

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on March 15, 2018

COMMISSIONERS PRESENT:

John B. Rhodes, Chair  
Gregg C. Sayre  
Diane X. Burman  
James S. Alesi

CASE 17-T-0752 - Application of PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Western Nassau Transmission Project.

ORDER GRANTING WAIVER REQUESTS

(Issued and Effective March 19, 2018)

BY THE COMMISSION:

INTRODUCTION

On January 9, 2018, PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA (Applicant) filed an application (Application) for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Public Service Law Article VII. If granted, the Certificate would authorize the Applicant to build the Western Nassau Transmission Project (Project) consisting of approximately seven miles of 138kV electric transmission facilities between the East Garden City Substation in Uniondale and the Valley Stream Substation in Lynbrook. The Project would be built primarily within municipal public roadway rights-of-way

within the Town of Hempstead, and would traverse the Villages of Garden City, Malverne, and Lynbrook.

Prior to filing the Application, on November 30, 2017, the Applicant submitted a motion (Motion) requesting waivers of certain of the Commission's regulations governing the content of an application for a Certificate. A Notice of Proposed Rulemaking was published in the State Register on December 27, 2017.<sup>1</sup> The SAPA comment period expired on February 25, 2018. No comments were received.

#### DISCUSSION AND CONCLUSION

1. 16 NYCRR § 86.3(a)(2), NYSDOT Maps at 1:250,000 Scale

Applicant first requests a waiver of the requirement that it submit New York State Department of Transportation (NYSDOT) 1:250,000 scale maps showing the relationship of the proposed facility to the Applicant's overall system. The Applicant states that such maps do not appear to be available and that it will instead provide a 1:250,000 scale map based on a Long Island Power Authority Transmission System Map, showing the relationship of the Project to the Applicant's overall system with respect to the information specified in the regulation.<sup>2</sup>

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<sup>1</sup> New York State Register, November 27, 2013, p. 5 (No. 17-T-0752SP1).

<sup>2</sup> Motion, p. 2, citing Case 13-T-0391, Application of Poseidon Transmission 1, LLC for a Certificate of Environmental Compatibility and Public Need, Order Regarding Waiver Requests, (issued December 23, 2013) (granting waiver of rule 86.3(a)(2)). As filed, the Application includes Figure 2-2, consisting of a PSEG Regional Transmission System Map having a scale of 1:250,000 and depicting the Project in relationship to the Applicant's overall system.

The Staff of the Department of Public Service (Staff) did not file any objection. It has become our practice to grant waivers to accept alternatives to the cited, yet unavailable, NYSDOT maps. Applicant's proposed use of a 1:250,000 scale map based on a Long Island Power Authority Transmission System Map is approved, provided the map includes all of the information required pursuant to 16 NYCRR 86.3(a)(2)(i) through (iv). Accordingly, the waiver of 16 NYCRR 86.3(a)(2) is granted.

2. 16 NYCRR § 86.3(b)(2), Aerial Photographs

Applicant's Motion originally requested a waiver of the requirement, under 16 NYCRR § 86.3(b), that "all aerial photographs indicate by whom and on what date the photographs were taken," and that aerial photographs of urban areas and urbanizing fringe areas be taken within six months of the date of filing. Applicant stated its intention to submit aerial photographs taken on July 30-31, 2017.

Applicant initially sought this waiver in case it filed its application after January 30, 2018, such that the July 30-31, 2017, aerial photographs did not meet the six-month requirement. This request became moot, however, because the Application was filed on January 9, 2018, and the included July 30-31, 2017, aerial photographs meet the timing requirements of the regulation. By letter dated January 22, 2018, Applicant withdrew its request for a waiver of Rule 86.3(b)(2).

3. 16 NYCRR § 88.4(a)(4), System Impact Study

Applicant requests a waiver of the requirement that Exhibit E-4 of the Application include a system reliability impact study or system impact study ("SIS"). Applicant submits that no such study is needed because the Project will have minimal impacts on system interface transfer capability. Applicant points out that the staff of the New York Independent

System Operator (NYISO) has confirmed that no SIS is required because the Project is expected to affect system interface transfer capability by less than 10 MW. (A confirming e-mail from Thinh T. Nguyen of NYISO Staff is included in Attachment 1 to the Application).

There is no opposition to this waiver request and it appears that the Applicant has complied with NYISO policy. The granting of this waiver will in no way lessen our review of the Project under Article VII, including our review of the engineering justification for the line and of the impact of the Project on the electric system. Applicant's requested waiver of 16 NYCRR 88.4(a)(4) is therefore granted.

The Commission orders:

1. The November 30, 2017, motion of PSEG Long Island LLC on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA in this proceeding to waive certain of the Commission's regulations relating to Public Service Law Article VII applications, as discussed herein, is granted.

2. This proceeding is continued.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS  
Secretary