

Invenergy

June 17, 2016

Lorna Gillings
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Subject: Case 16-F-03205 - Application of Canisteo Wind Energy NY LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 290.7MW Wind Energy Project

Dear Ms. Gillings:

Thank you for your review and comments on the Public Involvement Program (PIP) Plan submitted by Canisteo Wind Energy NY LLC for the subject project. Enclosed please find an updated plan and a detailed list of responses to all of the comments in your letter.

Sincerely,



Eric Miller
Director, Business Development
Invenergy LLC



Responses to Staff Comments on the Canisteo PIP

General Comments

Staff recommends that the Applicant add the case number to the front cover page in the Final PIP Plan.

The acronym PIP is used inconsistently in the document to refer to the "Public Involvement Program" and "Public Involvement Program Plan." As per 16 NYCRR §1000.4, "PIP" should refer to the Public Involvement Program. The document should be referred to as the PIP Plan. Staff recommends revising the document accordingly.

Section 2. Applicant and Project Description

2.2 Project Summary

1. Provide additional details (if known) regarding the Article VII portion of the Project. Indicate where the Bennett Hill substation is located (i.e., outside the City of Hornell).
2. Explain how the Marsh Hill Wind Farm will operate in conjunction with the proposed facility. Will there be any connection between the operations?
3. 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; and
 - c) the estimated amounts and forms of revenue anticipated for schools, fire departments, and county and town governments.

Response: Recommended changes made.

Section 3. Public Involvement Program Plan Overview

3.1 PIP Goals

In the fourth bullet, the Applicant notes that a goal is to understand stakeholder interests. This should be expanded or rephrased to indicate that the Applicant will provide opportunities for public involvement and will work with the stakeholders to address their interests/concerns, i.e., issues identified will be taken into account as the Project moves forward.

Response: Recommended changes made



3.3 Stakeholder Involvement

Collection of Stakeholder Input

It is unclear how the Applicant will identify a "point of contact" for stakeholder categories such as landowners and residents. This section should clarify that stakeholders listed in categories 4.1 - 4.12 will be offered the opportunity to meet with the Applicant and that there will be outreach events/materials (detailed in Section 5) specifically for residents, landowners and other interested parties.

Response: Recommended changes made

Distribution of PSS and Application Documents to Stakeholders:

The sentence "CWE does not intend to provide individual hard copies of these documents to Stakeholders." Staff recommends that this sentence be revised to: "CWE does not intend to provide individual hard copies of these documents to individual Stakeholders except as required by 16 NYCRR §1000.5 and 16 NYCRR §1000.6."

Response: Recommended changes made

Section 4. Stakeholders

1. The Applicant indicates that it has identified groups/categories with a potential interest in the Project. CWE also noted that it will provide opportunities for the public to request being added to the stakeholder list (i.e., calling the toll-free number or sending an email). In addition, the Applicant should solicit interest at all public outreach events.
2. In addition to having stakeholders identify themselves, the Applicant should explain how it will continue to gather specific information to identify stakeholders as the Project moves forward.

Response: Recommended changes made

4.1 Host Communities

The Applicant states that Notices will only be sent to Town Supervisors and the County Administrator(s), but these notices will be addressed to the full town and county board, care of the point of contact. Staff recommends that town and county clerks, as well as the clerks for the respective boards/legislatures be added to the stakeholder list to ensure proper dissemination of notices.

Response: Recommended changes made

4.3 and 4.4: State and Federal Agencies

These sections should note that inclusion of certain agencies is mandated by regulation.

Response: Recommended changes made



4.7, 4.10 and 4.12: Schools, Utilities and Airports

Explain why these stakeholder categories are confined to the Project Area rather than the Study Area.

Response: Have changed language to include Study Area rather than Project Area for schools and utilities. FAA regulations appear to ask for distance from airports to actual construction locations, which indicates Project Area, not Study Area.

4.13 Participating Landowners

The PIP Plan indicates that this group will be notified of Project milestones in the same manner as all residents. Since "same manner" may mean website announcements or newspaper notices, this statement should be revised to indicate that these stakeholders will receive notification of milestones by mail or email.

Response: Recommended changes made

4.14 Adjacent Landowners

1. The group "adjacent landowners" should be expanded to include owners of property that abut parcels where Project facilities are planned AND landowners whose property is located within 500 feet of a parcel where Project facilities are planned.
2. Explain when the Applicant intends to develop a Project layout and how CWE plans to include adjacent landowners during early Project planning phases (i.e., preliminary scoping and stipulations).

Response: CWE will mail open house invitations directly to all adjacent owners. At the open house, CWE will encourage attendees to provide email addresses or mailing addresses it can use to notify adjacent owners and other interested parties of the availability of the PSS.

4.15 Area Residents

1. The reference to using "the voting rolls" for the Study Area should be changed to "property tax rolls" since not all landowners are necessarily registered to vote locally.
2. The Applicant should consider using the initial widespread mailing announcing the Open House to disseminate outreach materials (e.g., factsheet or informational flyer) with more detailed Project information than can be put on a postcard.
3. Since the Applicant has indicated that there are no plans for broad mailings to area residents that do not register as stakeholders, DPS Staff recommends that CWE include instruction on how to join the stakeholder list in its mailing to all area residents announcing the Open House. This is to ensure that individuals who are unable to attend the event are not excluded from early stakeholder registration opportunities.

Response: Recommended changes made



Section 5. Public Involvement Program Elements

1. DPS Staff recommends that the Applicant clearly distinguish the Article VII and Article 10 project components, certifying bodies and applicable laws, regulations and processes in its PIP outreach efforts in order to avoid confusion by stakeholders and the general public. CWE should indicate whether it will develop a separate PIP for the Article VII project or whether this PIP Plan will cover both.
2. If both projects are covered under this PIP Plan, the Applicant should identify when an activity/program element relates specifically to one project or the other or to both. The municipalities likely to be crossed by the transmission line location should be identified at the earliest opportunity.
3. In addition, this section should reiterate that the overall objective of the PIP Plan is to engage all stakeholders in the Project and will use the elements described in this section to achieve the objective.

Response: This PIP covers both projects. The only additional municipalities included due to Article VII are Hornellsville and the Village of Canisteo, which have already been included in outreach efforts for both projects.

5.1 PIP Activities, Schedule and Goals

This section should note that public involvement activities will be conducted throughout the Article 10 process, including post- Preliminary Scoping Statement and Application phases.

Response: Recommended changes made

5.1.1 Stakeholder Consultations

1. The initial meetings with stakeholder groups should include an overview of the proposed Project and the Article 10 review process. Information provided at the meetings should include Intervenor Funding. When meeting with stakeholders potentially involved with transmission line project, discussions should include an overview of the Article VII process.
2. The statement regarding agendas or topics for consultation should be expanded to include identification of consistency or conflicts with plans, planning documents or other development or preservation goals. Likewise, opportunities for advancing goals or objectives of other development may be identified (e.g., pole-sharing arrangement for expansion of communication or broad-band systems in rural areas; co-location of facilities in utility corridors; development of multiple-use trails with proposed facility access roads; etc.).

Response: As noted in Appendix C, CWE always covers these topics in its basic project introduction.

5.1.2 Town Board Meetings

1. Information provided at the board meetings should address Intervenor Funding opportunities.



2. This section should be expanded to include Steuben County boards since they are on the stakeholder list.

Response: Recommended changes made

5.1.3 Open House

1. Staff recommends that the Applicant consider hosting multiple open house public meetings (at least two) at different times or different days (or both), in order to provide flexibility for interested individuals who may be unavailable to attend a single event scheduled on a specific date and time. The Final PIP Plan should provide flexibility to engage and hold public events as needed to address community interests and provide opportunities responsive to local needs.
2. The PowerPoint presentation and poster displays should include information on Intervenor Funding and the process for stakeholders to apply for funds.
3. Staff recommends a minimum of two weeks notification prior to public events such as open house and public hearings. The public needs sufficient time to make arrangements to attend such events.

Response: CWE will host a second Open House if interest levels indicate it is warranted. Other meeting types will be considered as well.

5.2 Communication Tools

The Final PIP Plan should provide the location of the local Project office (if available) and clearly state the hours of operation when Project representatives will be available to the public. The Applicant should indicate how it will advertise the location and hours of the field office.

Response: No project office is anticipated at this time.

5.2.2 Toll-free Number

Since the toll-free number will be automated, the Final PIP Plan should indicate the timeframe during which the public can anticipate a response to their inquiries. Also, since the number is maintained by Invenergy, it is unclear whether it is a dedicated line for the Canisteo Wind Project. The Applicant should clarify whether a caller needs to identify that they are calling regarding the Canisteo Wind Farm.

Response: Recommended changes made

5.2.3 Website

Staff recommends that the website also include Project milestones and anticipated timeline. Also, if a separate website address is established for the Article VII project, a link and brief description should be included on the Project website.

Response: Recommended changes made



5.2.4 Document Repositories

The Applicant should include hard copies of any publications or outreach materials that are developed for the Project at the repositories.

Response: Recommended changes made

5.3 PIP Materials

As noted above, the PowerPoint presentation should include information on Intervenor Funding. The bulleted list of topics on which the Applicant plans poster board displays at the open house event(s) should also include figures showing the Project area, study area and proposed turbine layouts (if available).

Response: Recommended changes made

5.5 Comment Log

Explain whether the comment log is for internal use only and whether the Applicant will either provide copies of the comment log to DPS Staff or post the logs on the Project website.

Response: It is an internal log used to inform the PSS and Application.

Section 6. Environmental Justice Areas

The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should note that although there was a more recent census, the data used by the New York State Department of Environmental Conservation identifying potential environmental justice communities was from 2000.

Response: Recommended changes made

Section 7. Language Access

The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data. Also, for Table 1, explain whether the Spanish speaking residents are included in the Non- English numbers.

Response: Current data was used; date of source has been corrected.

Figure 1 Regional Project Map

1. The map should be listed under the heading "Figure 1." The map, and specifically the section of the map that includes the Project Area and the Five Mile Study Area (which the map legend identifies as simply "Buffer") is too small and difficult to read. A full page map layout at smaller scale would be easier to read.



2. The Project mapping does not include all areas proposed to be affected by the Project. The Project Area shown in Canisteo Regional Summary does not include any connecting corridor from the wind farm area to the Bennett substation located in the Town of Hornellsville. A revised figure should be developed indicating the study corridor area for the transmission facility location.¹
3. The PIP Plan does not acknowledge that the proposed CWEC Project Area, as shown in Canisteo Regional Summary, has a significant degree of overlap with the proposed NextEra Eight Point Wind project proposed in NYS Siting Board Case 16-F-0062 (see attached figure entitled Article 10 Wind Projects - Steuben County NY). The developers of the NextEra project should be identified as stakeholders; and plans should be made for communicating with other local stakeholders to minimize confusion regarding project locations and related matters.

Response: Map changes have been included here. NextEra has been added as a stakeholder. Communication of the overlap is already part of regular stakeholder outreach.

Appendix A: Stakeholder List

Staff recommends the stakeholder list be updated to include:

1. Host Communities:
 - a) The Code Enforcement Officer for Hornellsville
 - b) Town clerks
2. County Agencies:
 - a) Steuben County Executive and County Clerk
3. Adjacent Municipalities a. Village of Canisteo
4. State Agencies:
 - a) Department heads for NYS Department of Environmental Conservation, NYS Office of General Services, NYS Attorney General, NYS Department of Health, NYS Empire State Development, NYS Department of Transportation, and the NYS Office of Parks, Recreation and Historic Preservation
 - b) Executive Director of NYS Energy Research and Development Authority
 - c) Regional Director for OPRHP Finger Lakes Region

Response: Recommended changes made

¹ Terminology will be important in the review and consideration of cumulative impacts in this Article 10 case. DPS Staff recommends that CWE clarify terminology when developing a Final PIP Plan to provide clear communication with stakeholders, e.g., to clarify that the Project will include generating facility components subject to Article 10 jurisdiction and transmission facility components subject to Article VII jurisdiction. The Final PIP Plan should also clarify that there will also likely be Project components that are not jurisdictional "facilities," but which will be subject to environmental impact consideration under Article 10.



Appendix B: Stakeholder Consultation Schedule

DPS Staff recommends that the developer plan on meeting with DPS Staff earlier than the July 1, 2016 date listed in the Appendix.

Response: Developer will make an effort to do so.

Appendix C: Schedule and Goals for PIP Events

DPS Staff recommends adding information noting the field office, its scheduled opening, and its goals.

Response: No field office is anticipated at this time.

Appendix D: PIP Tracking Report

DPS Staff recommends the report be provided in landscape format for easier reading. In addition, "Other Attendees" should indicate the agency or organization being represented.

Response: Recommended changes made