

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 19-F-0299 - Application of Excelsior Energy Center, LLC, for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility in the Town of Byron, Genesee County.

NOTICE INVITING COMMENTS

(Issued July 10, 2020)

Excelsior Energy Center, LLC (the Developer) has proposed to construct the Excelsior Energy Center (the Project), a 280-megawatt (MW) solar energy center and 20 MW / 4-hour duration energy storage system in the Town of Byron, Genesee County. The Project components would include solar arrays, access roads, buried and possibly overhead electric collection lines, energy storage, and electrical interconnection facilities. During construction, the Project would require one or more laydown yards. Additional Project facilities would consist of a new collection substation and 345 kV switchyard, which would be used to connect to the New York State grid and would be transferred to the New York Power Authority (NYPA) to own, maintain and operate. The proposed collection substation and interconnection facilities would be located on land adjacent to NYPA's 345 kV Line #NR2, between its Niagara and N. Rochester substations. The Project would be located on land leased from owners of private property in the Town of Byron.

In furtherance of preparing an application for this Project, on July 6, 2020, the Developer filed proposed stipulations. Stipulations are agreements among the parties designed to simplify or shorten litigation of the issues that must be determined by the New York State Board on Electric

Generation Siting and the Environment (Siting Board). Any parties to the proceeding can enter into a stipulation setting forth an agreement on any aspect of the preliminary scoping statement or the scope or program of studies to be conducted and included in the application. Before a stipulation may be executed by the parties agreeing to it, notice of the proposed stipulation must be provided and the public and other parties afforded a reasonable opportunity to submit comments on the proposed stipulation. Only parties that are signatories to a stipulation are bound by it. Any party who does not sign a stipulation may challenge the aspect of the application to which the stipulation applies.

PLEASE TAKE NOTICE that pursuant to Public Service Law Section 163(5) and the Siting Board rules, including 16 NYCRR §1000.5(j), any person, agency or municipality may submit comments on the proposed stipulations by filing a copy with the Secretary and serving such comment on the Developer, on or before **July 27, 2020**. Attached to this notice is a summary of the proposed stipulations, prepared by the Developer, that describes the parties supporting the stipulations and the subject matter of the proposed stipulations. The full text of the stipulations is available electronically at the Department of Public Service website, www.dps.ny.gov. To access documents, either go to "Search," type the case number, "19-F-0299," and click "Search by Case Number," or click on the direct link from that web page to "Excelsior Energy Center" under the topic heading of "Generation Siting."

You may file comments electronically with the Secretary by becoming a registered user of the Department of Public Service Document and Matter Management (DMM) system. The Secretary's filing guidelines and instructions on becoming a registered user of the DMM system are available on the Siting

Board Website (<http://www.dps.ny.gov/SitingBoard/>). You may also file comments with the Secretary by emailing them to secretary@dps.ny.gov or by mailing them to the Hon. Michelle L. Phillips, Secretary, Board on Electric Generation Siting and the Environment, Three Empire State Plaza, Albany, New York 12223-1350.

Comments must also be served on the Developer's designated representative, by email to mpiasecki@harrisbeach.com or by regular mail to Michelle K. Piasecki, Harris Beach, 677 Broadway, Suite 1101, Albany, NY 12207.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Case 19-F-0299
Excelsior Energy Center, LLC
280 MW Solar Photovoltaic Generation and 20 MW Energy Storage Project
Town of Byron, Genesee County, New York

NOTICE OF SUBMISSION OF PROPOSED STIPULATIONS

Excelsior Energy Center, LLC (“Excelsior Energy” or the “Applicant”) is proposing to submit an application (the “Application”) to construct the Excelsior Energy Center (the “Project”), a solar powered major electric generating facility, under Article 10 of the Public Service Law (“Article 10”). **PLEASE TAKE NOTICE** that, pursuant to 16 New York Codes Rules and Regulations (“NYCRR”) §1000.5, the Applicant is filing proposed stipulations on or about July 6, 2020 as to the scope and methodology of studies to be conducted in support of the Application which will be filed at a later date. There will be a 21-day public comment period on the proposed stipulations before they may be executed by interested parties. Any person wishing to provide comment on the proposed stipulations may do so on the Department of Public Service’s website, as provided below.

The Project will consist of a 280-megawatt (MW) solar energy center and 20 MW / 4-hour duration energy storage system located on land leased from owners of private property. Project Components include commercial-scale solar arrays, access roads, fencing, inverters, buried (and possibly overhead) electric collection lines, a collection substation, and electrical interconnection facilities.

Pursuant to the Article 10 process, the Applicant filed a Preliminary Scoping Statement (PSS) on September 24, 2019 with the New York State Board on Electric Generation Siting and the Environment (Siting Board) and parties submitted comments thereon. Following the comment period, on November 22, 2019, the Applicant filed a summary of the material comments and its responses thereto. On November 13, 2019, the Examiners in this proceeding held a pre-application procedural conference and ruled that Excelsior Energy could begin its stipulation process. Excelsior Energy served a notice commencing the stipulations process on December 27, 2019.

This notice serves as a summary of the contents of the proposed stipulations negotiated and/or agreed to, in whole or in part, between the Applicant and the New York State Department of Environmental Conservation (DEC), New York State Department of Public Service (DPS), the New York State Department of Agriculture and Markets (DAM), the New York State Department of Health (DOH), the Town of Byron, and the Byron Association Against Solar pursuant to 16 NYCRR §1000.5(j)(2). Other potential parties in this proceeding may join these stipulations. During the 21-day comment period, any person, agency or municipality may submit comments on the proposed stipulations by serving such comments on Excelsior Energy’s designated representative (Michelle Piasecki: mpiasecki@harrisbeach.com) and filing a copy with the Secretary of the Siting Board (Hon. Michelle L. Phillips at secretary@dps.ny.gov) referencing Case 19-F-0299. Any party that executes a pre-application stipulation may not raise objections at the hearing on the Application as to methodology or scope of any study or program of studies performed in compliance with such stipulation. Any other party may timely raise objections at the hearings as to the methodology or the scope of any study or program of studies performed in compliance with such stipulation.

The proposed stipulations provide a comprehensive and detailed description of the proposed contents of the Article 10 Application and generally track the exhibits required to be included pursuant to 16 NYCRR Part 1001.

The Project's proposed stipulations set forth potential agreements between the parties on the methodology and scope of studies for the following Article 10 Application exhibits: Exhibit 1: General Requirements; Exhibit 2: Overview and Summary of Public Involvement; Exhibit 3: Location of Facilities; Exhibit 4: Land Use; Exhibit 5: Electric System Effects; Exhibit 8: Electric System Production Modeling; Exhibit 9: Applicable Reasonable and Available Alternatives; Exhibit 10: Consistency with Energy Planning Objectives; Exhibit 11: Preliminary Design Drawings; Exhibit 12: Construction; Exhibit 13: Real Property; Exhibit 14: Cost of Facilities; Exhibit 15: Public Health and Safety; Exhibit 16: Pollution Control Facilities; Exhibit 17: Air Emissions; Exhibit 18: Safety and Security; Exhibit 19: Noise and Vibration; Exhibit 20: Cultural Resources; Exhibit 21: Geology, Seismology, and Soils; Exhibit 22: Terrestrial Ecology and Wetlands; Exhibit 23: Water Resources and Aquatic Ecology; Exhibit 24: Visual; Exhibit 25: Effect on Transportation; Exhibit 26: Effect on Communication; Exhibit 27: Socioeconomic Effects; Exhibit 28: Environmental Justice; Exhibit 29: Site Restoration and Decommissioning; Exhibit 31: Local Laws and Ordinances; Exhibit 32: State Laws and Regulations; Exhibit 33: Other Applications and Filings; Exhibit 34: Electric Interconnection; Exhibit 35: Electric and Magnetic Field; and Exhibit 40: Telecommunications Interconnection

The Project's proposed stipulations include, but are not limited to, the scope and types of studies to be conducted; the content and analysis for each exhibit and/or study; the types of maps, drawings, or explanations to be provided; the methodologies to be used in performing studies; the data to be collected and compared in studies; impact avoidance and mitigation measures, as necessary; the type and extent of agency consultations needed before submitting the Application; and the information required to be provided in the Application in compliance with the Article 10 regulations.

All public documents filed in this proceeding, including the proposed stipulations, may be accessed electronically at the DPS website at (<http://www.dps.ny.gov>). To access documents, go to "Search" at the top of the webpage and enter the Case Number 19-F-0299, or click on the direct link to Excelsior Energy Center, or go to the Project-specific website maintained by the Applicant: <https://www.excelsiorenergycenter.com/>.

The proposed stipulations may also be reviewed at the following local repositories: Town of Byron Town Hall, 7028 Byron Holley Road, Byron, NY 14422; and the Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416.