

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 19, 2020

COMMISSIONERS PRESENT:

John B. Rhodes, Chair
Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard

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 APPROVING ENVIRONMENTAL MANAGEMENT AND
CONSTRUCTION PLAN PHASE 2

(Issued and Effective March 20, 2020)

BY THE COMMISSION:

INTRODUCTION

PSEG Long Island LLC, on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA (PSEG Long Island, PSEG LI, or Applicant) is the holder of a Certificate of Environmental Compatibility and Public Need (Certificate) issued September 19, 2019 in Case 17-T-0752 by the Public Service Commission (Commission) pursuant to Article VII of the Public Service Law (PSL) for the construction, operation and maintenance of a proposed new 138 kilovolt (kV) underground transmission line. The proposed transmission line will be located primarily within the public roadway rights-of-way (ROW)

for a total distance of approximately seven miles between the East Garden City Substation (located in Uniondale) and the Valley Stream Substation (located in Lynbrook), both in the Town of Hempstead, County of Nassau, New York (the Western Nassau Transmission Project or WNTP).¹

The Certificate contained several conditions requiring compliance, including a requirement that PSEG LI submit for public review, inspection and comment and Commission approval, plans detailing the facility design, construction and environmental controls.² Among other things, PSEG LI was required to serve written notice(s) of filing its proposed Environmental Management and Construction Plan (EM&CP) on all active parties to this proceeding, on each person on the Commission's service list considered potentially affected by the subject matter in the EM&CP, and on all statutory parties to this proceeding, and to attach a copy of the notice to each copy of the proposed EM&CP.³

Further, the Applicant was directed to publish the notice(s) in a newspaper or newspapers of general circulation in the vicinity of the WTNP for any phase of construction. The Notice contained a statement that any person may be heard by the Commission on any matter or objection regarding any proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within 30 days of the date the proposed EM&CP is filed with the Commission (or within 30 days of the date of the newspaper notice, whichever is later).⁴ The Applicant has

¹ Case 17-T-0752, PSEG LI Western Nassau Transmission Project Art. VII, Order Granting Certificate of Environmental Compatibility and Public Need (issued September 19, 2019).

² Id., Appendix D, Part C.

³ Id., Certificate Condition 26.

⁴ Id., Certificate Condition 27.

complied with these notice requirements and no comments were received.

By this Order, the Commission is approving, the second and final phase (Phase 2) of PSEG LI's proposed EM&CP for the WNTP located in the Town of Hempstead, County of Nassau, New York.

BACKGROUND

The Project as proposed and as subsequently authorized by the Commission entails the construction, operation and maintenance of a new 138-kV underground electric transmission line between the East Garden City Substation (located in Uniondale), and the Valley Stream Substation (located in Lynbrook), both located in the Town of Hempstead. The WNTP will be a second circuit between the two above substations, will be located wholly within the Town of Hempstead and Nassau County, New York, and will traverse the Villages of Garden City, Malverne, and Lynbrook as well as unincorporated areas in the town. The WNTP will be constructed primarily within municipal public roadway ROW for a total distance of approximately seven miles.

The WNTP will reinforce the LIPA electric transmission system in the Southwest Nassau Area and further PSEG LI's efforts to ensure additional reliable service. The WNTP will also address the North American Electric Reliability Corporation's (NERC) transmission planning reliability standards by upgrading the transmission infrastructure to maintain reliability. The WNTP is a permanent design solution to an existing NERC transmission planning N-1-1 thermal violation requiring corrective action to avoid a post-contingency overload on the existing East Garden City to Valley Stream.

The construction of a new 138-kV underground transmission line from the East Garden City Substation to the Valley Stream Substation will increase the post contingency Long-Term Emergency thermal rating on the East Garden City to Valley Stream 138-kV circuits from 291 (megawatts) MW to more than 600 MW. The construction of the WNTP is also consistent with the NERC TPL-001-4 standard and PSEG LI's Transmission Planning Criteria.

The WNTP will include splice vaults at approximate intervals of 1,600 feet along the duct bank. The splice vaults will contain power cable splices, cable racking, and grounding accessories. Two circular openings in the splice vaults' roof will be used to access the interior. The openings will be covered by 36-inch cast iron lids. The WNTP will consist of three, 2,000 mm² compact segmental copper conductors measuring approximately 5.71 inches in diameter. The conductor will be a Milliken conductor, comprised of annealed bare copper strands. The insulation will be cross-linked polyethylene with a thickness of approximately 0.850 inches and rated at 138 kV. The jacket will be black high-density polyethylene material including a semi-conducting layer.

The alterations at the Valley Stream and East Garden City Substations will also be necessary to accommodate the WNTP. It will include an underground-to-overhead terminal constructed at each substation to transition the underground cable to an overhead connection. Each of the two overhead connections, one at each substation, will be tied to newly-installed 138-kV circuit breakers, switches and 138-kV bus section.

It was determined that the WNTP would require a bifurcated EM&CP approval process to meet time constraints, while providing more time for PSEG Long Island to develop a trenchless installation method along the route in the area of

Stewart Avenue, which has extremely high traffic congestion. The first phase of the EM&CP was approved by the Commission on November 19, 2019 and is actively being constructed.

This Order addresses the second phase of the EM&CP relating to a horizontal directional drill (HDD) on Stewart Avenue. The subsequent Phase 2 EM&CP was filed with the Commission on February 12, 2020.⁵ The filing consists of minor revisions to one of the HDD operations on Stewart Avenue. Public Notice of the Phase 2 EM&CP filing was published in the Lynbrook/East Rockaway Herald, Malverne/West Hempstead Herald, Rockville Centre Herald, and Valley Stream Herald.⁶ In addition an, electronic copy of the Phase 2 EM&CP was provided to local libraries for inspection by the public. The Applicant also served copies of the Phase 2 EM&CP on all parties and affected landowners. No comments were received.

LEGAL AUTHORITY

PSL §126(1) provides that the Commission may not grant a Certificate for the construction or operation of a major utility transmission facility unless it shall find and determine among other things that the facility represents the minimum adverse environmental impact. The September 19, 2019 Certificate Order provided for, among other things, Commission-approved specifications for the development of the Phase 2 portion of the EM&CP at issue here. This Order will address the revisions to mitigate traffic impacts to Stewart Avenue and HDDs as they relate to the Phase 2 scope of work.

⁵ Case 17-T-0752, supra, WNTP EM&CP Phase 2 (filed February 12, 2020).

⁶ Case 17-T-0752, supra, Affidavit of Newspaper Publication for Phase 2 EM&CP (filed March 3, 2020).

DISCUSSION AND CONCLUSION

As filed on August 23, 2019 and revised on October 29, 2019 the Phase 1 EM&CP provided both typical and site-specific techniques, procedures and requirements to be followed during the construction and maintenance of the WNTP. The EM&CP identified and defined the various facilities and environmental features within the existing ROW and substation upgrades, construction accesses, and provided protective measures for sensitive resources. However, during review of the Phase 1 EM&CP, DPS Staff identified a section of Stewart Avenue, along the WNTP route (known as Phase 2), where construction activities associated with an HDD would have vehicular traffic impacts if the HDD entry pit was located in a lane of active traffic. To address the impact, DPS Staff instructed PSEG LI to further assess the location so that the entry pit could be sited adjacent to Stewart Avenue. Subsequently PSEG LI was able to move the entry pit outside of the roadway thereby mitigating traffic impacts.

To allow PSEG LI time to further assess traffic mitigation efforts, no construction activities, with exception of surveys, soils testing, and such other activities were allowed from centerline station 348+00 to station 371+00, until a revised second phase of the EM&CP for this section of the route received Commission approval. No construction activities occurred on the portion of the route east of station 371+00 during the ongoing Phase 1 portion of work. The changes to the HDD entry area subsequently altered the WNTP centerline location.

Upon review, the Applicant has adequately addressed the impacts to traffic in the area of Stewart Avenue caused by the initial location of the HDD entry pit. As such, the Commission approves the Phase 2 portion of PSEG LI's EM&CP,

thereby approving the final portion of the WNTP. The Applicant shall not commence construction on Phase 2 until it has received a "Notice to Proceed with Construction" letter signed by the Department's Director of Facility Certification and Compliance or his/her designee.

The Commission orders:

1. The Phase 2 Environmental Management and Construction Plan submitted by PSEG Long Island LLC on behalf of and as agent for the Long Island Light6ng Company d/b/a LIPA (PSEG Long Island or Applicant) is approved.

2. The Applicant shall not commence construction until it has received a "Notice to Proceed with Construction" letter signed by the Director of Facility Certification and Compliance or his/her designee.

3. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.

4. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary