

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on February 11, 2021

COMMISSIONERS PRESENT:

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

CASE 19-T-0549 - Application of LS Power Grid New York, LLC, LS Power Grid New York Corporation I, and the New York Power Authority for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for Edic/Marcy to New Scotland; Princetown to New Scotland Project.

ORDER APPROVING ENVIRONMENTAL MANAGEMENT
AND CONSTRUCTION PLAN SEGMENT II

(Issued and Effective February 12, 2021)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On January 21, 2021, the Public Service Commission (Commission) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to the LS Power Grid New York, LLC, and LS Power Grid New York Corporation (collectively, "LS Power Grid New York"), and the New York Power Authority ("NYPA"). These joint applicants are collectively known as the "Certificate Holder." The Certificate authorizes the construction and operation of the Edic/Marcy to New Scotland; Princetown to Rotterdam Project involving the construction of an approximately 93 mile 345-kilovolt (kV) transmission line starting at the Edic substation in Marcy and terminating at the

New Scotland substation in Albany (Project or Facility), pursuant to the requirements of Article VII of the Public Service Law (PSL).

The Project, as proposed and subsequently authorized by the Commission, consists of eight components that are expected to be grouped into four Environmental Management & Construction Plan (EM&CP) filings.

The first component consists of upgrades to the Marcy and Edic substations. The second component, pertains to the reconductoring and replacement of two circuits of 230 kV transmission line with two circuits of 345 kV transmission line on existing structures, extending for approximately 13 miles from the Edic Substation. The third component involves the removal of two existing single circuit 230 kV transmission lines and replacement with a new 345 kV double circuit transmission line extending for approximately 55 miles. The fourth component involves the construction of the new 345 kV Princetown substation. The fifth component is the removal of two existing single circuit 230 kV transmission lines, and replacement with two new single circuit 345 kV transmission lines between the Princetown substation and the new Gordon Road Substation, for approximately 5 miles. The sixth component is the construction of the new Gordon Road Substation. The seventh component of the Project involves the construction of a new double circuit 345 kV transmission line between the Princetown substation and the New Scotland substation, for approximately 20 miles, with the rebuilding of an existing single circuit 345 kV transmission line from the Princetown substation extending approximately 6 miles southward in that same corridor, and partial removal and/or removal from service of the Rotterdam to New Scotland 115 kV line in the same corridor. The eighth component involves upgrading the existing New Scotland substation.

The entire Project extends approximately 93 miles in the Towns of Deerfield and Marcy in Oneida County; the Towns of Schuyler, Frankfort, German Flatts, Little Falls, Stark, Danube, and the Village of Ilion in Herkimer County; the Towns of Minden, Canajoharie, Root, Charleston, Glen, and Florida in Montgomery County; the Towns of Duanesburg, Princetown, and Rotterdam in Schenectady County; and the Towns of Guilderland and New Scotland in Albany County.

This Order is only for the work described in the second filing of the EM&CP (Segment II). This filing primarily consists of the fourth, seventh and eighth components of the project, as described above. This includes the construction of the new 345 kV Princetown substation; the construction of a new double circuit 345 kV transmission line between the Princetown substation and the New Scotland substation, for approximately 20 miles; the rebuilding of an existing single-circuit 345 kV transmission line from the Princetown substation extending approximately 6 miles southward in that same corridor; and the removal from service of the Rotterdam to New Scotland 115 kV line and its partial removal in the same corridor. In addition, the existing New Scotland Substation will be upgraded to accommodate the new configuration.

The Certificate Conditions contain several requirements for compliance, including a requirement that the Certificate Holder submit for public review and Commission approval plans detailing the Facility design, construction and environmental controls (or the EM&CP).¹

The Certificate Holder submitted its proposed Segment II EM&CP filing for approval on October 15, 2020. The

¹ Case 19-T-0549, supra, Order Granting Certificate of Environmental Compatibility and Public Need (issued November 19, 2020), Certificate Conditions 18-32.

Certificate Holder served public notice of the EM&CP filing for review and comment on each party on the Service List and published the notice in local newspapers, in accordance with Certificate Condition 30. On October 15, 2020, the Certificate Holder filed affidavits of service in accordance with Certificate Condition 21. On October 19, 2020, the Certificate Holder filed affidavits of publication in accordance with Certificate Condition 31. The 30-day comment period, required by Certificate Condition 30(h), ended on November 3, 2020. No public comments were received pertaining to the Segment II filing. None of the affected municipalities submitted comments.

Informal comments were submitted by the Staff of the Department of Public Service (DPS Staff or Staff), Staff of the Department of Agriculture and Markets (NYSDAM), and the New York State Department of Environmental Conservation (DEC), as discussed below. The Commission is advised that the Certificate Holder addressed comments in its revised EM&CP, filed on January 6, 2021. DPS and NYSDAM Staff again provided informal comments to the Certificate Holder to further refine the EM&CP. In addition, one public comment was received regarding the revised EM&CP filing from an abutting landowner, as described below.

Through this Order the Commission approves the Segment II EM&CP filing as revised and supplemented so that the Certificate Holder may begin construction and installation of the transmission Facility, pursuant to the Commission-approved Article VII Certificate.

THE EM&CP, COMMENTS AND RESPONSES

As filed on October 15, 2020, and revised on January 6, 2021, the Certificate Holder's Segment II EM&CP provides both typical and site-specific techniques, procedures and requirements to be followed in the development of the Project by

the Certificate Holder to ensure environmental protection. The EM&CP identifies and defines the various facilities and environmental features within the existing and new rights-of-way (ROW); construction access; protective measures for streams, wetlands, threatened and endangered species, agricultural lands, cultural resources, scenic resources and recreational areas; and the Certificate Holder's organizational framework to ensure implementation of the EM&CP. The standards for the EM&CP are described in the Joint Proposal and its appendices.

NYSDEC

DPS Staff consulted with NYSDEC regarding NYSDEC jurisdictional areas in the Segment II EM&CP.

DPS

DPS Staff reviewed the EM&CP and provided informal comments and recommendations to the Certificate Holder and its consultants. DPS Staff suggested revisions to the planimetric mapping of several features on the Plan and Profile drawings such as roadway types, culvert, fence and stonewall locations and work area modifications, as well edits to the narrative portions of the EM&CP. In addition, DPS Staff requested revisions or clarifications on areas including tree clearing, proposed grading, Wetland and Waterbodies Tables and the Princetown Road substation drawings. DPS Staff also requested various line style and symbology edits to improve the readability of the Project's drawings. The Commission is advised that the Certificate Holder adequately addressed all DPS Staff comments in its January 6, 2021 revised Segment II EM&CP.

NYSDAM

NYSDAM Staff reviewed the EM&CP and provided informal comments and recommendations to the Certificate Holder and its consultants. NYSDAM Staff suggested revisions to the EM&CP Plan and Profile designs and other parts of the EM&CP. These suggestions included, but were not limited to, access road type and location, temporary agricultural fencing, agricultural operator crossing design details and locations of such crossings and drain tile identification and repair.

The Commission is advised that the Certificate Holder adequately addressed all of NYSDAM Staff's comments in the February 2, 2021 revised Segment II EM&CP.

Public

One comment was received from the public regarding the Segment II EM&CP. The comment was from an abutting landowner expressing concern over a structure placement and requested revisions to address their concerns. The Certificate Holder states it is committed to reducing the visual impacts presented and are currently working with their engineers to adjust the placement of the structure in this area.

DISCUSSION AND CONCLUSION

As noted above, DPS Staff and NYSDAM Staff raised numerous concerns regarding details of facility design, construction, component locations, environmental impacts and mitigation, contained in the proposed EM&CP. The Certificate Holder submitted a revised EM&CP containing revised text and revised Plan and Profile drawings and specifications to address the concerns raised by DPS Staff and NYSDAM Staff. With respect to the visual concerns raised by the public comment, the Certificate Holder is directed to work with DPS Staff to address

any potential changes to the EM&CP in accordance with its Certificate.

Upon review, the Commission finds that the Certificate Holder has adequately addressed the concerns raised by DPS and NYSDAM Staffs. Based on a review of all the documents submitted, the comments received, and the responses and supplemental filings made by the Certificate Holder, the revised Segment II EM&CP for the Project is approved.

The Commission orders:

1. The revised Segment II Environmental Management and Construction Plan for Segment dated January 6, 2021, and February 2, 2021, submitted by the Certificate Holder is approved subject to the following conditions.

2. The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with Construction" letter sent by the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water or by the Director's designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary