

Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
J. MICHAEL NAUGHTON
ROBERT A. PANASCI
DEAN S. SOMMER
KEVIN M. YOUNG

LAURA K. BOMYEA
E. HYDE CLARKE
JESSICA ANSERT KLAMI
ALLYSON M. PHILLIPS
KRISTIN LAVIOLETTE PRATT
JESSICA R. VIGARS

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205

Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

SENIOR COUNSEL
MICHAEL J. MOORE
KENNETH S. RITZENBERG
DOUGLAS H. WARD

OF COUNSEL
SUE H.R. ADLER
ELIZABETH M. MORSS
SCOTT P. OLSON
STEPHEN C. PRUDENTE
KRISTIN CARTER ROWE

PARALEGALS
ALLYSSA T. MOODY
AMY S. YOUNG

Writer's Telephone Extension: 249
lbomyea@youngsommer.com

July 8, 2016

Via Electronic Filing

Hon. Kathleen H. Burgess, Secretary
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350

RE: Case 16-F-0267, Deer River Wind Farm Project, Lewis and Jefferson Counties, NY

Dear Secretary Burgess:

Atlantic Wind LLC ("the Applicant"), a wholly-owned subsidiary of Avangrid Renewables LLC ("AR"), is seeking a Certificate of Environmental Compatibility and Public Need ("Certificate"), under Article 10 of the Public Service Law, to construct the Deer River Wind Farm Project ("DRWFP" or "the Project"), to be located in the Towns of Pinckney, Harrisburg and Montague in Lewis County, and the Town of Rodman in Jefferson County. On May 9, 2016, Atlantic Wind filed its Public Involvement Program Plan ("PIP") for the proposal. The Department of Public Service Staff ("DPS" or "DPS Staff") filed comments on the Deer River draft PIP, dated June 8, 2016. This letter serves to respond to those comments, where needed, and to file a revised version of the PIP which makes changes based on DPS Staff's recommendations.

Revised Project and Study Area Figures

DPS Staff had requested that the Project and Study Area Maps (Figures 1 and 2)¹ include road names and route numbers, including Town roads, and label all New York State Lands and Forest Preserves within and adjoining the Project and Study Areas. These Figures have been updated to include this information. The revised Figures will also be uploaded to the Project website.

¹ Please note that Figures 1 and 2 appended to this Revised PIP have changed compared with the Figures originally provided.

Responses to DPS Comments (Attachment A)

DPS General Comments

1. *Staff recommends that the Applicant add the case number to the front cover page of the final PIP Plan.*

Response: This information has been added to the revised PIP.

2. *Terminology: To avoid confusion in future communications with stakeholders, Applicant is advised to use terminology that reflects definitions in relevant regulations. “Communities” is used throughout the PIP Plan, when “municipalities” is the correct term for legal entities (e.g., page 7 at Section 2.3 Study Area). “Communities” generally should be used to refer to groups of people that may or may not include municipal authorization or organization. “Communities” are specifically used in discussion of Environmental Justice analysis of ethnic or cultural commonality.*

Response: Atlantic Wind acknowledges this recommendation for use in future documents, and notes that references to “communities” have been revised to “municipalities” wherever appropriate in the revised PIP Plan, such as in Section 2.3 and 5.1.

Section 2: Project Description

2.2 Project Summary

1. *First paragraph incorrectly indicates that the Study Area includes the Town of Redfield in Jefferson County.*

Response: This item has been corrected in the PIP.

2. *The project summary states that the Applicant will construct a collection station adjacent to a National Grid interconnections switching station. The PIP plan should identify the municipality where this station is located.*

Response: This item has been corrected in the PIP. The proposed interconnection point is located in the Town of Rodman in Jefferson County.

3. *What is the approximate size of the project area and study area?*

Response: This information has been added to this section of the PIP. The Project Area is approximately 44.24 square miles and the Study Area is approximately 294.75 square miles, extending 5 miles in all directions from the Project Area’s boundary.

4. *Provide additional details of the anticipated socioeconomic benefits of the project, including:*

(a) an estimated number of temporary and permanent local employment opportunities that will be generated by construction and operation of the Project;

- (b) the estimated duration of temporary local employment opportunities that will be generated during Project construction;*
- (c) the estimated dollar amount of revenue anticipated to the County and local municipality tax bases; and*
- (d) The PIP states the “The Project will also result in increased revenues to County and local municipality tax bases, payments to the local hospitality industry...” PIP Plan should clarify this statement, as to whether it is the intent of the Project owners to make payments directly to hospitality providers, or if this is potentially an indirect economic benefit of Project development.*

Response: This information has been added to Section 2.2 at page 7 of the PIP Plan. The revisions also clarify the statements regarding benefits to the local hospitality industry, which would result from the patronage of local restaurants and eateries, and the use of hotels and amenities, by the Project’s temporary and permanent labor force. It is anticipated that approximately \$3.25 million in local expenditures on goods and services would be injected into the local economy over the course of the development and construction phases of the DRWFP, as further discussed in the PIP.

- 5. Fix the typographical error in the second paragraph (6th line down)—the text is missing a period after the words “maintenance (O&M) building”.*

Response: This error has been corrected.

Section 3.0 – Identification of Stakeholders

- 1. At the ninth bullet point in the list of “actual affected agencies and actual stakeholders”, include “wind turbines” in the list of Project components.*

Response: This element has been added to the list, as requested.

- 2. At the ninth bullet, DPS recommends identifying adjacent landowners as landowners with property within 2,500 feet of a turbine or substation, or within 500 feet of other Project components (e.g., collection lines, met tower, O&M facility, etc.), and any additional landowners whose homes are within 5,000 feet of a turbine.*

Response: Under 16 NYCRR § 1000.2(a), “adjacent” is defined as “located on the same parcel of real property, on separate parcels of real property sharing a common border, or on separate parcels of real property separated by no more than 500 feet.” Therefore, for consistency, Atlantic Wind has adopted the regulatory definition of “adjacent,” and considers “adjacent landowners” to be those whose properties abut, or are within 500 feet, of a Project component. However, for purposes of providing notice to adjacent landowners, Atlantic Wind will treat those landowners within 2,500 feet of a wind turbine as “adjacent landowners” as well.

3. *The proposal to update the List of Stakeholders should include updates to the PIP Plan as appropriate.*

Response: This section has been revised to reflect that the PIP Plan also will be updated as necessary, based on information received during the PIP process.

3.2: Local Agencies

1. *The following local agencies should be identified as stakeholders:*
 - (a) *The Lewis County Department of Economic Development and Planning, and*
 - (b) *The Jefferson County Department of Planning and Economic Development.*

Response: These local agencies have been added to the list of Local Agency stakeholders.

2. *The Applicant is advised to engage in outreach at an early stage with these agencies, identifying goals of outreach effort to include information regarding Comprehensive Plan and economic development priorities within the counties, and to solicit suggestions for other local and regional stakeholders and interest groups for part of the PIP plan outreach strategy.*

Response: Atlantic Wind will include these agencies in its ongoing efforts to engage in outreach with stakeholders and interest groups to gather information regarding local planning efforts, environmental matters, and regional economic development.

3. *In addition, the Soil and Water Conservation Districts for the project area counties should be identified as stakeholders in developing information regarding farmland conservation and management plans for participating farmland holdings.*

Response: These local agencies have been added to the list of Local Agency stakeholders and will be included in Atlantic Wind's ongoing stakeholder outreach efforts.

4. *The PIP Plan does not include fire departments for the towns in the project area and is missing Champion, Rutland, Watertown and Worth in the study area. These should be included or an explanation given as to why they were not added.*

Response: Fire Departments for the Project Area were listed in the original PIP filing at Section 3.2: Local Agencies, page 9, lower portion of page, and included the Copenhagen Volunteer Fire Department; Rodman Fire Department; Lorraine Volunteer Fire Department; Town of Watertown Fire Department; Castorland Fire Company; Lowville Fire Department; Redfield Fire Department; and Martinsburg Fire Department. Based on available information, the Towns of Pinckney, Harrisburg and Montague do not have fire departments separate from those listed here; therefore, these are the fire departments which would provide coverage to the Project Area, although most are located outside the Project Area proper. Atlantic Wind will work with local officials to ensure these Departments are the appropriate entities to include in the stakeholder outreach.

The Towns of Champion, Rutland, Watertown and Worth were listed in the original PIP filing at Section 3.4: Municipalities and School Districts in Study Area, page 10, center of page.

5. *Other county agencies should be added to stakeholder lists as appropriate.*

Response: Atlantic Wind will continue to update the PIP and its Stakeholder Lists to include appropriate regional, county, and local agencies and stakeholders throughout this process.

3.3: Municipalities

1. *Oswego County needs to be included as a stakeholder since the study area extends into this county.*

Response: Oswego County has been added as a stakeholder to Section 3.4: Municipalities and School Districts in the Study Area.

3.5: Additional Stakeholders

1. *The Project Area abuts the existing Maple Ridge Wind Farm, and is nearby to three other proposed wind projects (see attached Figure “Number Three Wind Farm” dated May 25, 2016, proposed by Invenergy in NYS Siting Board Case 16-F-0328). Other developers will have interest in outreach and development activities of the Deer River Project. Likewise, the number of wind development projects in the area will likely present challenges for local municipal and other interest groups for maintaining and managing involvement efforts with multiple project developers simultaneously. Communication among developers to avoid competing demands for limited local interest group resources is encouraged.*

Response: Figures 1 and 2, the maps of the Deer River Project and Study Areas, have been updated to show the proximity of the Deer River Project to other proposed wind projects in the vicinity.

3.7: Public Interest Groups

1. *The draft PIP Plan does not acknowledge that New York State lands are included within the Project Area as described and mapped in PIP Plan at Figure 1. The Project appears to include the need to locate facilities within NYS Forest Lands within Lewis County, a Forest Preserve County. The PIP Plan should identify the outreach strategy that will be followed to support gaining access to State Lands for location of facilities. Furthermore, the location identified involves multiple-use non-motorized and other recreational trails that traverse NYS lands and other lands. The PIP Plan should identify trails user-groups and include outreach efforts to involve those groups in planning efforts.*

Response: At this time, Atlantic Wind does not anticipate proposing the location of any Facility components on State lands. In the unlikely event that collection or transmission lines and/or access roads may need to cross or be located on State Forest Lands, Atlantic Wind would consult with the appropriate agencies. However, that is not contemplated at

this time. It appears that most of these lands are managed by the DEC, including those included in the Tug Hill North Unit Management Plan. DEC is a statutory party to this proceeding, and Atlantic Wind will continue to consult with that agency about the proposed Project, including regarding Forest Preserve lands and potential trails user-groups who might be active in these areas.

2. *Furthermore, the NYS Forest Lands in and nearby to the Project Area are all managed by NYS DEC pursuant to the Tug Hill North NYS Forest Lands Unit Management Plan, by the NYS DEC Division of Lands and Forests, Region 6, 2015. The Unit Management Plans identify additional stakeholder groups that participated in development and review of those Plans. The list of Public Interest Groups should be revised to include conservation, recreational and other interest groups beyond the three identified in the draft PIP.*

Response: Atlantic Wind will also review the Tug Hill North Unit Management Plan to determine potential additional outreach to relevant groups involved with these resources. Further, Atlantic Wind continues to engage the local community in its outreach efforts, and has received feedback and suggestions on the websites and publications which would be most effective in reaching interested individuals and groups, including those who utilize the Forest Preserve lands in this area.

Section 4.0 - Language Access

1. *The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data.*

Response: This section has been revised to reflect data from the U.S. Census Bureau's 2010-2014 American Community Survey. As previously stated, no language other than English is spoken by more than 5,000 people residing in any zip code within the Study Area.

Section 5.0 – Proposed Public Involvement Program

1. *The Applicant provided contact information for a project representative, however, the contact's address is not local to the project area. The Applicant should indicate if it will establish a local office within the project area.*

Response: The Applicant has opened a local Project office at 7650 North State Street, Suite 1, Lowville, NY 13367. The Office will be open Tuesdays and Thursdays from 10 a.m. to 2 p.m., and by appointment. Information regarding this office is included in the revised PIP.

2. *Is there a toll-free number for stakeholders to call? Is the local number answered by a live person or is it automated? The PIP plan should include information about the hours that the contact number will be answered and when callers should expect a response.*

Response: A toll-free number, as well as a local contact number with the same area code as the Project and Study Areas, have been added to the PIP. These contact numbers will be available for interested persons to leave their Project comments in Voicemail messages which will be routinely monitored by the Applicant and logged in the PIP Tracking Logs,

which will be filed on a bi-monthly basis. As noted on the Project Website, the Project's virtual "office hours" are Tuesdays and Thursdays from 10:00 am to 2:00 pm, and members of the public are asked to leave a message requesting a call back if desired. Generally, members of the public seeking documents or information are asked to submit those requests in writing, by regular mail or electronic mail, to ensure their inquiries are answered in a timely manner. Further, individuals are encouraged to attend local information sessions and open houses to address any questions they may have for Project staff.

3. *Although a location has not been secured at the time of the PIP filing, the Applicant should include a notation about the office in this section. Include information on the anticipated hours of operation.*

Response: The Applicant has opened a local Project office at 7650 North State Street, Suite 1, Lowville, NY 13367. The Office will be open Tuesdays and Thursdays from 10 a.m. to 2 p.m., and by appointment. Information regarding this office is included in the revised PIP.

4. *The local document repositories are all located in the study area. There should be a repository within the project area.*

Response: The Applicant had initially selected local libraries as document repositories. However, none of the local libraries are located within the Project Area; those selected are located in the Study Area or close by. Therefore, the Applicant is working with the Town of Pinckney to establish a document repository at the Pinckney Town Hall, which is located within the Project Area.

5. *Applicant should include a statement that document repositories will include additional pertinent updates and information as it becomes available.*

Response: This information has been added to Section 5.0 of the PIP.

5.1: Consultation with the Affected Agencies and Stakeholders

1. *The last sentence states that "many of these consultations have already been initiated." Applicant to provide listing of meeting logs in its final PIP Plan.*

Response: Per DPS Staff's request elsewhere in the document, PIP Tracking Logs will be filed in this proceeding on a bi-monthly basis in accordance with the regulations. At the time of Application, in accordance with the requirements of 6 NYCRR § 1001.2, Atlantic Wind will provide a description of the public involvement activities engaged in between the filing of the draft PIP and the filing of the Application, as well as the public involvement program to be employed following the filing of the Application.

5.3.1: Public Meetings

1. *Staff recommends that at least two open houses be held in June and two in November to better cover the project and study area.*

Response: At the time this recommendation was received, one open house had been scheduled for mid-June in the Project Area, at the Harrisburg Town Hall. At this time, another public session is planned for September 2016 in the Project Area. The September event would include an afternoon and an evening session, to accommodate the schedules of working people. Details, once finalized, will be provided to the public via local media outlets, the Project website, electronic notice to members of the Service and Party List, and any others who have requested such notice, and through other local fora.

2. *Notification of the open house should be made at least fourteen days before the event – seven days is not sufficient notice. The Applicant should consider a mass mailing to residents in the project and study area, as well as the stakeholder list, to announce the initial open house(s). Subsequent mailings can be tailored to those residents/stakeholders who have expressed an interest in receiving correspondence about the project.*

Response: Notice of the upcoming September session, and any future sessions, will be provided at least 14 days in advance of the event. The Applicant also plans to mail informational postcards directly to residents within the Project Area to provide information on the filing of, and comment deadlines for, the Preliminary Scoping Statement and Application.

3. *The Applicant should ensure that the identified local newspapers cover the study area as well as the project area.*

Response: The newspapers listed in the PIP—the *Watertown Daily Times* and the *Journal and Republican*—are the newspapers of widest circulation and the official newspapers of some or all of the Towns in the Project and Study Areas. Atlantic Wind will continue to solicit input from the public on optimal publications and resources for disseminating information to the public, and will revise the PIP accordingly, if needed.

4. *The expected hours of the day when the open houses will be held should include different hours of the day to accommodate workers' schedules and provide the best possible opportunity for working persons to attend.*

Response: As details for the September 2016 session are firmed up, Atlantic Wind will work with local officials to select a time or times which would appropriately accommodate the community's residents, and will include an afternoon and an evening session, to accommodate the schedules of working people. The same approach will be used for future sessions, to ensure that the public is provided with an opportunity to attend.

5.3.2: Educational Materials

1. *The Applicant should provide more details about the planned mailing of educational materials to the stakeholder list. The Applicant should give some examples of topics addressed in the educational materials, such as the Article 10 process, Intervenor funding, etc.*

Response: In addition to adding to the PIP a more robust description of the types of educational materials planned, as requested here, Atlantic Wind has also launched the Project Website, which has a number of educational handouts available on the Project, wind energy, noise, and the Article 10 permitting process. Additional materials will be added as they become available.

5.4: Website

1. *The Applicant should provide a timeframe for the anticipated launch of the website.*

Response: The website has been launched, and the PIP has been updated to reflect that. During the June 2016 open house, materials were available which provided the Project Website's address and information. Similar materials directing the public to the new website will be provided at the September 2016 meeting as well.

2. *The Applicant should include a bullet that indicates the site will have a function/feature that will allow interested persons to be added to the stakeholder list and indicate their preference for e-mail or postal notifications.*

Response: The Project Website does not currently have this feature, but a link to the process for being added to the Project or Service Lists for this proceeding will be added to the site in the near future.

3. *The list should include a bullet stating that copies of all educational materials (factsheets, brochures, the PIP plan, etc.) will be available electronically on the site.*

Response: This information has been added to the PIP and made available on the Project Website.

4. *The Applicant should indicate how it will announce the website launch.*

Response: As noted above, the website has been launched, and the PIP has been updated to reflect that. During the June 2016 open house, materials were available which provided the Project Website's address and information. Similar materials directing the public to the new website will be provided at the September 2016 meeting as well.

5.5: Notifications

1. *The Applicant should include the filing of the PSS in addition to the Application.*

Response: This change has been made as requested.

2. *The Applicant should consider issuing a letter or copy of the notice to the stakeholder list when issuing a notification.*

Response: Applicant can submit a letter or copy of published public notices to the Party and Service Lists for this proceeding.

5.6: Activities to Encourage Participation in the Certification Process

1. *The Applicant states it will track its PIP and provide regular updates to DPS Staff and maintain a PIP Tracking Log that will provide specifics on all meetings. The Applicant should provide this tracking log on a bi-monthly basis and include updates and/or advances in the project as well.*

Response: The PIP has been revised to address this comment.

Figure 1: Project Area

The Project Area Map should show road names and route numbers, including town roads. The Project Area Map should also show all New York State lands, including the multiple state forest land maps within and adjoining and nearby to the Project Area.

Response: As noted above, the Project Area Map has been revised to include this information.

Figure 2: Study Area

1. *The Project Study Area Map should show major road names and route numbers, identify New York State lands, and clearly indicate County names (which are obscured on draft Figure 2).*

Response: As noted above, the Study Area Map has been revised to include this information.

2. *The Study Area boundary and the county lines need better definition: they are not clearly visible when looking at black and white copies of the maps.*

Response: The Study Area Map has been revised in a manner intended to address this concern.

Exhibit A: Master List of Stakeholders and Notification List

1. *Staff recommends changing the listed NYS Dept. of Public Service contact to the Secretary to the Public Service Commission, Kate Burgess.*

Response: This exhibit has been revised to address this comment.

2. *Add further stakeholders based on DPS comments, and results of early consultations as advised by DPS comments.*

Response: This exhibit has been revised to address this comment.

3. *The Applicant should include under “Affected State and Federal Agencies—a contact person for NYS Energy Research Development Authority (NYSERDA) and NYS Department of Environmental Conservation (NYSDEC), and the NYS Department of State (NYSDOS).*

Response: This exhibit has been revised to address this comment.

4. *The Applicant should include under “Local Agencies” a contact person for each agency.*

Response: This exhibit has been revised to address this comment.

5. *The Applicant should include under “Municipalities” the County Executives as well as the clerks.*

Response: This exhibit has been revised to address this comment.

6. *Local repositories should be included in the Stakeholder list.*

Response: This exhibit has been revised to address this comment.

Exhibit B: Goals and Objectives of Stakeholder Consultation

1. *Add stakeholders as per DPS Staff comments.*

Response: This exhibit has been revised to address this comment.

2. *Add goals including identification of long-range planning and development goals of Project Area municipalities and planning agencies.*

Response: This exhibit has been revised to address this comment.

We look forward to working with the New York State Board on Electric Generation Siting and the Environment, the DPS, and Project stakeholders in review of this project. If you have any questions, please feel free to contact me at (518)438-9907.

Respectfully,

/s/ Laura K. Bomyea

James A. Muscato, II

Laura K. Bomyea

Young/Sommer LLC

Attorneys for Atlantic Wind LLC