

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on April 15, 2021

COMMISSIONERS PRESENT:

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

CASE 19-T-0684 - Application of New York Transco LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the New York Public Service Law to Construct, Operate, and Maintain a New, Double-Circuit 54.5 Mile 345/115 Kilovolt Electric Transmission Line and Related Facilities Located in the Town of Schodack, Rensselaer County; the Towns of Stuyvesant, Stockport, Ghent, Claverack, Livingston, Gallatin, and Clermont in Columbia County; and the Towns of Milan, Clinton, and Pleasant Valley in Dutchess County.

ORDER APPROVING ENVIRONMENTAL MANAGEMENT
AND CONSTRUCTION PLAN

(Issued and Effective April 16, 2021)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On February 11, 2021, the Public Service Commission (Commission) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to New York Transco LLC (Certificate Holder). The Certificate authorizes the construction, operation, and maintenance of the Knickerbocker to Pleasant Valley, New York Energy Solution Project involving the construction of a new, 54.5 mile, double-circuit 345-kilovolt (kV) electric transmission line to be co-located with existing

115 kV electric transmission lines between the new 345 kV Knickerbocker Switching Station in Schodack, Rensselaer County; the rebuilt 115 kV Churchtown Switching Station located in Claverack, Columbia County; and the existing 345 and 115 kV Pleasant Valley Substation in Pleasant Valley, Dutchess County; along with the replacement of 2.2 miles of 115 kV transmission line in an existing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) right-of-way (ROW), that extends from the existing 115 kV Blue Stores Substation to a tap with the existing National Grid #8 115 kV Lafarge to Pleasant Valley Line (referred to as the "Blue Stores Tap"); and installation of a 0.8 mile, double-circuit 345 kV electric transmission line between the Pleasant Valley Substation and the new 345 kV Van Wagner Capacitor Bank Station (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, is expected to be grouped into two or more Environmental Management & Construction Plan (EM&CP) filings. The first phase, which was approved by the Commission on February 11, 2021, pertained to the demolition and reconstruction of the Churchtown Switching Station, construction of a temporary bypass facility known as the Churchtown "Shoofly," and the establishment of two laydown yards located at Falls Industrial Park Road and Baker Road in the Towns of Ghent and Claverack, respectively. All other construction to occur along the remainder of the ROW corridor will be covered in subsequent EM&CP filings.

This Order is only for the work described in Section 1 of the Phase II EM&CP filing. The Phase II Section 1 EM&CP consists of the construction of a new 345 kV Knickerbocker Switching Station located in the town of Schodack, Rensselaer County, and 22.2 miles of new 345 kV conductor and supporting

structures extending from the new Knickerbocker Station to the rebuilt 115 kV Churchtown Switching Station pursuant to the Phase 1 EM&CP approval. This new transmission line will be placed on new double-circuit, galvanized steel monopoles co-located with various existing 115 kV transmission lines within the ROW.

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 (the EM&CP).¹

The Certificate Holder submitted its proposed Phase II EM&CP filing for approval on February 19, 2021. Public notice of the EM&CP filing for review and comment was served on each party on the Service List and on landowners and/or residents of property crossed by or abutting the Project ROW and made available at the public repositories listed on the Service List, in accordance with Certificate Conditions 36 and 38. As further required by Certificate Condition 38, the Certificate Holder published notice in three local newspapers of general circulation. In accordance with Certificate Condition 40, on February 24, 2021, and February 26, 2021, the Certificate Holder filed affidavits of service with the Commission. On February 26, 2021, the Certificate Holder filed affidavits of publication with the Commission.

The 30-day comment period, required by Certificate Condition 39(g), ended on March 22, 2021. Public Comments were received from the Joint Intervenors.² None of the affected

¹ Case 19-T-0684, Supra, Order Granting Certificate of Environmental Compatibility and Public Need (issued February 11, 2021), Certificate Conditions 27-41.

² Joint Intervenors is comprised of the Towns of Livingston, Milan, and Pleasant Valley; Farmers and Families for

municipalities submitted comments. Informal comments were submitted by the Staff of the Department of Public Service (DPS Staff), Staff of the Department of Agriculture and Markets (NYSAGM), Staff of the Department of Environmental Conservation (NYSDEC), and National Grid. The Certificate Holder addressed these comments in its revised Phase II EM&CP, filed on March 26, 2021. No further comments from community members, the various Parties, or municipalities have been received at this time.

This Order approves the Phase II Section 1 EM&CP filing so that the Certificate Holder may begin work comprising the first portion of the Project: construction of a new Knickerbocker Switching Station; and 22.2 miles of 345 kV conductor and supporting structures extending from the new Knickerbocker Switching Station to the rebuilt Churchtown Switching Station, pursuant to the Certificate.

THE EM&CP, COMMENTS AND RESPONSES

As filed on February 19, 2021, and revised on March 26, 2021, the Certificate Holder's Phase 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 Phase II EM&CP identifies and defines the Phase II Facility and both laydown yards; 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. As explained in the March 26, 2021 filings, the

Claverack; Farmers and Families for Livingston; and Walnut Grove LLC.

revised Phase II EM&CP filings do not include certain information required before the Certificate Holder may commence transmission line work from the Churchtown Switching Station to the Pleasant Valley Substation. It is anticipated that work will be addressed as Phase II Section 2. The revised Phase II EM&CP filings do include all information required for work from the Knickerbocker Switching Station to the Churchtown Switching Station.

DPS

DPS Staff provided informal comments to the Certificate Holder to address items such as spoils disposal on the ROW, placement of concrete washout stations, and using low ground pressure equipment and timber matting for clearing inside sensitive resource areas. The Commission is advised that the Certificate Holder adequately addressed DPS Staff's comments in its March 26, 2021 revised EM&CP, and that DPS Staff is satisfied with its response.

NYSAGM

NYSAGM Staff reviewed the Phase II EM&CP and provided informal comments and recommendations to the Certificate Holder and its consultants, particularly regarding the Knickerbocker Switching Station and temporary access roads in agricultural areas. The Commission is advised that the Certificate Holder adequately addressed NYSAGM Staff's comments in its March 26, 2021 revised EM&CP.

NYSDEC

NYSDEC Staff reviewed the Phase II EM&CP and provided informal comments and recommendations to the Certificate Holder

and its consultants, particularly regarding the Plan and Profile drawings and the Take Avoidance and Minimization Plan. The Commission is advised that the Certificate Holder adequately addressed NYSDEC Staff's comments in its March 26, 2021 revised EM&CP.

National Grid

National Grid also reviewed the Phase II EM&CP and provided informal comments and recommendations to the Certificate Holder and its consultants, particularly to the Gas Line Safety Plan and construction methods within range of adjacent utilities. The Commission is advised that the Certificate Holder adequately addressed National Grid's comments in its March 26, 2021 revised EM&CP.

Joint Intervenors

Joint Intervenors submitted public comments on the Phase II EM&CP filings. Joint Intervenors provided comments on the Certificate Conditions cited within the EM&CP narrative. Joint Intervenors reiterated its concerns regarding the Visual Impact Mitigation Plan. The Certificate Holder stated it reviewed Joint Intervenors' comments and determined no revisions were needed in response, as comments were primarily made to the Certificate Conditions which have already been adopted by the Commission in the Certificate.

DISCUSSION AND CONCLUSION

As noted above, DPS Staff, NYSAGM Staff, NYSDEC Staff, and National Grid raised various concerns and suggestions regarding details of the proposed EM&CP. The Certificate Holder submitted a revised EM&CP containing revised text on March 26, 2021, to address the concerns raised by DPS, NYSAGM, NYSDEC, and

National Grid. The Certificate Holder has filed all information required to allow work to begin between the Knickerbocker Switching Station and Churchtown Switching Station, and, accordingly, the Certificate Holder may commence work no further south than Orchard Road in Claverack.

Upon review, the Commission finds that the comments submitted by Joint Intervenors did not warrant any revisions to the Phase II EM&CP. Joint Intervenors' comments concern matters that were resolved by the Commission in the Order Adopting Joint Proposal - particularly Certificate Conditions that were adopted by the Commission.³ To the extent Joint Intervenors had further concerns regarding the Certificate Conditions or visual impacts, those concerns should have been pursued in a petition for rehearing.⁴ Accordingly, further revisions to the revised EM&CP are not warranted.

The Commission finds that the Certificate Holder has adequately addressed the concerns raised by DPS, NYSAGM, and NYSDEC Staff, and National Grid. Based on a review of all the documents submitted, responses received, and supplemental filings made by the Certificate Holder, the revised Phase II Section 1 EM&CP for the Project is approved.

The Commission orders:

1. The revised Phase II Section 1 Environmental Management and Construction Plan submitted by the Certificate Holder on March 26, 2021, is approved subject to the following condition.

2. The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with

³ Case 19-T-0684, Supra, Order Adopting Joint Proposal (issued February 11, 2021).

⁴ PSL §128(1).

Construction" letter sent by the Director of Facility Certification and Compliance, or a designee, of the Office of Electric, Gas and Water.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary