes the Applicant,
15 the Department of Public Service Trial Staff, the New
16 York State Department of Environmental Conservation,
17 the Towns of Greenwood and West Union and the New
18 York State Department of Agriculture and Markets, all
19 support some or all of the proposed certificate
20 conditions, which are attached to the proposed order.

21 As such, the recommendations before
22 the Siting Board, represent a significant and largely
23 successful effort to settle this case. The success
24 of these efforts, has materially contributed to the
25 efficient and orderly administration of this

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2 proceeding. The proposed order before you, is
3 supported by a robust and extensive record. It
4 supports all of the findings of the Siting Board,
5 that the Siting Board must make under the Public
6 Service Law, Article 10. The evidentiary record was
7 compiled during a one-day hearing, that was held in
8 the Town of Alfred, New York.

9 The Article 10 review process overall,
10 was lengthy, fair and open and included both pre-
11 application and post-application phases. Public
12 notice was provided, with respect to all significant
13 milestones in this case. There were multiple
14 instances of opportunities for public outreach and
15 education and opportunities for public participation.
16 The Applicant sponsored two open house events,
17 maintained a website and reviewed and responded to
18 public comments. The Department held two well
19 attended information sessions, which were followed by
20 on the record public statement hearings in the
21 immediate area of the project.

22 Pre-application intervener funding was
23 awarded to the Towns of Greenwood and West Union.
24 Application stage intervening funding -- intervener
25 funding was awarded to the towns and also to a local

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2 advocacy group, the Citizens for Maintaining Our
3 Rural Environment. That group, CMORE, was an active
4 party in the case.

5 Project information has been widely
6 available to the public through various means,
7 including the Department's Document and Matter
8 Management System, the Applicant's dedicated project
9 website at local libraries, at the two open houses
10 hosted by the Applicant and at the information
11 sessions that were sponsored by the Department of
12 Public Service.

13 There have been approximately 155
14 public comments submitted by 67 people throughout the
15 Article 10 review process, which started in 2016 and
16 continued through the spring of 2019. Those who
17 support the project cited among other things, the --
18 the economic benefits to the local area, including
19 new temporary and permanent jobs and the need for
20 renewable energy. Project opponents cited the
21 disruption of the natural beauty of the project area,
22 adverse impacts on wildlife, concerns about health
23 interests due to noise and shadow flicker, property
24 values --

25 (Off the record discussion)

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2 A.L.J. MULLANY: Sorry, we're hearing
3 some background noise. If people are observing,
4 please could you mute your microphones? In general,
5 those that oppose the project, view the adverse
6 impacts as outweighing the benefits of the project.

7 The proposed certificate conditions
8 seek to address many of the identified environmental
9 impacts of the project, including impacts that have
10 been the subject of public commentary. Pursuant to
11 Public Service Law, 168, Subdivision 3C, the order
12 includes a finding by the Board, that the probable
13 environmental impacts of the construction and
14 operation of the project, will be minimized or
15 avoided to the maximum extent practicable, based upon
16 the Applicant's compliance with the certificate
17 conditions that are contained in Attachment A to the
18 order.

19 The order also includes a finding by
20 the Board, that the construction and operation of the
21 project will serve the public interest, based on the
22 consistency of the construction and operation of the
23 facility with energy policies and long-range planning
24 objectives and strategies, contained in the most
25 recent State energy plan, as well as additional

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2 social, economic and other factors deemed relevant by
3 the Board.

4 To ensure that the public interest
5 benefits of the project are realized, Certificate
6 Condition 71 requires that the Applicant track actual
7 jobs created, as well as earnings and output created
8 during project construction and operation and to
9 track tax payments to local jurisdictions.

10 The examiners recommend, that the
11 Board adopt the proposed order, including the
12 attached certificate conditions, with appendices, all
13 of which are attached to the order. Thank you for
14 your attention this morning. I and -- and the other
15 examiners are available for any questions the Board
16 may have.

17 MS. BURGESS: Before we continue, we
18 have a little glitch with New York City and if we can
19 just reset this before we have discussion. I
20 understand that Mr. Ravaschiere could hear us but we
21 have a frozen frame here, so we just would like to
22 reset before we have discussion.

23 CHAIRMAN RHODES: Okay. Thank you.
24 Please do that.

25

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2 MS. BURGESS: Thank you. So, we'll go
3 off the record.

4 (Off the record)

5 CHAIRMAN RHODES: Back on the record.
6 Thank you very much for bearing with us. So, thank
7 you Judge Mullany. Thank you Judge Phillips and
8 McClymonds, as well. Our charges, as the Siting
9 Board, is to consider for approval, projects that
10 meet the State's energy system needs, as long as they
11 are appropriately cited, with due accommodation of
12 environmental and community considerations. I
13 applaud this process. I applaud the parties involved
14 and I applaud this outcome. It's been open, it's
15 been fair and I think the strong base of parties
16 agreeing to the settlement, is testament to that. I
17 am going to be in favor of this recommendation. Dr.
18 -- Mr. Alexander, Lou, any comments or questions for
19 the --?

20 MR. ALEXANDER: No questions for the
21 panel.

22 CHAIRMAN RHODES: Dr. Lewis-Michl?

23 DR. LEWIS-MICHL: No questions.

24 CHAIRMAN RHODES: John Williams?

25 MR. WILLIAMS: No questions.

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2 CHAIRMAN RHODES: Vince Ravaschiere?

3 MR. RAVASCHIERE: No questions.

4 CHAIRMAN RHODES: Thank you. That's
5 all very good. So, I will now proceed to call for a
6 vote. My vote is in favor of the recommendation to
7 approve the Application of Eight Point Wind, L.L.C.
8 for a -- for a Certificate of Environmental
9 Compatibility and Public Need, with conditions as
10 described. Mr. Alexander, how do you vote?

11 MR. ALEXANDER: I vote in favor.

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

14 DR. LEWIS-MICHL: I vote in favor.

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

17 MR. WILLIAMS: In favor.

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

20 MR. RAVASCHIERE: In favor.

21 CHAIRMAN RHODES: The matter is
22 approved and the recommendation is adopted.
23 Secretary Burgess, is there anything further to come
24 before us today?

25

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2 MS. BURGESS: Nothing further for
3 today.

4 CHAIRMAN RHODES: Thank you all. This
5 is a very nice conclusion of a very good process.
6 Thank you.

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2 STATE OF NEW YORK

3 I, KATHERYN WOLLEBEN, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 11, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 27th day of August 2019.

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13 KATHERYN WOLLEBEN, Reporter

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