

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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PETER MCGOWAN, *General Counsel*

JEFFREY C. COHEN, *Acting Secretary*

January 17, 2013

### Via E-Mail

Jeffrey C. Cohen, Acting Secretary  
Department of Public Service  
Three Empire State Plaza, 3rd floor  
Albany, New York 12223

RE: CASE 10-T-0139 - Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

Dear Acting Secretary Cohen:

This letter is submitted in lieu of a brief on exceptions by the Staff of the Department of Public Service (Staff) designated to represent the public interest in this proceeding. In it we recommend certain clarifying changes to the recommended decision (RD) of Administrative Law Judges Phillips and Casutto (issued December 27, 2012).

The RD states (on p. 3) that the Joint Proposal is attached to it as Appendix 2, but only proposed Certificate Condition 15 is so attached. The RD (on p. 7, in the second sentence of the second full paragraph) lacks the words "converter station" after "HVDC." Moreover, the RD (on p. 31, in the first full paragraph) lacks the word "million" before "tons."

In referring to Proposed Certificate Condition 99, the RD states (on p. 80, in the third paragraph): "The dredged material will be placed in scows and either replaced in the trench or pits (if determined by the appropriate permitting authority to be suitable for replacement), or removed for disposition at an authorized location...Placement of imported backfill when dredge spoil is not used would create some additional increases in suspended sediment."

In actuality, proposed Certificate Condition 99 prohibits the use of dredge materials for backfill.

Respectfully submitted,

Steven Blow,  
Assistant Counsel

Cc: Judge Casutto, Judge Phillips, all parties