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Re: Case 10-E-0501 – CPV Valley

**** Please note this is a Preliminary transcript, subject to later edits when reviewed by the parties and the Administrative Law Judges assigned to the case.**

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case Number 10-E-0501

CPV VALLEY - CONSTRUCTION OF
AN ELECTRIC PLANT

Tuesday, February 25, 2014
6:27 p.m.

Orange County Community College
Library/Gilman Center
Room 130
115 South Street
Middletown, New York 10940

A.L.J. PAUL AGRESTA
Administrative Law Judge
Three Empire State Plaza
Albany, New York 12223-1350

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2 (The meeting commenced at 6:27
3 p.m.)

4 A.L.J. AGRESTA: Okay. We're
5 going to get started. It's a very nice turnout. I
6 feel sorry for anybody in Orange County who's
7 trying to find either a plumber or electrician
8 tonight.

9 We're all going to have to try to
10 leave this entrance open in case there's any kind
11 of an emergency. So the people that are milling
12 near the door are going to have to move somewhere.

13 And I -- I appreciate the fact
14 that some of the union members that are here today
15 have agreed to wait outside of the room so that we
16 can proceed without making an overly dangerous
17 situation for anybody. So I thank them for that.
18 We will clearly record for the Commission the
19 number of people that were here and -- and let them
20 know.

21 All right. I call case ten E O
22 five O one. This case is before the New York
23 Public Service Commission to consider the petition
24 of C.P.V. Valley, L.L.C., for a certificate of
25 public convenience and necessity pursuant to

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2 Section 68 of the Public Service Law.

3 Can everybody hear me?

4 FROM THE AUDIENCE: No.

5 A.L.J. AGRESTA: We only have one
6 microphone in this and everyone has to hear me.

7 UNIDENTIFIED SPEAKER: Are you
8 kidding?

9 A.L.J. AGRESTA: Can you hear?
10 Is this thing -- can anybody hear me now? How
11 about this one?

12 UNIDENTIFIED SPEAKER: Excuse me.
13 Could you also tell us your name?

14 A.L.J. AGRESTA: Hello. Can you
15 hear through this one?

16 UNIDENTIFIED SPEAKER: No; it's
17 not working.

18 A.L.J. AGRESTA: Okay. All
19 right. Then let's take a break for a second then
20 and get this fixed.

21 (Off-the-record discussion)

22 A.L.J. AGRESTA: All right.
23 Let's go back on the record. Everybody, please be
24 quiet. Come to order. Okay.

25 I am Administrative Law Judge

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2 Paul Agresta. I work for the New York State
3 Department of Public Service. I'd like to thank
4 Orange County Community College for allowing us to
5 use this facility. Tonight's public statement
6 hearing and procedural conference are being held
7 pursuant to a rescheduling notice that was issued
8 on February 13th --.

9 UNIDENTIFIED SPEAKER: Speak up.

10 A.L.J. AGRESTA: This is more for
11 the record, but it's -- this -- this hearing is
12 being held pursuant to a notice that was issued on
13 February 13, 2014. Our first attempt to hold these
14 hearings had to be cancelled due to a snow storm.

15 Okay. Now these proceedings are
16 being recorded and they're going to be transcribed
17 into a written transcript that will be available on
18 the website maintained by the Department of Public
19 Service. Therefore, in order to get a complete
20 record, it's necessary for those speaking to use
21 the microphone and for everyone to be patient and
22 to speak one at a time. Okay? And everybody in
23 the audience should remain quiet throughout the
24 entire proceeding. All right?

25 If you want to speak tonight, you

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2 should have filled out a little card at the
3 entrance table. And I'm going to call people, from
4 the cards that I received, to speak. We're going
5 to try to give everybody an opportunity to speak
6 who wants to speak tonight, but I'm going to ask
7 everyone to try to keep their remarks brief,
8 perhaps to about three minutes apiece. You'll find
9 that three minutes is a long time when you start
10 talking.

11 Okay. Are there any process
12 questions before we begin the public statement
13 hearing portion for tonight?

14 UNIDENTIFIED SPEAKER: Would we
15 be cut off at three minutes or would we --?

16 A.L.J. AGRESTA: The question is
17 would -- would you be cut off at three minutes? If
18 people start to abuse it, yes. You do have an
19 opportunity to submit written comments. And
20 frankly, there's no difference between a written
21 comment or an oral comment. None of the
22 commissioners are here today. I'm here to collect
23 the information and then I will be summarizing it
24 and presenting it to them. So whether you send in
25 a written comment by mail or you appear here

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2 tonight doesn't make any difference. Okay?

3 UNIDENTIFIED SPEAKER: Thank you.

4 A.L.J. AGRESTA: And you still
5 will have all day tomorrow to submit a written
6 comment if you want to. So if somebody feels like
7 they don't want to wait around, they could send in
8 a comment tomorrow. Okay?

9 So the first speaker is John
10 Razzano. And if you could please come up to the
11 podium and use the microphone?

12 MR. RAZZANO: Thank you, sir. My
13 name is John Razzano. I'm the supervisor in the
14 Town of Wawayanda.

15 C.P.V. first came to Wawayanda
16 approximately 2008. And since then, the Town of
17 Wawayanda has spent hundreds of thousands of
18 dollars conducting thorough, comprehensive review
19 of this project and it's lasted over five years.
20 We've hired specialists to review every aspect of
21 the project from air, water, and all the other
22 environmental issues. SEQR has been completed in
23 2012.

24 C.P.V. has received all necessary
25 approvals from the Town of Wawayanda Planning

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2 Board, from the Wawayanda Zoning Board, and from
3 the town board. In considering the millions of
4 dollars that they've invested in this project, we
5 have no reason to doubt that the business entity
6 isn't formed properly.

7 Additionally, C.P.V. has also
8 received municipal consent in October 2013 in the
9 City of Middletown for locating necessary pipes --.

10 UNIDENTIFIED SPEAKER: Could you
11 move the mic up to your face, please? I think
12 that's why it's making that sound.

13 (Off-the-record discussion)

14 MR. RAZZANO: Okay. As I said,
15 additionally, C.P.V. has received municipal consent
16 in October of 2013 from the City of Middletown for
17 locating necessary pipes on the city property.
18 Therefore, they have received all additional -- all
19 municipal approvals from Middletown. I feel that
20 this is a vital project for our area and I hope
21 this project is approved and granted the
22 certificate of public necessity and convenience.
23 Thank you.

24 A.L.J. AGRESTA: Thank you. All
25 right. Off the record for a second.

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2 (Off-the-record discussion)

3 A.L.J. AGRESTA: The next speaker
4 will be David Cole.

5 MR. COLE: Good evening. My name
6 is David Cole. I'm a councilman, Town of
7 Wawayanda. And I, again, concur with Supervisor
8 Razzano's remarks. Therefore, I'll keep my remarks
9 even shorter and to the point.

10 This certificate of necessity and
11 compliance with convenient to public service, as
12 John had mentioned, was granted with the F.E.I.S.,
13 with the planning board on February 8th, 2012, as
14 stated. And the findings statement that was
15 adopted on May 23rd, 2012, you should have here in
16 your literature. I just would like to mention that
17 Governor Cuomo's intent, as stated, is to
18 decommission Indian Point by 2015. That produces
19 four times the amount of energy that the C.P.V. is
20 going to be producing. Therefore, this is a
21 necessary project.

22 And last, but not least, the tax
23 relief and economic benefit to be derived by this
24 project and jobs, jobs, jobs. Thank you.

25 A.L.J. AGRESTA: Okay. The next

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2 speaker is the county executive, Steven Neuhaus.

3 MR. NEUHAUS: Good evening. My
4 name is Steve Neuhaus. I'm the Orange County
5 executive. New York State is a home rule state.
6 The supervisor just spoke before me and said that
7 all the local authorizations and approvals are in
8 place, so I see no reason in why this should be
9 stopped at this point. It went through the
10 process, the legal process of New York, and I think
11 this project needs to move forward and get the
12 approval. Thank you.

13 A.L.J. AGRESTA: The next speaker
14 is Gerald Cook. And after that will be Jill
15 Linder.

16 MR. COOK: Hi. My name is Jerry
17 Cook. I'm a Sierra Club member opposed to this
18 project. But I got solutions to make things
19 better. Basically, in my written statement, I'm
20 complaining about the amount of CO2 we have in the
21 United States, the fourteen-year drought out west,
22 the loss of farm, life, livelihood, the flooding in
23 the Midwest, again loss of property, life,
24 everything's changed all because of contamination
25 of our fossil (unintelligible).

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2 So -- but there are solutions. I
3 got two of them. So I'm not going to get into a
4 lot of detail here. But one of them that the
5 company called Courage dash Us. And what they are
6 doing is underneath the power lines, they're coming
7 up with a way to have renewable energy that they
8 can take because the power lines lose energy.
9 They're able to minimize that and be able to put
10 energy back into the system. Now my idea is we got
11 thousands of miles of power lines in New York
12 State. Why can't we put solar panels all over the
13 state, get every union guy here work, the cement
14 guys, field guys, electric workers, suppliers,
15 wire -- wire nuts, the whole nine yards.

16 The other solution is in Europe
17 and even in New York City there's a thing called
18 underwater turbines. Okay? As the water -- it's
19 like a propeller. The water comes, moves the
20 propeller, things spin, they make electricity.
21 Okay? Quebec is using it. They're expecting, from
22 the St. Lawrence River, to produce enough
23 electricity through the kinetic energy of the river
24 that's going to equal fifteen coal burning mega
25 power plants. So we don't need all this gas going

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2 back up that's going to hurt my grandchildren and
3 their grandchildren. There are alternatives.
4 There is work and there is a better way.

5 A.L.J. AGRESTA: Okay. The
6 next -- next speaker is Jill Linder. And she'll be
7 followed by Jacob -- I'm not sure I can read
8 this -- Tawil. Does that sound familiar to
9 someone?

10 Okay. Go ahead, Jill.

11 MS. LINDER: First, I have a
12 question. How many people are from Orange County?
13 All right. Okay. Many of the people here tonight
14 have come because they were told to come by union
15 leaders who C.P.V. has influenced through the
16 promise of construction jobs, a few local
17 politicians, business, community healthcare, and
18 Orange County Industrial Development Agency
19 executives who have persuaded -- who have been
20 persuaded by C.P.V. representatives that is
21 their -- in their interest, that there is a need
22 for this project, that it will produce clean
23 energy, benefit the local economy and -- and their
24 community, and -- and are here also. These people
25 have -- have been given speaking points passed on

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2 by C.P.V. hires and they will echo the C.P.V.
3 marketing talk.

4 I come here as a concerned
5 resident of Orange County, a mother, a grandmother,
6 a person deeply disappointed and outraged, given
7 all we know, experience and need and see in the
8 media about global warming, climate change, extreme
9 weather disasters that we must discuss the prospect
10 of another fossil fuel pollution laden project in
11 our community, the C.P.V. Valley Energy Center.

12 I am not able to speak to all the
13 considerations before the Public Service Commission
14 as regards to the various laws, regulations, and
15 issues that bear upon their decision regarding
16 Competitive Power Ventures' petitions. I speak
17 from my heart and common sense. What I have to --
18 what I want to say to the Commission is that based
19 on my knowledge, what I read and hear, there is no
20 actual need for C.P.V.'s project. Where is there a
21 need that is -- that is currently unmet? Not in
22 our area, not even in New York City. So where?
23 Sure, our power goes down during extreme weather.
24 We have seen this winter and during major storms
25 like Sandy, Irene, Isaac, and the rest, but that is

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2 to be expected and C.P.V. will not resolve that
3 problem.

4 And we do pay excessively high
5 prices for our electricity compared to other parts
6 of the state and the country, but will the P.S.C.
7 or C.P.V. assure us that our electric bills will go
8 down if their power plant is built? I don't think
9 so. On the contrary, I recently read articles in
10 the Times Herald Record by Jessica DiNapoli
11 (phonetic spelling) that the Federal Energy
12 Regulatory Commission created a new capacity zone
13 to fund power generation projects among which I
14 assume C.P.V. is likely to be one.

15 The journalist reported that this
16 new zone would raise utility rates for Hudson
17 Valley ratepayers and that the P.S.C., along with
18 the local supplier, and the New York Power
19 Authority were fighting in court because it
20 unfairly places the cost of building and/or
21 renovating power plants on the people, rather than
22 the investors.

23 I also understand that Orange
24 County Industrial Development Agency and the Town
25 of Wawayanda have committed to a property tax

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2 abatement, sales tax exemption, and other
3 incentives to underwrite this project. If C.P.V.'s
4 power plant would -- would be beneficial and the
5 company assured of its profitability, why do they
6 have to -- why do they have to have government and
7 taxpayer and ratepayer subsidies to build it? Why
8 can't their investors risk their own money? Why
9 put the burden of financing a project for an
10 out-of-state corporation and the risk of its
11 default on the little people like my neighbors and
12 me? Why are the neighbors and I being made to pay
13 for -- pay -- pay to put our families at risk so
14 C.P.V. can make a profit?

15 The members of the Public Service
16 Commission know better than -- than many of us
17 here. And there are many less costly and more
18 environmentally friendly energy alternatives than
19 C.P.V.'s project. We read and see news reports
20 about inexpensive hydropower and wind generations
21 upstate, solar, both commercial and local net
22 metering, and -- and grid modernization,
23 transmission and technology upgrades of all -- all
24 of which offer cleaner renewable energy, job
25 creating, and economically beneficial opportunities

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2 while slowing or reversing global warming and our
3 dependence on fossil fuel.

4 How is the project like this that
5 will dump over two million tons of greenhouse
6 gases, carcinogens, and toxic chemicals annually
7 into the air we breathe and jeopardize our health
8 and welfare, our environment and our economy has
9 been allowed to get this far? I care about my
10 family, my neighbors, and my community. I believe
11 in our country and I believe it's time for us to
12 transition to renewable energy and is -- is now
13 in -- I'm sorry -- to renewable energy is now. And
14 C.P.V.'s project is -- is not a part of the
15 renewable energy portfolio.

16 We all know that C.P.V.'s
17 representatives, consultants and lawyers have
18 maneuvered their project through the system. They
19 have persuaded many people to endorse it and some
20 are here tonight. I believe C.P.V. has misled
21 these people, politicians, and the business
22 community. I am here because I stand with the
23 people who want to save our community, our country
24 and our planet. I believe in and hope for a
25 renewable energy future in which all of us stand

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2 together in the struggle to save our country and
3 our world.

4 I see regarding -- rewarding high
5 paying long-term green job opportunities as we
6 transition to renewable energy. I envision a
7 future with strong economy built on hope, on
8 health, and preservation of the environment that
9 sustains us all. I stand with those who ask that
10 the P.S.C. deny C.P.V. their petition for
11 certificate of convenience and necessity, approval
12 to finance the construction of their power plant,
13 and approval of a lightened regulatory regime
14 which, although I am unclear as to what is meant by
15 that, I feel certain it is not in the public
16 interest. Thank you.

17 A.L.J. AGRESTA: Okay. Jacob
18 Tawil, and I'm sorry if I'm trashing your last --.

19 MR. TAWIL: : Tawil.

20 A.L.J. AGRESTA: Tawil? Okay.
21 And then the next speaker will be Debra Slattery.

22 MR. TAWIL: : Good evening. I'm
23 going to be very brief. I'm here to -- my name is
24 Jacob Tawil, Commissioner of Public Works, City of
25 Middletown. I'm here to represent Mayor DeStefano,

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2 City of Middletown Mayor. He -- he apologizes he
3 could not be here tonight. We're going to be
4 submitting his comments in support of C.P.V. for
5 your consideration. Thank you.

6 A.L.J. AGRESTA: Yeah, that was
7 an excellent way to do your comments; wasn't it?

8 Debra Slattery followed by Tula,
9 T-S-A-L-I-S, Tsalis. Okay. So Debra Slattery is
10 next.

11 MS. SLATTERY: This is going to
12 be very brief. C.P.V. -- can you hear me? Okay.
13 C.P.V. has created a false need of necessity for
14 this power plant as a need clearly does not exist.
15 As you are aware, New York State consumes less
16 overall energy than any other state, save for Rhode
17 Island. There is absolutely no need for this type
18 of power plant, be it six hundred and thirty
19 megawatts at its beginning or now at eight hundred
20 and twenty megawatts. What is needed is economical
21 and environmentally friendly alternatives such as
22 wind, solar, and other renewable energy sources
23 which is indeed an urgent need and necessity.

24 The advantages of renewables of
25 gas are far less costly to the environment, our

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2 lives, and that of our children. Renewables are
3 more financially sound and would create far more
4 jobs than dirty fossil fuels.

5 C.P.V. is dependent on taxpayer
6 and ratepayer subsidies. As you are aware, due to
7 the new capacity zone implemented by FERC and New
8 York ISO, ratepayers will be seeing a six to
9 fifteen percent increase in their utility bill.
10 Why should we have to foot the bill for yet another
11 freeloading tax-dodging corporation which offers
12 nothing in return, or at least nothing to the
13 majority of the people who have to live in the
14 community that they seek to destroy?

15 And this is the part that gets me
16 the most because out of everybody here -- I'm an
17 adversely impacted resident. This is right next to
18 my home. Also what I think is insane to me is no
19 one -- no one has mentioned that this is less than
20 five miles away from our schools that have
21 approximately four thousand four hundred students
22 and my child included. That's insane to me. This
23 is absolutely unacceptable and irresponsible that
24 such a dreadful proposal be allowed this close to
25 children, let alone that it has gotten as far as

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2 this hearing tonight.

3 I ask that this Commission deny
4 C.P.V. their permits of convenience and necessity,
5 approval of financing, and approval of a lightened
6 regulatory regime, and I do know what that means.
7 And if this does go through, don't lighten that
8 regime. Two cents.

9 A.L.J. AGRESTA: Thank you.

10 Okay. Tula?

11 MS. TSALIS: : I'm right here.

12 A.L.J. AGRESTA: And William
13 Makofske. Oh boy, I never would have never gotten
14 that. Thank you.

15 MS. TSALIS: : Hi everybody. My
16 name is Tula Tsalis and I'm here to say first that
17 I am in complete support of renewable energy. I'm
18 also in support of unions and I'm also in support
19 of jobs. I thought when I first -- when I first
20 arrived that I was going to talk about the health
21 issues that are involved. And by the way, I -- I
22 come from Warwick. Many of my friends and
23 neighbors come from towns all around. And those
24 towns, not just Wawayanda, those towns are going to
25 be affected, as well. And I am very surprised that

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2 people in -- in the towns within the entire region
3 of Orange County and also parts of Sullivan and
4 other -- other counties who will also be affected,
5 I am very surprised that it wasn't discussed
6 earlier.

7 So I'm not -- the health effects
8 are serious. They involve everything from nausea
9 and headaches and -- and fainting and to -- to
10 serious effects regarding development and for
11 children, and fetuses and also cancer, and -- and
12 those kinds of diseases down the road. So this is
13 not a small thing. It's serious and it -- it
14 should be taken and thought about very carefully
15 before this company is allowed to build a plant in
16 Orange County. They're also building a plant in
17 Northern California and some other places. They're
18 big.

19 But what I do want to talk about
20 is the question of jobs, the question of children
21 and generations that are coming. I have -- I have
22 nine grandchildren and I worry about them. I worry
23 about them a great deal. I ask myself what kind of
24 a world will they -- will my grandchildren find
25 when they are twenty and twenty-one and looking for

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2 jobs like you guys. Those of you who are
3 struggling to -- to work, those of you who are
4 struggling to figure out what -- where you're going
5 to get the money to raise your own children, I --
6 I -- this is hard and I know it. But this isn't
7 the answer.

8 Solar energy, wind power, water
9 power has been around for thirty-plus years. It is
10 real. If you don't believe that, you -- all you
11 have to do is do a little bit of research and
12 you'll find out for yourself. It's real, it -- it
13 exists. It's good. It's healthy. It's -- it's
14 real energy that will not contaminate our water and
15 our air and our forests and our children. And I
16 really very strongly would like you to think about
17 it. I'm talking to all of you young people in this
18 room who are part of this union. I really know how
19 you feel, but don't go for the easy one here. Go a
20 little -- go a little deeper.

21 If a company comes along or the
22 administration in Wawayanda and Orange County put
23 their heads together, they can come up with a much
24 better plan and they can build it in the same time.
25 So, please consider this. Thank you.

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2 A.L.J. AGRESTA: William

3 Makofske?

4 MR. MAKOFSKE: Yes, that is
5 correct.

6 A.L.J. AGRESTA: To be followed
7 by Mary Makofske.

8 MR. MAKOFSKE: Okay. My name is
9 William Makofske. I live in Warwick, New York and
10 I'm speaking to deny the certificate. I'm not
11 going to re-mention things that have been mentioned
12 already, but I would point out that the ozone
13 pollution in the area will increase because of the
14 N.O.X., the nitrogen oxides that are going to be
15 emitted by the plant, combining with the
16 hydrocarbons, not only being produced now, but
17 being produced by methane leakage which is also
18 going to occur as part of this as pipelines and
19 compressor stations also release a certain amount
20 of methane.

21 The health effects on people are
22 substantial. Respiratory illness kills millions of
23 people a year and costs billions of dollars. When
24 we look at methane, we think oh, this is so clean
25 compared to coal. Well, there is less carbon

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2 dioxide emissions compared to coal, but there's
3 also a lot of methane emissions. Part of that
4 comes from leakage, but part of that comes from the
5 fracking plants and the -- the source of the fuel
6 where fracking valves will leak. The industry says
7 that five to seven percent of new fracking valves
8 leak immediately and within twenty to thirty years
9 about fifty percent will be leaking. This methane
10 is -- is a very strong greenhouse gas.

11 Do we need this plant at this
12 time? I would argue no. If we look at household
13 electricity consumption, we find that it's
14 decreasing, it's been decreasing for the past
15 number of years, and that it's expected to decline
16 in an accelerating fashion. There are NYSERDA
17 efficiency programs. There are programs in New
18 York City replacing lighting with L.E.D. lighting,
19 can save hundreds of megawatts of power.

20 It's often thought that this
21 plant is really efficient, but in Europe when they
22 build a plant like this, they also plan to use the
23 additional waste heat that's generated and provide
24 industries locally so that the waste heat can be
25 used by those industries and give them an advantage

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2 and also give long-term employment at those
3 locations. This is not the case with this plant.

4 Other speakers have mentioned
5 water, wind, solar. And I would just like to
6 mention that we have a lot of offshore wind in New
7 York State and that can provide an awful lot of the
8 power that we -- we might need because Indian Point
9 might close. This plant will lock us into a
10 polluting climate changing system for the next
11 thirty to fifty years. Think about that. And
12 that's a really bad thing to do.

13 (unintelligible) Have great peak
14 demand advantages. For example, when we need the
15 most electricity is when the systems are producing
16 the -- the most, in summertime for example. And
17 that reduces the need for other small polluting
18 power plants that are put online to meet those peak
19 loads.

20 Overall, I think if we look at
21 the number of construction jobs that would be
22 created by solar, wind, hydro, more grid
23 construction, and efficiency programs, we would
24 find there would be no comparison between the
25 number of long-term jobs created by those

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2 alternatives compared to this one plant. Think
3 about that.

4 A.L.J. AGRESTA: Okay. Next
5 speaker is Mary Makofske, followed by Jena Elston.

6 MS. MAKOFSKE: I object to this
7 plant for several reasons. The energy it would
8 provide is not necessary if conservation,
9 efficiency, and renewable energy expansion are
10 fully implemented. New York State has committed to
11 reducing energy use and reducing greenhouse
12 emissions. They are not going to get there unless
13 they do something about it. It's one thing to say
14 it and it's another thing to do it.

15 Also, the location in a densely
16 populated area near homes, businesses, a community
17 college, the county seat, other schools is not
18 appropriate for a plant that's going to produce
19 substantial air pollution. It does burn cleaner
20 than coal or oil, but natural gas is not a clean
21 fuel. Don't believe the ads. It still produces
22 substantial CO2, which contributes to climate
23 change, particulate matter which is a serious
24 danger to human health, and nitrogen oxide, a main
25 ingredient of smog. Combined with the existing

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2 hydrocarbon pollution, the nitrogen oxides will
3 increase ground level ozone pollution. The -- this
4 area is in a basin which will collect and
5 concentrate air pollution particularly during
6 stagnant air periods or those wonderful hot summers
7 we are inclined to get now.

8 This plant is possible only
9 because it will use gas obtained by high volume
10 hydraulic fracturing, or fracking. This is a
11 relatively new technology, not an old technology as
12 you have been told, that is being used before its
13 full end impacts have been fully assessed.
14 However, evidence is accumulating that is has
15 already caused damage to the environment and to
16 human health.

17 The methane released in the
18 extraction and transmission is a much more powerful
19 greenhouse gas than CO2. It would be foolish to
20 lock us into fracked gas for the long term when
21 building -- which building this plant would do.
22 Using fracked gas will also increase pressure to
23 allow this technology in New York State. There is
24 too much risk to our water and our health.

25 Fracked gas also requires a

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2 network of pipelines and compressor stations.
3 Leaking pipelines, explosions, air pollution
4 endanger our citizens. Already, a compressor
5 station is operating Minisink, very close to homes.
6 Orange County is much too densely populated and too
7 dependent on small farms to have such industrial
8 activity in our midst.

9 Investing more money and energy
10 and fossil fuel infrastructure is counterproductive
11 because there has been reduced use of electricity
12 in -- in recent years. This trend needs to be and
13 can be enhanced. We need to be transitioning as
14 quickly as possible to renewable energy and
15 efficiency. This plant takes us in the wrong
16 direction.

17 Due to the large volume of
18 natural gas use by this plant, its operation will
19 compete with available natural gas supply. It will
20 increase prices for residential and small business
21 consumers. If natural gas is exported as is
22 expected, the price will also jump substantially.
23 Both local competition and exporting gas will have
24 a negative impact on economic growth in this
25 region. Is this taken into account in these

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2 projections?

3 Have people looked at other -- at
4 alternatives to building this plant such as more
5 upstate and offshore wind power, additional small
6 scale hydro, pumped hydro storage facilities, and
7 strategically placed P.V. production? We need to
8 look to the future for our energy sources.

9 In addition, I just wanted to add
10 there are many union members here who need good
11 jobs. We need jobs that will support livelihoods.
12 We also need jobs that will support lives. The six
13 hundred jobs that are expected here for
14 construction only, temporary jobs, will not
15 necessarily be local jobs. These will not
16 necessarily be local jobs. It would be nice and
17 you might have even been promised this, by the way,
18 as other people have been promised this to find it
19 was not so.

20 So for all these reasons I ask
21 that the Commission deny this request for the
22 certificate of public convenience and necessity
23 since this plant is neither convenient nor
24 necessary for Orange County.

25 A.L.J. AGRESTA: Okay. The next

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2 speaker is Jena Elston, followed by Randolph Hurst.

3 MS. ELSTON: My name is Jena

4 Elston. I am a resident of the Town of Wawayanda.

5 I have voted for most of the officials here,

6 standing in this room. I am embarrassed to say,

7 but I have voted for (unintelligible). They should

8 have been. I was going to say for all of the

9 decision makers that if they want to pass this and

10 you could put your life where your mouth is, you

11 can come and live in my home. It is right across

12 the street from this plant. Actually, I'm on the

13 ridge higher. Three hundred-foot-tall stacks might

14 not even be able to clear my property where I enjoy

15 laying -- you know, sitting in my back yard and

16 opening my windows.

17 Right now every time the fire

18 alarm is going to go off and the wind blows, I'll

19 be wondering if it's blowing into my property where

20 my children live and where there are hundreds of

21 children that live on two roads just across the

22 street. It does not include the City of

23 Middletown.

24 This company does not meet the

25 new criteria by the governor. It is using two

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2 fossil fuels, oil and natural gas, which are on the
3 main energy super highway that he wants to get away
4 from them. He wants to use solar and wind
5 turbines. I can't even imagine how this is even on
6 the books to be operating.

7 Everybody's talked about concern
8 about the power plants and changing climate and
9 weather conditions. These properties are being --
10 this property that's owned is wetlands. I have the
11 tax records. I've been arguing with somebody in
12 the audience here about the zoning. The zoning is
13 not clear in the Town of Wawayanda. And one of the
14 bigger properties is agricultural. I can't even
15 see how this property is even being allowed in that
16 area.

17 The E.P.R.C.A., the Community
18 Right to Know Section 311 and 312 have to do with
19 letting the community know when there's going to be
20 toxic chemicals capped or emitted. I live right
21 around the corner from the Town of Wawayanda. I
22 get flyers in the mail about recreational things at
23 Shannon Park. None of us have gotten flyers about
24 this power plant that seems to be such a great idea
25 for the Community of Wawayanda, Town of Minisink,

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2 City of Middletown.

3 Right here, we are only a mile
4 and a half from where this plant will reside.
5 There are two elementary schools, about five
6 churches, two condominiums, three town homes, and
7 numerous, numerous residential properties.

8 I don't care where the plant is,
9 it is going to bury these toxic chemicals into the
10 ground if we have a natural disaster, if we have
11 flooding, which that area does flood on a regular
12 basis. It's right off of 84. Every area, lower
13 lying area along 84 turns into a damn pond every
14 time we have flooding. So is this plant able to
15 handle that? Is it able to handle hundred degree
16 weather and humid in the summer, changed to rainy
17 springs or we flood?

18 We have Orange Regional Medical
19 Center five minutes down the road at Exit 3 -- at
20 Exit 3 or at Exit 4. So depending on which way the
21 wind blows, you're blowing it right towards that,
22 too. This happens to be an evacuation area for
23 Indian Point. They're going to evacuate people in
24 that kind of condition into area with another power
25 plant? It makes no sense to me. We're now putting

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2 Orange County between two controversial power
3 plants. It is basically making us a toxic
4 wasteland.

5 The only I can find is in that
6 for construction workers. My husband has been a
7 union member twice, has lost his job twice with
8 both those unions, and is now working a non-union
9 job. You don't have to tell me about hardships of
10 losing jobs. He has been without a job six months
11 at a time, hard to pay the bills, know all about
12 it. I feel bad for everybody in this room, but
13 you're being taken advantage of about the hardships
14 that we are currently, you know, facing and a
15 deficit of jobs. I feel that for you and I
16 understand. But in two years, this plant is only
17 offering twenty-five jobs, five which will probably
18 go out of state to whoever is going to run the
19 plant. Twenty jobs? I could put a fast food
20 restaurant there and offer twenty-five jobs to
21 everybody in the community.

22 Hill goes right across 84. We
23 have two (unintelligible). They're already too
24 close to our municipal well. This is the municipal
25 well. This is going to also have a report and what

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2 is that going to do for our water community? It's
3 probably just going to raise our water prices which
4 are, you know, extraordinary right now.

5 Will our electric bills be cut?
6 Probably not. Is the community in which the power
7 plant resides receiving energy? If so, would it be
8 at a lower cost to us? Probably not.

9 Emergency response plan, this
10 plant has to have an emergency response plan. What
11 is it? What is the radius of the affected? Does
12 it include evacuation? Our emergency responders
13 are awesome, but they're volunteer. We do not have
14 full-time responders. I do not know how we're
15 going to be able to handle an explosion or some
16 other type of problem at this plant.

17 Everybody's already talked about
18 the emissions. I'm not going to talk about that.
19 Explosion, I will talk about. We only have
20 volunteer forces. I don't know how they're going
21 to get in there. If it's during the winter, 84 has
22 been closed by the governor twice this past year.
23 How do we expect other responders to get to the
24 property?

25 I really have little faith in the

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2 D.E.C. They obviously let the Orange Regional
3 Medical Center go in. Every time it floods, three
4 access roads to that hospital are closed. So can
5 we rely on them that they have done correct reports
6 for this property? I'm just trying go through this
7 really quickly.

8 We have extreme weather
9 fluctuations from season to season. Unfortunately,
10 I have a lot of experience with chemical plants,
11 power plants, and I used to work for Siemen's as
12 providing the two -- three gas turbines for this
13 property. It's only supposed to work for thirty
14 days on oil a year. I can tell you right now if
15 something goes wrong with the gas turbines, minimum
16 it is thirty days for a turbine to be fixed.

17 Unless they are coming in with
18 their own parts for -- and most people don't do the
19 parts because they're very expensive, if they have
20 to be fixed, minimum time is thirty days if the
21 company wants to pay a premium. If not, it's sixty
22 to ninety days. Seven hundred and twenty hours is
23 thirty days. So I'm guessing that it's going to be
24 running on oil a little bit more than thirty days a
25 year.

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2 It's close to the Pine Hill
3 Cemetery. We have a code chapter sixty-six in the
4 Town of Wawayanda that nothing is supposed to be
5 built a hundred feet from that. One of the
6 building lots that this is owned by -- that C.P.V.
7 owns, which is where I think the plant is going,
8 shares a property line with a residence with that
9 cemetery and with a brand new rental community
10 called Horizons at Wawayanda.

11 So not only are we in the wetland
12 and it's not industrial -- not industrial area.
13 This is a residential area. I have the tax maps.
14 I have the tax properties -- the tax reports on the
15 properties. If you want me to explain to you, it's
16 saying it's running on twenty-one acres. Out of
17 the whatever, a hundred and twenty-two acres, if
18 you want me to go through it, only twelve acres are
19 actually able to be built on. So I don't see how
20 we're using twenty-one acres for a power plant.

21 It's ridiculous where it is. As
22 I said, it's in a residential area. It also lies
23 between the City of Middletown and the Town of
24 Wawayanda. Anybody who's from this area knows, on
25 Scotchtown Road, there is a bridge there that lies

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2 between the two municipalities. By the Army Corps
3 of Engineers, it was deemed unsafe. It has been
4 one lane for five years because those two
5 municipalities cannot agree on who is supposed to
6 take care of that road. The same thing can happen
7 with this power plant. Being between two
8 municipalities is a very, very bad idea, in the
9 least.

10 I pretty much have talked about
11 most of all I wanted to talk about. I will hand in
12 all the information I have. At this point, I think
13 it's embarrassing that the Town of Wawayanda and
14 Orange County are going to allow such a
15 controversial power plant into this area.

16 A.L.J. AGRESTA: The next speaker
17 is Randolph Hurst, followed by Adriana and the last
18 names begins with a G.

19 UNIDENTIFIED SPEAKER: All right.
20 So you don't want to speak? Then the next speaker
21 will be Joan Sichterman. I'm sorry I'm not
22 pronouncing that right.

23 MR. HURST: Thank you, Mr.
24 Agresta. My name is Randolph Hurst. I'm a -- I'm
25 a resident of Slate Hill. I'm with Sierra Club,

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2 Protect Orange County dot org, and a variety of
3 other environmental organizations.

4 Sierra Club and -- and these
5 other groups are local citizens groups that have
6 come together to advocate against the costly and
7 unnecessary eight hundred and twenty megawatt
8 C.P.V. power plant and against the unnecessary
9 pollution and net increase in greenhouse gas
10 emissions that will result from the methane that
11 C.P.V. will burn. Public health, air quality, cost
12 of living, and property values are all placed at
13 risk by the operation of this power plant and by
14 the companion gas pipeline infrastructure that will
15 deliver radioactive radon-rich fracked shale gas to
16 fuel C.P.V.

17 I don't have much time, so I'm
18 going to just try to highlight some of the points.
19 I will be presenting a lengthy detailed testimony,
20 as well, along with my colleague Vergen Wegley
21 (phonetic spelling) of the Sierra Club Atlantic
22 Chapter.

23 As identified in the New York
24 State I.S.O. power trend 2013 report and supported
25 by the New York State Energy Plan, there is -- and

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2 as other folks have noted tonight, there is no
3 current or anticipated shortage of electrical power
4 supply here in New York. And we also know that
5 there is no anticipated energy shortage through the
6 year 2020 and beyond.

7 The immediate energy problem in
8 New York State is the critical imbalance of power
9 supply and demand between regions within the state
10 that deprives customers within our region of lower
11 priced electricity. This surplus low-cost
12 electricity -- Upstate electricity cannot be
13 delivered for sale to the high cost markets south
14 of Orange County due to constraints in the aging
15 transmission system.

16 Construction of C.P.V. will only
17 increase electricity costs for all ratepayers and
18 exacerbate the existing regional imbalance. To
19 attract and create jobs in Orange County, we must
20 lower energy costs, not raise them. The planned
21 New York -- the planned New York State Energy
22 Highway Blueprint Initiative is implementing
23 transmission upgrades as we speak that will remedy
24 the -- the present delivery congestion, create
25 utility scale efficiencies, and facilitate the

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2 needed transfer of low-cost upstate electricity
3 into our region.

4 Since the demand for electricity
5 for power plants has declined, C.P.V. will only
6 succeed at the expense of existing power plants
7 such as the Athens Generating Plant and compete
8 with proposed production from other proposed --
9 proposals such as the repurposing of Roasting and
10 Bowline and the new construction of the Cricket
11 Valley Energy Center in Dutchess County whose
12 physical viability will be negatively impacted by
13 C.P.V.

14 New transmission demands are
15 being placed on the Marcy South power line by
16 Upstate suppliers, what C.P.V. plans to use to
17 carry its electricity to market. C.P.V. may create
18 congestion that does not now exist. It may,
19 therefore, be required to construct its own power
20 line at its own expense as is the case with Cricket
21 Valley in Dutchess County, which -- and this has
22 not been previously considered. The Commission
23 currently considers many approaches to address the
24 electrical energy needs of New York State, upgrades
25 to the electric -- excuse me -- upgrades to the

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2 electric grid, including transmission, is sustained
3 and substation technology efficiencies, new
4 transmission capacity to access available supply,
5 including hydro, wind, and solar in addition to
6 conservation and demand-side management strategies.

7 In this study entitled Examining
8 the Feasibility of Converting New York State's All
9 Purpose Energy Infrastructure to One Using Wind,
10 Water, and Solar, unquote, by Dr. Mark Jacobson
11 (phonetic spelling), et al, they -- they report
12 that the transition to renewable energy will
13 prevent an estimated four thousand annual pollution
14 related deaths, a savings of thirty-three billion
15 dollars or three percent of the state's gross
16 domestic product in related costs every year, a
17 savings that, alone, would pay for the power
18 infrastructure needed in short order. And
19 decreased pollution would reduce climate change
20 costs such as coastal erosion and extreme weather
21 damage by an estimated three point two billion
22 dollars annually.

23 This alternative was omitted from
24 the C.P.V. E.I.S. in Wawayanda, but is central to
25 the P.S.C. issuance of the certificate of

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2 necessity. Would it be in the public interest to
3 allow the production of electricity which is not
4 needed, that will also raise pollution emissions
5 above current levels to the detriment of all Orange
6 County residents, I ask you?

7 The next question the P.S.C. must
8 address is whether to approve C.P.V.'s petition
9 regarding financing for this proposed plant. We
10 see no evidence -- we see only evidence that
11 supports a negative determination. C.P.V. cannot
12 proceed with their proposal -- proposed power plant
13 without government subsidies, tax waivers from all
14 parties, and ratepayer surcharges as exemplified by
15 the proposed FERC capacity zone that artificially
16 raises electricity prices for all consumer --
17 customers. C.P.V. requires a property tax
18 exemption or payment in lieu of taxes agreement
19 from the Orange County Industrial Development
20 Agency and the Town of Wawayanda to avoid county
21 and local tax obligations to the detriment of local
22 taxpayers.

23 The O.C.I.D.A. is also
24 committed -- committed to a property purchase lease
25 buyback deal which accommodates reduced below

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2 market rate interest, sale tax exemption, and other
3 inducements which are necessary to bring this
4 project to fruition. The point is that C.P.V.
5 cannot provide a realistic market-based business
6 plan that demonstrates a demand for the power its
7 new plant will produce. It has presented no
8 evidence of the existing need, only a speculative
9 claim of future need dependent upon government,
10 taxpayer, and ratepayer subsidies which undermines
11 its fiscal credibility.

12 There is no evidence that any
13 earnings would be sufficient to repay bondholders
14 or public agencies. The recent default and
15 bankruptcy of Dynegy's Danskammer and Roseton Power
16 Plants are instructive about the zero sum
17 competition between power plants in a market
18 declining -- in a market of declining demand. In
19 short, C.P.V. will not serve a public need, has no
20 market, has no purchase contracts, no business plan
21 other than to obtain construction permits and to
22 harvest public subsidies. This does not commend
23 them for P.S.C. financing approval.

24 The next question P.S.C. must
25 decide is can C.P.V. render safe, adequate, and

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2 reliable service and provide just and reasonable
3 rates. We believe that it cannot and will not.
4 The environmental impact statement documents that
5 the proposed power plant will emit approximately
6 two point two million tons of greenhouse gases as
7 other folks have noted. That also includes
8 neurotoxins, hormone disrupters, nitrous oxide,
9 sulfuric acid mist, volatile organic compounds and
10 particulate matter, and more into the Orange County
11 atmosphere annually. That pollution has been
12 justified by the purchase of questionable carbon
13 offsets from the State of Pennsylvania.

14 Moreover, the proposed
15 infrastructure could -- including diesel and
16 ammonia storage tanks will create unnecessary
17 hazards and threaten the safety, health, and
18 welfare of the people who live nearby. They
19 fear -- these people fear pipeline and power plant
20 explosion, contamination of the air, water, land,
21 and food their families consume -- consume and much
22 more.

23 A lawsuit has been filed against
24 the New York State Department of Environmental
25 Conservation for issuing an air quality permit

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2 based on a purchase of questionable pollution --
3 these questionable pollution credits from
4 Pennsylvania. These credits, however, do not
5 reduce the air pollution caused by C.P.V., but
6 rather, give C.P.V. license to pollute further.

7 Who would believe that the
8 emissions from C.P.V. will not jeopardize the air
9 quality of Wawayanda and all municipalities exposed
10 to the prevailing winds that carry such toxic
11 discharges? Who would choose to maintain residence
12 or knowingly purchase a home nearby C.P.V.'s power
13 plant or establish a business? Who would expose
14 their family, their children to such toxic
15 emissions and dangers?

16 And in view of the cost and
17 controversy surrounding shale gas production, who
18 can guarantee its availability and cost
19 competitiveness with other generating technology?
20 Given this, how can C.P.V. defend the assertion
21 that the proposed plant will render safe, adequate,
22 or reliable service?

23 In view of the foregoing, there
24 can be no justification to afford C.P.V. L.L.C. a
25 lightened regulatory regime. The fact is that this

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2 corporation does not offer zero emissions,
3 non-polluting technology. Rather, C.P.V. promises
4 a dependency upon high risk radioactive Marcellus
5 shale gas in high volume hydraulic fracturing
6 extraction, transmission, and use. This will
7 jeopardize the air New York residents breathe, our
8 water resources, as well as our agricultural lands
9 of significance, and our food supply, which hold
10 the promise of the mid-Hudson region's economic
11 prosperity and our hope for the future.

12 Further, a discrepancy has
13 emerged regarding the -- the production capacity of
14 this plant. The application identified a capacity
15 of six hundred and thirty megawatts whereas a
16 letter dated November 18th, 2013 from the
17 applicant's -- applicant's attorney, Nixon Peabody
18 (phonetic spelling) to the P.S.C. indicated a
19 capacity of eight hundred and twenty megawatts.
20 The reason for this change and the relative impact
21 that the increased capacity will consequently have,
22 especially as it relates to increased greenhouse
23 gas emissions and toxic air pollution, need to be
24 evaluated and should also be included in a
25 supplemental environmental impact statement.

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2 We, therefore, ask the P.S.C. to
3 deny C.P.V. the required certificate of convenience
4 and necessity, deny the approval in financing and
5 deny approval of lightened regulatory regime at
6 this time. We also ask that the P.S.C. direct
7 C.P.V. to commence a supplemental environmental
8 impact statement proceeding -- excuse me --
9 environmental impact statement proceeding to
10 evaluate the circumstances that have occurred
11 during the E.I.S. process that have since been
12 concluded, especially the impacts of lower prices
13 and increased power supply to be derived from the
14 P.S.C. initiated, quote, A.C. transmission upgrade
15 process, unquote, case thirteen D zero four eight
16 eight that is currently underway.

17 A.L.J. AGRESTA: Could you wrap
18 up?

19 MR. HURST: Additionally, the
20 legal notice for this February 25th -- I'm almost
21 done -- hearing states that the comments must be
22 received by the P.S.C. secretary by February 26th,
23 a window of less than twenty-four hours, which is
24 unreasonable as is -- as it is uncommon for
25 hearings such as these. It is, therefore,

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2 requested that the deadline for comments be
3 extended for at least thirty days after the
4 conclusion of this public hearing.

5 Finally, we request that P.S.C.
6 suspend these certificate deliberations until all
7 the pending are quality permit litigation has been
8 concluded. And I thank you very much.

9 A.L.J. AGRESTA: Okay. There's
10 still a lot of people that want to speak, so
11 let's -- let's try not to repeat anything. Okay?
12 And -- and be mindful that everybody needs to get a
13 turn.

14 Joan Sichterterman is next and
15 she'll be followed by Frank Sylvester.

16 MS. SICHTERMAN: My home is in
17 the Town of Wawayanda, where I have been tending
18 organic gardens since 1991. Until this past
19 December, when I was invited to attend a meeting
20 about the health impacts of living near a gas
21 powered infrastructure, I had no idea that the town
22 had approved an application for C.P.V. to build a
23 six hundred thirty megawatt gas-fired power plant
24 three miles from my home. I was devastated.

25 Should I touch it? Should I

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2 stand farther back from it? Can you hear me?

3 (Off-the-record discussion)

4 MS. SICHTERMAN: After 9/11, I
5 remember looking out of my window at home and
6 asking myself what is the worst thing that
7 terrorists could do now. The answer that came to
8 me was this; they could fly overhead and poison the
9 air you breathe and the water you drink. They
10 could contaminate your soil. That would pretty
11 much do it. Your home could no longer shelter you.
12 Gardening, let alone organic gardening, would be
13 out of the question. There would be no place to
14 run or to hide. Your life, essentially, would be
15 over.

16 I never imagined that my own
17 country, my own state, my own county, my own town
18 would align their interest in ways that could
19 produce the same end result.

20 I'm not a lawyer, so I'm not
21 versed in the legal definitions of necessity and
22 convenience as they are used in a proceeding such
23 as this. But I do know that if approval was
24 granted for C.P.V. to operate this power plant, it
25 would be an injustice to the people who live in

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2 this area and beyond. It would be one more link in
3 a chain of legal maneuvering that is destroying the
4 natural environment that supports us all.

5 C.P.V.'s plant would be powered
6 by dirty fracked gas, transported via the pipelines
7 that are snaking across our landscape from areas
8 already devastated by this extremely polluting
9 technology. How can fracking, so overwhelmingly
10 harmful to human health, be supported by New York
11 State? For, though, the extraction process itself
12 is still not permitted here, permitting a power
13 plant to operate using this gas condones the
14 practice.

15 And although the Town's
16 permission for C.P.V. to site the plant has already
17 been given, I must ask how can a planning board in
18 a town of seven thousand inhabitants assume lead
19 agency status for a project of the magnitude of the
20 C.P.V. Valley Power Plant which will impact an
21 entire region? How can this power plant operate in
22 the middle of an area which supports local
23 orchards, dairy and horse farms, and organic farms
24 and gardens? For whom is this necessary or
25 convenient?

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2 I understand that the people who
3 live here won't even be using the electricity that
4 C.P.V. proposes to generate. Please don't permit
5 C.P.V. to destroy our area to achieve their
6 corporate goals. I know that there are laws and
7 procedures which are followed and perhaps all of
8 the I's have been dotted and the T's crossed.
9 Perhaps the letter of the law has been followed,
10 but certainly not the spirit of the law.

11 Is it either necessary or
12 convenient for anyone living in this area to suffer
13 negative health impacts, to suffer the loss of the
14 value of their homes, to suffer the loss of a
15 beautiful life-sustaining environment which can
16 never be replaced?

17 On the Commission's website, I
18 read that part of, quote, the primary mission of
19 the New York State Department of Public Service is
20 to ensure safe access to electric services for
21 consumers and to stimulate the use of resources in
22 an environmentally sound manner. It is not safe to
23 live near gas infrastructure. Polluting the air is
24 not environmentally sound. There are alternatives
25 for New York, which could be considered.

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2 I urge the P.S.C. to deny C.P.
3 Valley, L.L.C. the requested certificate of
4 convenience and necessity pursuant to Section 68,
5 the approval of financing pursuant to Section 69,
6 and approval of a lightened regulatory regime.
7 Thank you.

8 A.L.J. AGRESTA: The next speaker
9 is Frank Sylvester and followed by Dennis Sullivan.

10 MR. SYLVESTER: My name is Frank
11 Sylvester and I represent Local 363 Electricians.
12 And one thing I'd like to get straight is that the
13 six hundred and fifty jobs will be local because
14 C.P.V. is a good friend of labor. They signed into
15 a project labor agreement, so all the local trades
16 will be used.

17 And I'm going to make it short.
18 The bottom line is that C.P.V. has passed all the
19 environmental requirements set by the D.E.P. and
20 D.E.C., so there is no reason for this project not
21 to proceed forward. Thank you.

22 A.L.J. AGRESTA: The next speaker
23 is Dennis Sullivan, followed by Asha Canalos.

24 MR. SULLIVAN: Good evening
25 brothers and sisters and everybody that came out to

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2 review this project. I'm a member of the
3 Carpenters Local 279 of Fishkill, New York, third
4 generation carpenter. And I possess something that
5 some of these guys in this room and the ladies in
6 this room have, but most of you don't. I've worked
7 on turbines a good part of my career, Pratt and
8 Whitney turbines, Siemens turbines, Rolls Royce
9 turbines, you name it, Allis-Chalmers, going back
10 to coal plants and the natural gas plant that this
11 one is.

12 This is the latest technology out
13 there. It's the cleanest technology out there and
14 it's a co-generation plant. It takes the gas and
15 the heat from the one turbine and uses it to power
16 a bigger steam turbine, which operates completely
17 pollution free. Natural gas, we all use it.

18 Look, I showed respect to
19 everybody out there while you guys were talking. I
20 expect the same.

21 I have natural gas in my home. I
22 turn on my stove. My wife makes a meal. We're
23 cooking. You got your water heater in the house.
24 You got your clothes dryer in the house. It all
25 runs off of natural gas. I'm not aware of anybody

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2 dying from somebody roasting a chicken in the
3 house.

4 UNIDENTIFIED SPEAKER: Not yet.

5 MR. SULLIVAN: All right? Not
6 yet. You ain't looking at one that's going to,
7 either. That's all I'm --.

8 UNIDENTIFIED SPEAKER: Do you
9 know what's in the gas (unintelligible)?

10 A.L.J. AGRESTA: Hold on. Hold
11 on. Hold on. Hold on. Everybody, please, no one
12 talks except the speaker. Okay? Let's all show
13 some respect.

14 MR. SULLIVAN: Thank you, your
15 Honor.

16 We've all heard a litany of
17 pseudo-experts up here talking against this. I'm
18 here to talk in favor of it. All you guys out
19 there, you need work. Some of the best years I
20 ever had and some of the most money I ever earned
21 was working as a millwright in these plants.
22 They're clean. They're spotless. I've been proud
23 to work in them. You go all the way back to Con
24 Edison to the turn of the century, the Tennessee
25 Valley Authority, construction of the Hoover Dam,

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2 this country doesn't go anywhere without
3 electricity. Everybody relies on it here.

4 Solar is great; we're in favor of
5 that. Hydro is great; we're in favor of that. But
6 the project we're talking about tonight is a gas
7 plant here in our hometown. I'm a native New
8 Yorker, thirty years lived here in Middletown. I
9 welcome this plant. I'm going to -- and when it's
10 all built and it's going to get built, you guys are
11 going to drive by it every day. It's clean. It's
12 quiet. It's a good neighbor and I'm fully in favor
13 of it. I respect everybody that spoke against it,
14 but it's not going to hurt anybody here. It's
15 something that we need.

16 A.L.J. AGRESTA: Please.

17 UNIDENTIFIED SPEAKER: It's
18 hurting us already.

19 MR. SULLIVAN: Hey, you want --
20 you want to have a discussion with me, buddy?

21 A.L.J. AGRESTA: No -- no --
22 no -- no.

23 MR. SULLIVAN: We can do that.

24 A.L.J. AGRESTA: All right.

25 Stop -- stop for a second. I'm going to ask you to

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2 leave if you're going to keep talking. All right?

3 No more talking. I don't want to hear --.

4 UNIDENTIFIED SPEAKER: No
5 problem.

6 MR. SULLIVAN: Thank you, your
7 Honor.

8 A.L.J. AGRESTA: Please wrap it
9 up.

10 MR. SULLIVAN: I will wrap it up.
11 There was a lot of other people that went a lot
12 further than I'm going to go tonight and we allowed
13 them to prattle on. I'm not prattling on. I'm
14 speaking very directly and very plainly as a
15 working guy.

16 This is a great project. These
17 guys here need these jobs. It's going to create
18 six hundred jobs for us and I'm fully in favor of
19 it. And I thank all you guys for coming out.

20 A.L.J. AGRESTA: Thank you.

21 The next speaker is Asha Canalos,
22 followed by Melanie Gold.

23 MS. CANALOS: Hi. My name is
24 Asha Canalos. I'm from Minisink, New York. I'm a
25 farmer. Can everyone hear me? Let me try it this

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2 way.

3 I'm from Minisink, New York. I'm
4 a farmer. This -- this gas infrastructure that's
5 here in our county is destroying my farm already.

6 A.L.J. AGRESTA: No need to fix
7 them. Move just a couple of inches away from the
8 microphone.

9 (Off-the-record discussion)

10 MS. CANALOS: Okay. I'm here
11 today as a resident of Minisink, the neighboring
12 town. I've been battling the Minisink compressor
13 station, along with the other residents of
14 Minisink, for nearly three years now.

15 A.L.J. AGRESTA: Just back up a
16 little bit from the mic.

17 (Off-the-record discussion)

18 MS. CANALOS: This is very, you
19 know, upsetting for all of us who have been
20 fighting for so long. Can you hear me all right?

21 UNIDENTIFIED SPEAKER: Yes.

22 MS. CANALOS: Everything is good?
23 Copasetic? All right. Here we go. Okay.

24 I'm here today as a resident of
25 Minisink, who has been battling the Minisink

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2 compressor station for nearly three years now. I'm
3 also here as a representative of the organizations
4 Minisink Matters, We the People Matter, Food not
5 Fracking, and One Billion Rising for Justice. But
6 perhaps most importantly, I'm here as a farmer in
7 the Black Dirt region.

8 I trust that many others will
9 speak to the ill effects, and have already, of a
10 gas-fired power plant on communities, health of
11 children and families, and incredible risk to the
12 local economy. I'm limiting -- I'm limiting my
13 testimony to address the fact that fracked gas
14 power plants and all fracked gas infrastructures,
15 for that matter, are not compatible with
16 agriculture. It's one or the other. There's
17 simply not room for both.

18 Back in 2011, when fellow
19 Minisink organic farmer, Debra Lane (phonetic
20 spelling), and I began researching the effects of
21 compressor stations, pipelines, gas-fired power
22 plants, and other gas infrastructure facilities on
23 agriculture, we found next to nothing. What we did
24 find was isolated to one or two aspects with no
25 cohesive report on effects that a farmer could

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2 utilize to better educate and protect themselves
3 from potential threats.

4 I manage a small organic
5 blueberry and vegetable farm. Debra and her family
6 run an organic grass-fed beef farm. It's been in
7 her family since the 1700s. It's one of the oldest
8 in the states. We both live and work in close
9 proximity to the Minisink compressor station. The
10 Minisink compressor was approved by a slim margin
11 and built last year. Although we had begun several
12 new flats and dedicated months to raising our
13 seedlings, my husband and I made a difficult
14 decision to let go of our crops. Working outside
15 less than a quarter of a mile from the compressor,
16 I was getting sick when venting occurred from the
17 facility, dizziness, nausea, headaches, and then
18 rashes.

19 At one point I stood up from a
20 sitting position while working, and aiming to walk
21 through a doorway, I walked into a wall. Dozens of
22 Minisink residents reported the same symptoms in
23 addition to sore throats and respiratory
24 irritations and infections that have lasted almost
25 this whole last year. There's -- there's a family

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2 that lives across the street from the compressor.
3 They have to shut all their -- all their windows
4 completely even in the summer, they have no A.C.,
5 because their children are chronically ill.

6 And just so everyone knows,
7 this -- this C.P. Valley is -- is supposed to
8 release ten times the amount of the very same
9 chemicals. We're already getting sick. My farm is
10 going to be -- I won't have a farm if this
11 infrastructure continues. And honestly, looking
12 around the room, it breaks my heart to see all you
13 union guys, you beautiful young guys and a lot of
14 you look just like friends of mine and people I
15 went to high school with, and I have nothing
16 against you at all, but you're being lied to and
17 manipulated.

18 In Minisink, they told us that
19 they would have all these great union jobs. All
20 these same guys that are here, hi Todd, how you
21 doing, he sent in letters on behalf of Minisink
22 compressor station, Millennium, getting all those
23 union jobs. When the first day of -- of, you know,
24 construction started in Minisink, all the trucks
25 that rolled in were from Texas, Kansas, Arkansas,

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2 and Florida. We didn't see one from New York.
3 You're being lied to and manipulated. And I don't
4 know why they're wasting your time like that except
5 that they -- they can't stand on their own and do
6 it. They can't do their own dirty work. They're
7 getting you to do it.

8 And really, it's since last
9 spring that I cannot work my farm and will never be
10 able to farm unless we succeed with our case to
11 shut down the Minisink compressor. Far worse was
12 the realization that our case sets a national
13 precedent with all (unintelligible) legal precedent
14 that will either empower other farmers and
15 communities like me in Minisink, or it will,
16 conversely, do the opposite and ensure that farmers
17 all over the country almost immediately feel the
18 pain and anger that I've been feeling.

19 The C.P.V. Valley Power Plant, if
20 approved, would emit approximately ten times the
21 amount of the very same contaminants that the
22 Minisink compressor is releasing now directly into
23 the Black Dirt region, our most valued beautiful
24 agricultural land.

25 Sixty percent of our economy in

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2 Orange County comes from farms and they're all on
3 the Black Dirt region. Wawayanda, Goshen, you
4 know, Warwick, Minisink, and -- and it's all right
5 here. That's our economy. That's our permanent
6 jobs. It's not -- you cannot have both. I'm sorry
7 to say that. But the jobs that we need for the
8 people here are -- are not -- they're not going to
9 be permanent jobs.

10 The permanent jobs would come
11 from sustainable industries like wind and -- and
12 water turbines and things like that. This is --
13 this is nothing. This is nothing compared to the
14 loss of property values that we're going to suffer
15 and the health effects that we're already
16 suffering. If people are sick now -- if people are
17 getting sick and farms struggling and permanent
18 jobs are in serious risk and home and farm values
19 are already plummeting, all as a direct result of
20 this infrastructure that's already here, how could
21 it possibly be justifiable to introduce more of the
22 same infrastructure into the region or any at all?

23 The local people who oppose these
24 projects may be viewed as radical, but how is it
25 radical to fight for our homes, our families'

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2 health and wellbeing, our livelihoods, and our
3 farms? It seems far more radical to impose on
4 communities the poisoning of their air, water, food
5 and soil for corporate profit. In fact, those
6 impositions sound a lot like human and civil rights
7 violations.

8 The Public Service Commission
9 must recognize the devastating consequences of this
10 dangerous plant which will only do great harm to
11 the middle class families at a time when they most
12 need help and reject this plan on those premises.
13 Thanks.

14 A.L.J. AGRESTA: Okay. We are
15 quickly running out of time. We have a lot more
16 speakers to get through. I'm going to ask the
17 remaining speakers to keep it much shorter than the
18 other speakers have. The idea of this hearing is
19 to get representative comments from all sides. And
20 so nobody should be repeating the same concepts
21 over again. We get it. Okay? We've been through
22 these things enough. So, please, if you could, so
23 that everyone who came is going to have a brief
24 chance to say something, if you could speed up your
25 presentations a little bit.

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2 Also, if you're -- if you're
3 reading something that you could just hand in, it
4 would be much more efficient if you'd just hand it
5 in. It's going to be treated the same way because
6 nobody's listening, other than me, and I'm just
7 going to be converting everything into a summary.

8 UNIDENTIFIED SPEAKER: And that's
9 the problem.

10 A.L.J. AGRESTA: I understand
11 what you're saying. I'm talking about listening to
12 the audio part. Okay? It's a different concept.

13 All right. The next -- the next
14 speaker is Melanie Gold, followed by Michael
15 Gaydos.

16 MS. GOLD: Hi. I'm sorry, but I
17 have to face the audience, but can you work with me
18 on this, please?

19 No, just move that thing a little
20 bit over; that's all.

21 I'm a teacher and I'm a really,
22 really big fan of critical thinking. To me, that
23 means thinking that is beyond what's obvious, to
24 the point where you figure out who ultimately
25 benefits from something, who ultimately benefits

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2 from this soda can that you are drinking, et
3 cetera. Okay?

4 I've been a union organizer and
5 I'm really proud of that. I think unions are the
6 best darn thing in this U.S. of A of ours. And --
7 and the reason that they are is because of
8 collective bargaining. That's what happens when
9 people get together, they listen to each other, and
10 they all back something that they all believe in.
11 And that's -- that's what we've been doing here,
12 all of us. I'm all for jobs. I'm all for
13 permanent jobs. I would imagine you would be, too.

14 These are temporary jobs that
15 you're being offered. I know I'm repeating some of
16 the stuff that's been said, but I'm saying it right
17 off the cuff here. Temporary jobs, permanent
18 damage. You got to weigh that. You got to figure
19 out who, in the end, is going to benefit. You
20 might benefit from a job for the next couple of
21 months, next couple of years, but will you then
22 benefit if something like what's happening in North
23 Carolina with the coal and the poisoned water, if
24 something like that happens here or West Virginia,
25 will you benefit from that? Will your job matter

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2 at that point? Think ahead. Think ahead. Will
3 your job matter when you cannot drink your own
4 water?

5 And people who get up here and
6 say that these pseudo-experts and words like that,
7 those -- that's name-calling. I'm sorry, but as a
8 teacher, I can tell you that's name-calling. And
9 that's, you know, not really a real discussion.
10 What it does is -- is it -- it boils it down to
11 jobs versus the environment. And you know what?
12 It's not the environment, quote, unquote. It's not
13 some separate thing. It's the water you drink and
14 the air you breathe. That's it, very simple. It's
15 the earth you all walk on.

16 Somebody back here rolled their
17 eyes when somebody said that this is five miles
18 from a school. I'm sorry, but your job is just not
19 that much more important than all these kids in a
20 school. Now it's great you're going to get these
21 jobs. My question is how are you going to face
22 your neighbors and your kids who are coughing their
23 brains out when you say -- when they say to you,
24 you know, your job actually caused this? Are you
25 going to feel good about that? I don't think you

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2 are.

3 And then what I'd like to do is
4 I'd like to ask a question directly of the county
5 legislators and the people in the suits. I'd like
6 to ask you why -- why is it that you can't provide
7 these good people -- all of these people with a job
8 that they can have a clear conscience about?

9 A.L.J. AGRESTA: Michael Gaydos,
10 followed by Elizabeth Knight.

11 MR. GAYDOS: Good evening. I'll
12 be short, too. Everybody's heard both sides. No
13 matter where this plant would be built, there would
14 be this controversy and I understand that. I get
15 it. But it's going to be built where it's being
16 proposed, all the due diligence. I've heard from
17 both sides. I'm not the expert. I'll leave it up
18 to the experts. But our job as Hudson Valley
19 Building Trades, if it's going to be built, it is
20 our job to put our men and women to work.

21 What are you smiling at? All
22 right. I'm not talking to you.

23 A.L.J. AGRESTA: No interactions,
24 just speak to me.

25 MR. GAYDOS: All right. If --

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2 okay. You know, C.P.V., if they've done their due
3 diligence, the people who are elected, they're the
4 ones you're paying to do their job, we're paid to
5 do our job. We're going to put our men and women
6 to work. They've agreed to put local labor to
7 work. That's a fair thing for us. It's about time
8 that we are considered, other than other people
9 from Tennessee come in here and we don't have jobs.
10 Our taxes go out the window.

11 So whether it's C.P.V. or Amy's
12 Kitchen, you'll see us at every job that's
13 proposed. And it's not my job to decide whether
14 it's built or not. My job is to put our men and
15 women to work.

16 Yes, I want to make sure it's
17 safe for the environment. I've heard it all. It's
18 above me. But I do know that the plant that I live
19 next to in Danskammer, this one is a lot safer. So
20 you know what? This one does have a lot more
21 amenities to it that does make our environment more
22 safer. And I imagine eighty years from now there
23 will be that much more technology that we'll have
24 the same group of people fighting that. But you
25 know what? That's not up to me. But I do believe

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2 that this plant does provide an environmentally
3 safe, compared to other power plants, a lot better.
4 And I am for that. Thank you.

5 A.L.J. AGRESTA: Okay. I'm going
6 to try to speed this up a little bit. The next
7 speaker is Elizabeth Knight followed by Leland
8 Snyder and Todd Dyorro (phonetic spelling).

9 MS. KNIGHT: I see a lot of -- a
10 lot of very tall, very good looking men in t-shirts
11 that say Safety First on the back of them. So I
12 believe that that's important to you, as it is to
13 all of us.

14 Before I moved to Orange County
15 about a year and a half ago, I lived in Sullivan
16 County, New York, and I lived in Wayne County,
17 Pennsylvania. In Wayne County, Pennsylvania, there
18 are a number of fracking wells. I have a friend,
19 someone I worked with, who had a small farm next to
20 one of the wells. It spoiled everything around it
21 that grew. All the trees were dead.

22 Many people like me think that
23 federal environmental regulations are going to
24 protect human and environmental health from the
25 impacts of fracking, but unfortunately, that's not

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2 true. I was shocked to discover that it does not
3 apply to fracking. In 2005, Vice President Dick
4 Cheney, former C.E.O. of Halliburton, the company
5 that introduced the technology that made hydraulic
6 fracturing viable, got federal exemptions from oil
7 and gas drilling from, listen to this list, the
8 Clean Air Act, the Clean Water Act, the Safe
9 Drinking Water Act, the Resource Conservation and
10 Recovery Act, and the Community Right to Know Act,
11 among other laws.

12 Since the fracking isn't safe, I
13 don't think the power plant is safe either. And I
14 sat next to somebody tonight who said well, all
15 this stuff about solar energy, it just isn't
16 workable. Last summer, we put solar panels on our
17 roof. We all know how hot last summer was. I ran
18 my air conditioning. My bill was nineteen dollars
19 and thirty cents a month. Solar does work.

20 A.L.J. AGRESTA: Okay. The next
21 speaker is Leland Snyder followed by Todd Dyorro.

22 MR. SNYDER: Thank you for
23 allowing me to speak. I'm not from Orange County.
24 I am from the Southern Tier of New York State. I
25 am familiar with the impact of fracking and I can

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2 tell you that the regulation just is not there
3 right now. For the P.S.C. regulation, there's a
4 compressor in Windsor and for at least the past
5 year I don't -- the last time I checked it six
6 months ago, they have the documents for their labor
7 saying what chemicals are on site and it's unfilled
8 out. In fact, all their documents on the entrance
9 to their facility are not filled out -- filled out
10 for an entire year.

11 Now what chemicals are coming to
12 that site? Well, they're coming from the fracked
13 wells.

14 A.L.J. AGRESTA: I appreciate
15 your concern about that and if you want to leave a
16 statement about that compressor, we'll take it
17 back, but I need you to speak --

18 MR. SNYDER: I'll be very brief.

19 A.L.J. AGRESTA: -- on tonight's
20 hearing. Okay?

21 MR. SNYDER: Okay. Right. I --
22 I urge you to not grant a certificate of lightened
23 regulatory regime. The prices for gas have gone
24 from thirteen dollars to two dollars at the well
25 head or two thirty, and the prices for the consumer

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2 have not dropped to that level. There's obviously
3 some place where there's monopoly practices in --
4 in place. And I urge you not to grant lightened
5 regulatory regime. We need to see what's going on.
6 Thank you very much.

7 A.L.J. AGRESTA: Okay. Todd
8 Dyorro, followed by Christopher Cerone, followed by
9 Peter Becker (phonetic spelling).

10 MR. DYORRO: I'm not sure if I'm
11 the good looking union guy or the guy in the suit.
12 I haven't figured it out yet.

13 I'm Todd Dyorro, President of the
14 Hudson Valley Building Construction Trades Council.
15 The council consists of twenty-eight construction
16 trade locals and over ten thousand members. I
17 think we have a lot in common here. There's a lot
18 of conversation today. I know you guys have
19 supported us. It seems like there's a lot of
20 people in this room that support local unions.

21 But it seems like one thing
22 people don't understand -- I'm going off my
23 prepared speech a little bit, is all our jobs are
24 temporary. We live, unfortunately, off of
25 temporary jobs. Not too many constructions in the

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2 building trades work steady unless you work for a
3 company that does heavy highway and you're
4 constantly -- we go from six months with one
5 company, six months to another. When a power
6 plants comes in, we build it. The school
7 construction comes, we build it. So that's what
8 people got to understand. We actually -- we rely
9 on these temporary jobs sometimes. We don't
10 consider them temporary. Believe me, we wish they
11 were full-time jobs.

12 I support teachers. I wish we
13 had full-time jobs that we, you know, would -- we
14 don't have paid vacation. We don't have sick days.
15 We don't have a lot of stuff that some of the
16 unions have. We're in a different world and I
17 don't think people realize that sometimes.

18 I just want to touch on a couple
19 things that were brought up, real quickly.
20 Minisink Valley compressor station, I know people
21 said they seen people from Tennessee, ninety
22 percent of the labors on that job, construction
23 workers, were local. We had an agreement with
24 Minisink --.

25 I'm telling you. I could show

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2 you the -- well, I'm not going to debate you. The
3 same thing with C.P.V., we have a commitment to
4 them. Future projects, you guys are in support of
5 us. There's a lot of projects, no matter if
6 they're controversial sometimes, out of town
7 workers, out of state workers. I'd love to have
8 your support the next time there's a thing. I -- I
9 welcome you guys to come in and meet with me and
10 some of the officers and talk about it in the
11 future.

12 But I thank the opportunity to
13 speak here tonight. I'm here in support of C.P.V.
14 Valley Energy Center as it relates to requirements
15 under the New York State Public Service Commission
16 of the public convenience and necessity. This
17 project is vitally needed to help meet the electric
18 power needs of the fast-growing Hudson Valley.
19 This need has been confirmed by the New York State
20 Electric Grid Operator.

21 C.P.V. is a community partner.
22 They have secured many of their required approvals
23 and permits. They have made a financial investment
24 in the project, as well as the community. They
25 have made a commitment to local labor, ensuring

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2 good wages and benefits through a project labor
3 agreement. They have received support from former
4 Orange County executive and current Orange County
5 executive, Steve Neuhaus. And I believe all of our
6 state and federal elected officials who cover
7 Orange County also support this project.

8 This project is expected to cost
9 over eight hundred million dollars to construct.
10 It will employ hundreds of local union construction
11 workers during construction over the expected
12 thirty months of construction during a time of high
13 unemployment in the construction trades in the
14 Hudson Valley. This will be a much needed economic
15 boom to Orange County.

16 The plant's design incorporates
17 the latest state-of-art technology. I'm not going
18 to go into everything. We've already heard it a
19 hundred times over. But based upon a criteria
20 outlined in the Public Service Commission's notice
21 of public statement hearing and procedural
22 conference, issued January 24, 2014, and the above
23 information, we believe the C.P. Valley should be
24 granted the certificate so that this important
25 project may move into the construction and begin

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2 delivering benefits to the citizens of New York
3 State. Thank you.

4 A.L.J. AGRESTA: Thank you.

5 The next speaker is Christopher
6 Cerone followed by Peter Becker and Madeline Shaw.

7 MR. CERONE: Good evening. My
8 name is Christopher Cerone and I am a member of
9 Labor's Local 17 in Newburgh, New York. I'm here
10 tonight to ask the Commission to approve the
11 certificate of authority for C.P.V. Valley, L.L.C.
12 to own, operate and begin construction of an
13 electric plant as an electric corporation regulated
14 by the Commission.

15 This project has been reviewed
16 under SEQR by the Town of Wawayanda Planning Board,
17 as lead agency, and on February 8th, 2012 have been
18 accepted F.E.I.S., Final Environmental Impact
19 Statement, and adopted a finding statement on May
20 23rd, 2012.

21 C.P.V., L.L.C. has committed to
22 investing private funds and to paying a PILOT,
23 payment in lieu of taxes, which will help reduce
24 the tax burden for Orange County residents as well
25 as establishing the clean energy source that we

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2 have all been searching for, for decades.

3 Additionally, approval of the
4 certificate of authority will make way for much
5 needed good paying construction jobs during the
6 construction phase, in addition to plant operations
7 jobs once the facility is up and running, not to
8 mention the ancillary jobs and local business
9 growth -- growth that will result from this
10 project. I wish to thank you for the opportunity
11 to speak tonight and to convey my support of this
12 project. And again, I urge you to approve the
13 certificate of authority for C.P.V., L.L.C. Thank
14 you.

15 A.L.J. AGRESTA: The next speaker
16 is Peter Becker, followed by Madeline Shaw,
17 followed by Dorothy Winner.

18 Is Peter Becker going to speak?

19 Is Peter Becker here?

20 Okay. Let's go to Madeline Shaw
21 then. Please keep it brief.

22 MS. SHAW: I will. I thank all
23 of you here. Eloquence. I'm nowhere near that --
24 that level.

25 When I moved up here, as a -- as

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2 a child of eight, we used to come up for weekends,
3 a very naive child of eight, I said Ridgebury,
4 they'll never find us if they want to drop a bomb.
5 That was -- that was my thinking at the age of
6 eight. Well, the bomb has dropped. It's dropped
7 all over. We go into the grocery store, we can't
8 buy food without knowing whether it's G.M.O. or
9 not. Our water is getting polluted. Our air now
10 is getting polluted.

11 I love you unions. I'm a member
12 of two unions, myself. Believe me, I would love to
13 see you working all the time. But the damage that
14 this plant will do, and these are temporary jobs,
15 the -- the -- the consequences of what this plant
16 is going to produce is going to change all of our
17 lifestyles.

18 My first thought about coming up
19 here, all I wanted to do was ask one question,
20 which seems very self-centered at this point, but I
21 think it's a question we all have to ask. I'm very
22 sensitive to industrial, even cleaning supplies. I
23 have problems breathing if I get too close. And
24 when I can't breathe and I have to move, is Mr.
25 Razzano going to buy my house? Is Mr. Cole going

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2 to buy my house? Are the owners of this plant
3 going to buy my house? And we all are going to
4 have to ask these questions.

5 These poor people in West Town, I
6 have -- I feel -- my heart goes out to you. My
7 heart goes out to you. You were so eloquent.

8 And I'd just ask the Public
9 Service Commission to please serve the public.

10 A.L.J. AGRESTA: Next speaker is
11 Dorothy Winner, followed by John Dixon, followed by
12 Pramilla Malick. Please keep it brief.

13 MS. WINNER: I will. I like
14 breathing very much. I imagine all of you also do
15 that. And I like drinking clean water and I hope
16 that you have clean water where you live. I live
17 in Wawayanda. Right now the air is okay to
18 breathe. I'm all right. The water isn't so good.
19 We have a lot of problems with our water. All I
20 can say is I wish everybody clean air and water.

21 A.L.J. AGRESTA: Thank you.

22 John Dixon, Pramilla Malick, and
23 Carol Smith?

24 MR. DIXON: John, Dixon, I'll
25 pass. I'm just going to reiterate what my brothers

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2 have said.

3 A.L.J. AGRESTA: Okay. Mr. Dixon
4 has passed. Thank you.

5 This is Pramilla Malick.

6 MS. MALICK: Thanks. How you
7 guys doing? Did you find your way here okay? Did
8 you get good directions and everything? Your
9 navigator got you here all right?

10 So regarding jobs, I would like
11 to ask you where you going to work when you get
12 sick or when your kids get sick and you have to
13 take time off from work? And don't our jobs matter
14 as well? My name is Pramilla Malick. I live in
15 the neighboring community of Minisink, New York and
16 represent a grass roots community organization
17 known as Stop M.C.S., as well as Protect Orange
18 County.

19 I want to first start by
20 protesting a little bit that this meeting, as much
21 as I support union workers, and I myself was a shop
22 steward at one point, I -- I protest that this
23 meeting is occupied by people who have pretty much
24 been told to be here by their employers and who
25 don't, probably, have any idea what this project

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2 really entails, while impacted residents are
3 standing in the corner and on the floor. That's
4 unconscionable, like I don't know if Robin is still
5 here, but Robyn Freund, my neighbor from Minisink,
6 a mom and a widow who lost her husband on 9/11, but
7 standing in the corner with no place to sit. This
8 is not how a meeting should be conducted. And
9 we're kind of tired of this -- this road show.

10 I do want to thank the Public
11 Service Commission for holding the hearing.
12 Although this process began in 2008, this -- this
13 hearing is actually long overdue and it's the first
14 time a state agency has actually come to our local
15 community to listen to the people who will be
16 impacted by this project. And unfortunately, so
17 far, the scale and magnitude of this project has
18 been inversely proportional to the extent that the
19 public has been allowed to participate, due to the
20 decisions by the lead agency, as well as other
21 involved agencies because to this day there are
22 still many, many people who will be directly
23 impacted by this project and still do not know
24 about it.

25 My neighbor, Joan, who spoke

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2 earlier, lives in the Town of Slate Hill. She's
3 been there for almost twenty-three years and she
4 just came to know about this recently. There are
5 residents who actually participated in the scoping
6 meeting in 2008, who did not know that this project
7 was moving forward in the permitting process. Why?
8 Because there was little effort or outreach on the
9 part of the lead agency and the project sponsor,
10 C.P.V., to inform the public.

11 When the Minisink compressor
12 station was proposed in 2011, the project sponsor
13 was required to inform every resident within --
14 living within a half mile. Here, we have a project
15 nearly ten times the size, with ten to forty times
16 the impact. And who were the residents who
17 actually received a notification in the mail?
18 Residents living just within five hundred feet.
19 And when did they receive their first notification?
20 In 2013, five years after the process began.

21 Such is another Slate Hill
22 resident, Adriano Goenstein (phonetic spelling),
23 who's also here tonight, an elderly citizen who
24 lives directly across the street from the proposed
25 site. And what about all the people in the direct

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2 impact zone, as defined by the project sponsor,
3 five miles, such as the folks in Goshen, directly
4 downwind of this facility, or all the Black Dirt
5 farmers who will see their soil depleted and crops
6 diminished as a result of this facility? These
7 people, at the very least, deserve, indeed have the
8 right to be part of this process.

9 The public has completely lost
10 faith. Obscure and vague notices giving the public
11 ten days to respond to what the project sponsors
12 have had an army of lobbyist and lawyers and
13 experts working on for years?

14 Where's the fairness in this?
15 Ten days for busy, hard-working middle class moms
16 and dads to learn how to articulate their desperate
17 concerns within the framework of the legal and
18 statutory requirements? And those are just the
19 ones lucky enough to have seen that one day's
20 notice in the paper.

21 What language do we speak in to
22 communicate to the P.S.C. that we will lose our
23 homes, our way of life, everything we've worked for
24 our entire lives? We're not a billion-dollar
25 corporation. But why do we have to choose either

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2 walking away from our home or allowing our children
3 to live in harm's way? Ten days to submit comments
4 that will never be addressed or answered in any
5 meaningful way? Ten days to learn the complexities
6 of our state and federal environmental laws or, in
7 this case, Public Service Law?

8 We know where the lawyers for the
9 company are. They're in Albany, lobbying away
10 to -- to ensure that they get the approvals they
11 need. But where are the lawyers for the people to
12 ensure our needs and our rights are safeguarded?
13 We need a public ombudsman to represent our
14 concerns, our issues, and our needs. But
15 unfortunately, there is none for impacted
16 communities so we're left on our own. There is
17 none.

18 And, therefore, we ask you to, at
19 the very least, extend the comment period for at
20 least thirty days and notify the public of that
21 process. And we further request a technical
22 conference with the P.S.C. to understand the many
23 documents submitted by the project sponsor, the
24 issues the P.S.C. will address, and to understand
25 the scientific and technical basis for the claims

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2 made in the project sponsor's petition.

3 We know that the P.S.C. does hold
4 technical conferences with industries. It is
5 imperative that the P.S.C. restore some integrity
6 to this process and granting these two requests --
7 requests would go a long way towards that goal.
8 And I would add one more thing. We have submitted
9 a letter, requesting at least one more public
10 hearing. And I would really like the -- the P.S.C.
11 to ensure that we have a public hearing where
12 impacted residents can really articulate their
13 concerns.

14 Before I go into the narrow
15 issues the P.S.C. will review, I would like to
16 remind everyone exactly what this project entails.
17 Competitive Power Ventures Holdings, a venture
18 capital firm based in Maryland, plans to construct
19 a new six hundred and thirty to six hundred and
20 fifty megawatt facility in Orange County. Randy's
21 already mentioned that it would include a nine
22 hundred and sixty-five gallon diesel fuel storage
23 tank, as well as a nineteen thousand gallon ammonia
24 tank. The natural gas would be transported by the
25 Millennium pipeline.

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2 The project would be built on a
3 pristine Greenfield site in a protected
4 agricultural district, over sixty acres of
5 federally designated wetlands. It's also within an
6 endangered species habitat over an existing fault
7 line, on top of a sole source aquifer, and adjacent
8 to a low-income housing public housing project, and
9 on top of a Native American burial ground.

10 The project would be a new source
11 of two point two million tons of greenhouse gases
12 in New York State. It is important to understand
13 this because this is the context in which the
14 public need and necessity must be evaluated. And
15 for those of you scratching your head, wondering
16 how a project with such widespread impacts have
17 gotten this far, I would warn you that this is what
18 happens when a local town board is named lead
19 agency and that town's attorney becomes the project
20 sponsor's attorney, which again describes the
21 complete lack of integrity this entire project has
22 had.

23 Now we're told that, in fact, the
24 capacity of the plant would be eight hundred and
25 twenty megawatts, not six hundred and thirty. This

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2 is a thirty percent increase in its capacity. This
3 means a thirty percent increase in its emissions
4 and other environmental impacts. This, I would
5 like to restate, requires a supplemental E.I.S.
6 The P.S.C. should suspend review of this permit,
7 pending the completion of the supplemental E.I.S.

8 And now I would hope that,
9 despite the narrow scope of the issues the P.S.C.
10 is looking at, any decision or review it makes
11 would be consistent with our state's energy law.
12 So I'll cite just one section from Article 3 that
13 our state's energy plan must, along with other
14 things, quote, protect its environmental values and
15 agricultural heritage, to husband its resources for
16 future generations, and to promote the health and
17 welfare of its people.

18 The second section in Article 3
19 goes on to state that every agency of the state
20 shall conduct its affairs so as to conform to the
21 state energy policy expressed in this chapter.
22 Therefore, I submit that the public health and
23 environmental issues should be on the table.

24 And I will be submitting to the
25 P.S.C. expert reports on all of these issues that

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2 includes a report by former E.P.A. scientist, Wilma
3 Subra, on the public health impacts of this project
4 in which she states that the emissions will be
5 forty-three times that of the Minisink compressor
6 station. I will include a report by a geologist,
7 identifying a fault line going directly through the
8 site, a report by an ecologist, documenting
9 endangered species habitat, and a letter by the
10 Ramapough Lanape Tribe, describing the cultural
11 resources on the property, including a Native
12 American burial ground.

13 Article 6 goes on to restate the
14 same requirements as Article 3. Therefore, I
15 submit that it is part of the P.S.C. mandate to
16 consider all these issues in its review in
17 accordance with Article 3 and Article 6 of the
18 State Energy Law.

19 Now for the narrow issues defined
20 by Section 68 and 69 of the Public Service Law.

21 FROM THE AUDIENCE: Come on.

22 A.L.J. AGRESTA: Please try to
23 wrap up. If you have it in writing, you can submit
24 it.

25 MS. MALICK: Okay. I mean these

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2 are substantive important issues. We are here to
3 take testimony. That's my understanding.

4 A.L.J. AGRESTA: Okay. But you
5 have also --.

6 Stop.

7 Try to wrap it up.

8 MS. MALICK: I don't think anyone
9 has gone into this, but I will -- but I will try to
10 wrap it up quickly.

11 FROM THE AUDIENCE: It's in
12 writing.

13 MS. MALICK: Is there a need for
14 this project? Absolutely, categorically not. When
15 I first received notice of the Minisink compressor
16 station plans that has now devastated my community,
17 I asked local officials why this was being built.
18 And I was told from day one, this is to close down
19 Indian Point. And of course, we all agree Indian
20 Point should be closed down. But why on earth
21 would they shut down one public health and safety
22 hazard just to replace it with another? Well, the
23 truth is that New York doesn't need Indian Point,
24 nor C.P.V. to replace Indian Point, because we
25 don't even use most of the power produced by Indian

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2 Point.

3 Indian Point produces about two
4 thousand megawatts of power. And I cite a 2010
5 news article which states that due to deregulation
6 most of that power is sold to New England entitled,
7 quote, New York Relied much less on Indian Point
8 for Energy. It goes on to say, quote, Entergy
9 Nuclear has dropped its share of electricity
10 supporting New York City and Westchester County to
11 about four percent of the area's power needs, while
12 selling increasing portions of its energy in an
13 open market stretching from Maine to Delaware.

14 This company -- it goes on to add
15 this company is spending millions of dollars on an
16 extensive campaign to convince the public that the
17 region would suffer if the nuclear plant at Indian
18 Point were shut and its two thousand one hundred
19 megawatts were withdrawn. Simultaneously, however,
20 Entergy is withdrawing all but five hundred and
21 sixty megawatts and is selling the rest elsewhere
22 through the interconnecting New England, New York,
23 mid-Atlantic, Quebec, and Ontario power grids.

24 Although they refused to disclose
25 exactly how much energy they do sell in New York,

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2 given the trends in the energy market, it is likely
3 now much less than it was in 2010. And we see that
4 C.P.V. seems to be following in their footsteps,
5 trying to pull off the same public deception.

6 Many others have given you even
7 more reasons as to why we don't need this power
8 plant, how efficiency upgrades would provide any
9 energy we might need. We have power plants closing
10 all over the state, four just recently, all of whom
11 stated in their bankruptcy papers that they have
12 lost money for the last ten years in a row and were
13 operating at only twenty-five percent capacity.
14 And the public is on to these devious deceptions
15 and false forecasts.

16 A.L.J. AGRESTA: Okay.

17 FROM THE AUDIENCE: Thank you.

18 MS. MALICK: Can I just address
19 the issue of jobs? It's very short.

20 A.L.J. AGRESTA: I'm sorry.

21 MS. MALICK: It's just five
22 seconds.

23 A.L.J. AGRESTA: No. I'm sorry,
24 no.

25 MS. MALICK: Other people were

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2 allowed to go on.

3 A.L.J. AGRESTA: I'm sorry, but
4 you have gone on now for about eight or nine
5 minutes, which is three times -- quiet, please --
6 which is three times the limit I have given.

7 MS. MALICK: Does anybody -- does
8 anybody want to --?

9 A.L.J. AGRESTA: No. Understand,
10 she's going to be submitting this comment in
11 writing.

12 MS. MALICK: But they --.

13 A.L.J. AGRESTA: So her full
14 comment is going to go into the record. Okay?
15 Your speaking it tonight doesn't accomplish
16 anything different.

17 MS. MALICK: Okay. I have one
18 short paragraph on the issue of jobs that I would
19 like to talk about and that's it. And then I will
20 leave.

21 A.L.J. AGRESTA: Can you give it
22 to us in one sentence, just summarize it in one
23 sentence?

24 MS. MALICK: It's -- it's a very
25 tiny paragraph. It will take literally ten

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2 seconds.

3 A.L.J. AGRESTA: Very quickly.

4 MS. MALICK: Okay. I just want
5 to talk briefly on the issue of jobs because this
6 issue has come up quite a bit tonight. Everybody's
7 talked about the fact that it will be temporary
8 jobs. Also because of the FERC approved rate
9 increases, six to fifteen percent that C.P.V. is
10 relying on to pay for construction, we will drive
11 out many businesses who will then find more
12 affordable parts of the state and the country to
13 move in.

14 Thirdly, I submit that
15 investments in renewable energy is even a bigger
16 job creator than fossil fuels without any of the
17 environmental risks and burdens. And I cite a
18 University of Massachusetts study which states, and
19 I'll end after this --

20 FROM THE AUDIENCE: Good.

21 MS. MALICK: -- quote, spending a
22 given amount of money on clean energy investment
23 agenda generates approximately three point two
24 times the number of jobs within the United States
25 as does the spending the same amount of money

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2 within the fossil fuel sector. Thank you.

3 A.L.J. AGRESTA: Are you going to
4 give me the written document?

5 The next speaker is Carol Smith.

6 MS. SMITH: Good evening. I'm
7 Carol Smith, Vice President for Government in the
8 Orange County Chamber of Commerce. We represent
9 approximately sixteen hundred businesses in Orange
10 County and the surrounding area. The chamber has
11 been working with C.P. Valley for the last five
12 years. During that time, the company has developed
13 the project, secured all of the required approval
14 and permits, and have also had a significant
15 financial investment. There is no doubt in our
16 mind that their business entity was properly
17 formed.

18 We also have heard tonight that
19 the C.P. Valley has obtained all the municipal
20 consents from the City of Middletown that it needs
21 to -- to do. I urge the Public Service Commission
22 to grant C.P. Valley the certificate of public
23 convenience and necessity and allow this vitally
24 important infrastructure project to proceed,
25 hopefully breaking ground very soon. Thank you for

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2 this opportunity to speak once again in support of
3 this project.

4 A.L.J. AGRESTA: Thank you.

5 For anybody that I'm forced to
6 cut off, if you want to wait until the end, after
7 everybody else has spoken, I may have some time
8 left if we don't get kicked out of the building.

9 The next speaker is James Petro,
10 followed by Kathy Skafidas, and -- Skafidas and
11 Christopher McCracken.

12 MR. PETRO: I'm Jim Petro. I'm
13 the executive director of the Orange County I.D.A.
14 We've been working with C.P.V. for a little over
15 five years, early 2008. We spent endless hours
16 working on the PILOT agreement. I think it's
17 through the efforts of the I.D.A. to attract this
18 company to our area, that approximately six hundred
19 people will be working for two years. And I think
20 that everybody on the board would agree with me
21 that we're in one hundred percent agreement that
22 this is a great project for the area and we're very
23 happy to have them here. Thank you.

24 A.L.J. AGRESTA: Start with your
25 name, please.

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2 MS. SKAFIDAS: Hi. Good evening.

3 My name is Kathy Baker Skafidas. I'm a resident of
4 Warwick, New York. I have an environmental degree.
5 I've worked in the New York and New Jersey Hylands,
6 and all over New Jersey and New York for about
7 eighteen years now. I -- I was the executive
8 director of Orange Environment. I've taken a leave
9 for a few years to be a mom and I've lived up here
10 in Orange County for almost twelve years now.

11 According to the E.P.A., Orange
12 County is currently in nonattainment for foreign
13 particulate matter air pollution. As such, parts
14 per million, two point five pollution is a serious
15 and growing health risk for Orange County
16 residents. E.P.A.'s own research highlights the
17 dangers to human health posed by particulate
18 matter. Particulate matter has been linked to a
19 range of serious respiratory health problems.

20 The key health effect categories
21 associated with ambient particulate matter include
22 premature mortality, aggravation of respiratory and
23 cardiovascular disease, aggravated asthma, acute
24 respiratory symptoms included aggravated coughing
25 and difficult or painful breathing, chronic

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2 bronchitis, and decreased lung function that can be
3 experienced as shortness of breath.

4 We have been out of compliance in
5 Orange County for over twenty years. We have other
6 air quality concerns. The plant will be located in
7 a federal air quality nonattainment area for ozone
8 and certain particulate matter. It is proposed
9 that the plant will purchase nonattainment
10 emissions offsets for nitrogen oxide and volatile
11 organic compounds. However, these may be traded
12 across state lines. The air quality in and around
13 Wawayanda and Orange County likely will suffer from
14 further deterioration unless -- unless it is
15 ensured that offsets are available and purchased in
16 a manner such that existing emissions from sources
17 in the Wawayanda area are reduced in appropriate
18 amounts. We know this will not happen.

19 Similarly, the plant will have to
20 purchase allowances for its sulfur dioxide
21 emissions. Once again, unless corresponding local
22 reduction of existing emissions of this irritating
23 and acid rain contributing gas are achieved, the
24 air quality in and around Wawayanda will
25 deteriorate.

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2 The plant will emit various
3 gasses, some in greater quantities than others.
4 All of these gases, however, will have accumulative
5 effect over time on Wawayanda's air quality. With
6 sources from new business development and/or
7 increased transportation, it is likely to occur --
8 occur in the future in Wawayanda. The cumulative
9 impacts of these sources, taken together, likely
10 will be significant for most, if not all of the
11 gases listed in all of the C.P.V.'s reports. This
12 will be so, even if no single source is considered
13 significant. Therefore, all of the plant's
14 emissions, even those that meet present standards,
15 could very well have a role in causing air quality
16 deterioration in the future.

17 When this point is reached, it
18 may be necessary for the area to curb further
19 development even of the type that otherwise would
20 be considered very desirable.

21 Greenhouse gases. The
22 greenhouse -- greenhouse gases that will be
23 emitted, thereby contributing to global warming,
24 are problematic. It is claimed that the plant will
25 add point O three seven to the national emissions

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2 of carbon dioxide. This seems large for a single
3 source when you consider that there are millions of
4 sources nationwide. Nevertheless, it is claimed
5 that the plant is a step forward since it will
6 displace energy sources that emit more carbon
7 dioxide.

8 The problem is that even assuming
9 that this is true now, will it remain true for
10 years to come? The plant is projected to have a
11 thirty-year life. With -- with the
12 ever-accelerating development of green technology,
13 it could be that this plant will be considered a
14 dinosaur long before it is taken offline. It would
15 then be a liability with regard to global warming.

16 Ammonia. Ammonia will be used to
17 control some of the plant's emissions. During this
18 process, some of the ammonia will slip into the
19 air. This should be of some concern. Perhaps of
20 greater concern, however, is the storage of ammonia
21 on site which originally in the D.E.I.S. was
22 fifteen-thousand-gallon tank and now it's a
23 nineteen-thousand-gallon tank. When ammonia, at a
24 twenty percent concentration is stored, the Clean
25 Air Act in federal regulations require that a

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2 catastrophic release model be developed. However,
3 the plant will avoid this by requiring -- by
4 requirements by using a nineteen-percent
5 concentration. This smacks of attempting to fly
6 under the radar.

7 If, indeed, this was the tactic,
8 then it is disappointing and justifiably raises a
9 concern whether safety was at the highest priority
10 in this project planning. Whether a catastrophic
11 release model should be required needs to be
12 examined since the concentration is borderline.

13 Water resources. There is no
14 real discussion and/or examination of impacts to
15 local ground water resources or potable water
16 sources in and around the Applicant's property if
17 there's ever a contamination leak from the diesel,
18 ammonia, or other specified contaminants planned to
19 be stored on the property and used in the
20 day-to-day or quarterly, biannually used in the
21 power plant operations.

22 We are concerned with preventing
23 contamination to these significant resources and
24 feel the Applicant has not adequately addressed
25 resource protection and mitigation possibilities

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2 from -- if contamination arises.

3 As far as Orange Environment is
4 concerned, we proposed during the last master plan
5 review in Wawayanda, over seven years ago, that the
6 Town of Wawayanda should adopt more stringent
7 watershed and river protection buffers and well
8 head protection ordinances because at this
9 community -- as this community continues to grow
10 and possibly allow for expansion of heavier
11 industrial operations like this plant, natural
12 resource protection needs to be increased as well.

13 As far as we know, more stringent
14 resource protection ordinances have not been
15 adopted locally to date. The residents of Orange
16 County know that there is no need for electrical
17 energy proposed to be generated by the C.P. Valley
18 Energy Center and that there is no energy shortage
19 to support the issuance of a certificate of
20 convenience and necessity for this project. And we
21 are hopeful that the planned regional transmission
22 upgrades will remedy the present delivery,
23 congestion, equalize the supply and demand
24 equation, and facilitate the transfer of lower
25 costs from Upstate electricity into our -- into our

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2 region.

3 Our economy continues to be at an
4 all-time low and now your asking residents to foot
5 the bill is absolutely insane. Sustainability in
6 greening up our community have become important
7 words for many communities and businesses worldwide
8 over the past decade. C.P.V. mentions in their
9 documents that this facility could take offline
10 other higher contaminating, bigger greenhouse gas
11 guzzlers who have been operating in our area and
12 generating energy for some time. This, of course,
13 is no -- there, of course, is no regional or
14 statewide effort to take older facilities offline
15 at the moment.

16 So when this Applicant talks
17 about burning greener than others in the area by
18 using natural gas, we would like to see this
19 facility take its green talk further because
20 burning natural gas and diesel is not a carbon
21 neutral activity which meets New York State's new
22 criteria for climate change.

23 C.P.V. cannot proceed with their
24 proposed power plant without government, tax, and
25 ratepayer subsidies and they require a payment of

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2 lieu of taxes agreement from the Town of Wawayanda
3 to offset county, local, and property taxes at the
4 expenses of residents. It's absolutely ludicrous.
5 It is, therefore, incumbent upon the Public Service
6 Committee to decide in favor of the people of the
7 State of New York. It is incumbent upon the -- the
8 P.S.C. to deny C.P.V. Valley the requested
9 certificate of convenience and necessity pursuant
10 to Section 68.

11 The P.S.C. must determine that
12 such construction is convenient and necessary for
13 this public service in that this facility will be
14 safe, adequate and reliable service and provide
15 just and reasonable rates and whether issuance of a
16 certificate is in the public interest. To this
17 date, they have not met any of these criteria.
18 Thank you.

19 A.L.J. AGRESTA: The next speaker
20 is Christopher McCracken.

21 MR. MCCRACKEN: Good evening.
22 Thanks to Public Service Commission for taking the
23 time to hear everybody's comments tonight.

24 My name is Chris McCracken. I
25 work for Advanced Testing. We are an Orange County

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2 based business. We've been here for about thirty
3 years. And over the past few years, we've seen
4 this project progress. We've attended most of the
5 public hearings. We've attended their outreach
6 events. And we asked to meet with them one on one
7 to get more information about the project. And
8 they were very willing to do that. And we sat with
9 them and spent a good part of a day talking about
10 the project with them. So we feel like they've
11 made a pretty significant effort to inform those
12 and do their part to answer questions and concerns
13 as much as asked of them.

14 As far as the project goes, we
15 feel there are a number of positive benefits to
16 this project and we support it wholeheartedly. And
17 we ask the Commission to approve this certificate.
18 First of all, just the obvious component of the
19 power generation, whether the power is needed
20 immediately or in the long run, we feel like this
21 facility will allow Orange County and the state to
22 remain a business leader. Energy and power are
23 something we all need, we all rely on. Whether the
24 services are local or statewide or nationwide, this
25 is something we rely on to maintain our position

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2 in -- in the area and in the region. We know
3 there's development ongoing. There are many
4 developments in the metropolitan area and surely in
5 Orange County to come. And power generation like
6 this is reliable and necessary.

7 Secondly, this is a natural gas
8 facility. Natural gas is a cleaner generation --
9 fuel generation, cleaner than coal and oil, two of
10 the other three leading fuel sources in the U.S.
11 And natural gas is -- the large majority of it is
12 acquired from the United States, thereby reducing
13 our reliance on foreign fuels, as well.

14 And last, but certainly not
15 least, this is a significant construction project
16 for the area. There are not projects of this size
17 that come along very often in Orange County. And
18 like Todd mentioned, this -- or like everyone
19 mentioned, but like Todd said, all construction
20 projects are temporary. My family has a
21 construction background and my father just went
22 from job to job to job. And that's what you do in
23 the construction industry.

24 And some are more temporary than
25 others. Some people are constructing sidewalks for

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2 a week at a time; that's what they do, and they
3 make a life out of it. Other people and this
4 project, things like this, are almost as far from
5 temporary as far as the construction industry is
6 concerned. And this will put a lot of people to
7 work for a long time and it will be a really
8 positive force for -- for the local labor and
9 suppliers, material suppliers, service providers
10 like ours. And whether we're guaranteed the --
11 the -- the work or not, at least there's
12 opportunity locally now.

13 So for all those reasons, we are
14 asking the Commission to approve C.P.V.'s
15 certificate. Thank you.

16 A.L.J. AGRESTA: Okay. The next
17 three speakers are James Stack, Jerome Spector, and
18 Scott Perry.

19 MR. STACK:

20 A.L.J. AGRESTA: Yeah.

21 MR. STACK: I wouldn't want your
22 job, the stress. You could probably go to
23 California and work for Google.

24 A.L.J. AGRESTA: I don't have any
25 stress. I love all you people.

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2 MR. STACK: Well, I don't want to
3 say. I -- I ain't talking. I don't want --
4 here's -- I want to know -- I know you -- the
5 magnitude. I'll use these (unintelligible)
6 psychology, magnitude of six hundred and -- is it
7 six hundred and fifty or eight hundred and sixty
8 megawatts? What is it? Would you know?

9 A.L.J. AGRESTA: I'm not here to
10 answer questions. I'm here to hear your comments.
11 It's not meant to be a dialogue. You have to make
12 your comment.

13 MR. STACK: Who do I mention the
14 questions to then?

15 A.L.J. AGRESTA: There are people
16 here from the Applicant. There are people here
17 from the staff of Public Service. They might be
18 able to answer your questions.

19 MR. STACK: The lady at the
20 table, you mean?

21 A.L.J. AGRESTA: Yes. There's
22 other people here, too. If you ask her, she'll
23 find them for you.

24 MR. STACK: No, because I -- my
25 little eighty-acre farm, this is a hundred and

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2 twenty acres; right? I've been working on this for
3 two years, I got approval for twelve megawatts,
4 runs about ten thousand two hundred homes on my
5 little farm. I live in the Town of Wallkill. But
6 the thing is that, you know, the magnitude of it,
7 it's horrendous. I mean I'm -- I'm for the
8 project, don't get me wrong, but who's going to buy
9 this? Who's -- you know, I'm like asking -- I'm
10 just here to objections, I take a different
11 approach. Who's going to -- who's going to fund
12 this? Microsoft or somebody like that? They got
13 the money. Who?

14 A.L.J. AGRESTA: It's not for me
15 to say.

16 UNIDENTIFIED SPEAKER: We are,
17 the taxpayers.

18 MR. STACK: Is that -- are you --
19 are you serious or what?

20 FROM THE AUDIENCE: Yes.

21 MR. STACK: How do you know that?
22 I'm not trying to push you. I mean --.

23 FROM THE AUDIENCE: Fifteen
24 percent rate increase --.

25 A.L.J. AGRESTA: The purpose of

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2 tonight's hearing is to hear your comments and to
3 have your concerns addressed. We are the
4 Commission. Okay? It is -- this is not a give and
5 take question and answer session.

6 MR. STACK: Uh-huh.

7 A.L.J. AGRESTA: So I'm afraid
8 I'm going to have to ask you if you have a comment
9 to make, please make it. Otherwise, we're going to
10 move on to somebody else. Okay?

11 MR. STACK: Okay. Okay. So many
12 hot airheads. No, I'm for the project. Thank you.

13 A.L.J. AGRESTA: Okay. Jerome
14 Spector, followed by Scott Perry.

15 MR. SPECTOR: Hi. My name is
16 Jerome Spector. I'm here representing Orange
17 Environment. And I'm speaking on behalf of Michael
18 Edelstein, who's the president of Orange
19 Environment.

20 UNIDENTIFIED SPEAKER: We can't
21 hear you.

22 MR. SPECTOR: Okay. My initial
23 comments in this matter address O.E.'s perspective.
24 The P.S.C. has the responsibility for issuing,
25 quote, a certificate of public convenience and

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2 necessity for the C.P.V. project after due hearing.
3 The P.S.C. must, accordingly, determine that such
4 construction or such exercise of the right,
5 privilege, or franchise is convenient and necessary
6 for the public service. In making such a
7 determination, the Commission shall consider, among
8 other factors, the corporation's ability to render
9 safe, adequate, and reliable service and provide
10 just and reasonable rates and whether issuance of a
11 certificate is in the public interest.

12 With regard to item one above,
13 O.E. submits that there has been no due hearing on
14 this matter. The environmental impact assessment
15 review under SEQR was conducted by the local
16 municipality which lacked resources, objectivity,
17 and experience to manage a review of a project of
18 this scope and potential impact. As a result, we
19 did not find the process to be thorough and the
20 resulting review was shallow.

21 Opportunities to participate were
22 minimal and did not afford us the full -- full
23 potential to contribute. We and other local
24 organizations did not find the lead agency to be
25 responsive to process or substantive comment.

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2 Given the enormity of potential consequence, we do
3 not believe that an adequate record was created on
4 a variety of issues that pertain to the potential
5 hazards to the community, a lack of need, a
6 selection of best alternatives or an appreciation
7 of potential impacts to the local communities.

8 Given the deficient process and
9 record here created, we do not believe that the
10 P.S.C. can authenticate that the standard of due
11 hearing has been achieved.

12 With regard to item two above, we
13 do not believe that the record demonstrates that
14 the proposed C.P.V. plant is necessary for the
15 public service. In the matter of the Calpine
16 application nearly two decades ago, Orange
17 Environment took the position that natural gas was
18 then only a transitional fuel with regard to a
19 shift to renewable energy to be achieved within a
20 twenty-year period.

21 Part of our settlement with
22 Calpine involved fostering this shift over the
23 projected twenty-year life of that plant. In 2014,
24 our view is the same. However, we are looking at
25 C.P.V. at the point where the transition was to be

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2 complete and when our investments now should be
3 directly -- directed entirely to the renewable
4 energy alternative that was ill-considered by the
5 C.P.V. review. It is instructive that all
6 responsible parties addressing climate change
7 target, at a minimum, a twenty-percent reduction in
8 greenhouse gas emissions by 2020. At the same
9 time, the Stanford University report authored by
10 Jacobson (phonetic spelling) shows that renewable
11 energy can be the basis by 2030 of New York
12 electricity, heat, and transportation energy needs
13 if we direct investment to this alternative.

14 In short, while Calpine might
15 have proposed a reasonable transition strategy in
16 1995, we cannot look the same way at C.P.V. in
17 2014. In 2014, the need, and this, the Public
18 Service and public interest is to see all
19 investments made in renewable energy development.
20 By the time C.P.V. comes online, the time for
21 fossil fuel power plants will have eclipsed. As
22 Howard Consular (phonetic spelling), among others,
23 has warned, we may well find ourselves without the
24 investment capital and wherewithal to fully make a
25 renewable transition. No investments in fossil

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2 fuel plants should be approved. C.P.V. is not the
3 best alternative to make up New York's need for
4 base and transition energy.

5 With regard to item three above,
6 the matter of safety, economy and rates, and public
7 interest are raised. I recently hosted programs
8 here in Orange County and in New Jersey where the
9 overall safety of gas infrastructure was discussed.
10 It was interesting that first of all, the current
11 literature demonstrates that gas involves many
12 layers of issues, fire, explosion, accident
13 potential, leakage, greenhouse gas, contamination,
14 and particularly when backup systems are considered
15 toxic contamination and air pollution.

16 And secondly, compounding the
17 interest was the fact that C.P.V. disclosed and
18 discussed few, if any, of these hazard and health
19 issues in their documentation reviewed in
20 Wawayanda.

21 During the Calpine hearing,
22 Orange Environment presented extensive testimony by
23 George Thurston and Ramona Lyle (phonetic
24 spellings) of the New York University School of
25 Public Health. This testimony demonstrated there

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2 are complex cumulative air pollution issues and
3 health concerns in the micro-region where C.P.V.
4 will be located and that will be exacerbated by a
5 gas-fired power plant. Downwind communities,
6 including Middletown, Goshen, Warwick, Chester,
7 Florida, and others will be placed at increased
8 risk of disease.

9 In Orange Environment's
10 settlement with Calpine, Calpine agreed to fund
11 research by Orange Environment into cumulative air
12 pollution impacts and for mitigatory strategies.
13 The region is out of compliance with the Clean Air
14 Act on at least two national ambient air quality
15 standards in any case. The contribution of C.P.V.
16 to compounding that issue needs to be understood.

17 A further innovation in the
18 Calpine permit that came out of the O.E. settlement
19 was a parties of interest process that gave local
20 residents access to the plant and the owners and
21 regulators on a regular basis to review air and
22 other environmental performance measures and the
23 clout to force mitigation or closure if such
24 problems were not adequately addressed.

25 Issues of economy and rates are

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2 also not addressed. Even with shale gas, there
3 remains an amazing volatility in the gas industry
4 and rates for consumers. Again, in comparison to
5 renewable energy investments, there is not a clear
6 case for gas. This issue is not critically
7 examined in the review. Economics was a crucial
8 factor in the defeat of a gas-fired plant proposal
9 in Middletown in early 1990s.

10 It should be added that when
11 externalities are added, there is not a favorable
12 comparison between natural gas and renewable
13 energy. There's a good likelihood that fracking
14 will not occur in New York for this reason and that
15 it will eventually be curtailed or required to
16 cover external cost, pollution liabilities, et
17 cetera, elsewhere. These factors should be
18 considered in granting a license to C.P.V.

19 Finally, cumulative of those
20 other factors is the public interest serving by
21 issuing a permit to C.P.V. The question here
22 includes this issue of light review. In our
23 perspective, light review is never in the public
24 interest. And given the preponderance of
25 unresolved issues here, it is certainly not

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2 appropriate here.

3 Rather, P.S.C. should hold an
4 issues hearing and commence -- commence an
5 administrative review on the questions listed here.
6 We believe that the preponderance of evidence will
7 rule out this project at this time and it will
8 direct our attention to the renewable energy
9 alternatives discussed by Jacobson, which we
10 believe can be further improved by programs of
11 community based, decentralized and distributed
12 energy. Building buildings that are energy neutral
13 are positive and dramatically rethinking our
14 transportation, agriculture, and industrial
15 sectors.

16 We look forward to laying this
17 pathway out in an administrative hearing. Thank
18 you.

19 A.L.J. AGRESTA: The next speaker
20 is Scott Perry, followed by Susan Hito Shapiro, and
21 Evelyn -- and I'm sorry I can't read your last
22 name.

23 MR. PERRY: Hello. I'm Scott
24 Perry. I'm a Goshen resident and I also own and
25 represent a Goshen business, Atlas Security Guard

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2 Services.

3 I'm Scott Perry. I'm a Goshen
4 resident and I also represent Atlas Security
5 Services. We're a Goshen -- we're a Goshen based
6 security guard services company. And we want to
7 voice our support in favor of the project. We see
8 this as pro-growth, the kind of growth that sparks
9 job creation. Without that job creation, my
10 company is stagnant and my workers suffer.

11 More importantly, I'm a husband,
12 I'm a father, I'm a property owner. I'm a horse
13 owner. The environment's important to me. I
14 wouldn't trade that for any business gain. And I
15 think the rest of the men and women who voiced
16 their support of the project also feels the same
17 way. So I'm strongly in support of the project and
18 I'd like to see it get built.

19 A.L.J. AGRESTA: Susan Hito
20 Shapiro?

21 MS. HITO SHAPIRO: Hi. Thank you
22 for holding this hearing. I am here as a Goshen
23 resident, as a farmer in Goshen, and as an
24 environmental attorney. I'm also here representing
25 the Hudson River Sloop Clearwater, as a board

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2 member.

3 You may be aware that
4 Clearwater's mission is preserve and protect the
5 Hudson River, its tributaries and related water
6 bodies. Clearwater has spent the past several
7 years actively participating in the Mid-Hudson
8 Regional Sustainability Plan, focusing on energy
9 working groups.

10 This -- through this process and
11 our green cities initiative, we've actively been
12 promoting the transition to a green energy economy,
13 which combines energy efficiency and a balanced
14 portfolio of renewable energy generations to reduce
15 our carbon footprint and create sustainable jobs.

16 In this view, there's -- we have
17 grave concerns about C.P.V.'s proposal, not the
18 least of which is the discharge of gray water from
19 the City of Middletown sewer power plant that will
20 be used for the cooling process at the C.P.V. plant
21 and will go into the Wallkill River and which
22 will -- which is already a compromised water body
23 and which will impact downriver issues, including
24 the Hudson River.

25 Clearwater opposes the issuance

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2 of a certificate of convenience and necessity
3 because C.P.V. has not adequately demonstrated the
4 need for this project. This natural gas-powered
5 energy nor any gas-powered energy is not necessary
6 in the Hudson Valley to replace the -- the energy
7 provided by Indian Point and Lower Hudson Valley.

8 As amply documented by the
9 Synapse Energy Economics Report, there is no need
10 for this plant. According to the New York State
11 Independent Service Operator, New York State's
12 energy generating capacity currently exceeds its
13 demand. So there is no need for this electricity
14 proposed to be generated by the C.P.V.

15 The bigger problem in New York
16 State is in the imbalance of power supply and
17 demand. And that is being addressed right now by
18 the government -- governor's energy highway
19 blueprint which will address the current delivery
20 congestion, equalize the supply and demand
21 equation, and facilitate the transfer of lower cost
22 Upstate electricity wind power, into our region,
23 thus there is no need for C.P.V.

24 There are better alternatives, in
25 fact. If we decide we need even more energy, as

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2 many people have cited the Jacobson study, there
3 are many other ways that we can provide additional
4 energy to our region. We have the ability to
5 increase our wind, geothermal, solar capabilities
6 over the long term. In fact, right now, in
7 Otisville, there's solar production going on. The
8 fact that no one's even mentioning that Orange
9 County with our wonderful workers, who could have
10 permanent jobs building solar and geothermal and
11 wind components, that would be permanent jobs for
12 our workers, rather than temporary building of a
13 plant that will only endanger our health, our
14 lives, our farms, and our community.

15 They're building, in Otisville,
16 solar panels for the military in a prison. We
17 should be doing -- we should have our general
18 workers be building that for the public. We are
19 here in the Hudson Valley. We have New York City.
20 If we put municipal -- on every municipal building
21 and school in our region, if we covered them with
22 solar, we would have no need for this plant. We
23 already don't have a need. We'd have less of a
24 need even then.

25 Clearwater opposes the issuance

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2 of a certificate of convenience and necessity
3 because the proposed C.P.V. project will have
4 negative economic impacts. C.P.V. cannot and will
5 not proceed with their proposed power plant without
6 government, tax, and ratepayer subsidies. C.P.V.
7 requires a payment in lieu of taxes, a PILOT
8 agreement, from Orange County and the Town of
9 Wawayanda to offset county, local and property
10 obligations.

11 There are many examples,
12 including Bowline and Haverstraw and North
13 Rockland, that have gone belly up, Danskammer. And
14 what happens with these PILOT plans is yes, they
15 pay less taxes up front and at the end of the day,
16 who's left holding the bag? The public, the
17 ratepayers. And then the taxes go through the
18 roof. Our property taxes will be unacceptably high
19 and will cause enormous economic grief and stress
20 on all of our community for the benefit of an
21 out-of-state company that shows no long-term
22 commitment to our community. If they did, they
23 wouldn't be asking for a PILOT program now and
24 they'd be paying for it up front.

25 FERC has created a new capacity

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2 zone, which, if not halted, would increase the
3 electricity bills of our region up to six to
4 fifteen percent in May 2014. That could actually
5 result in increasing our -- our cost up to
6 twenty-five percent over the next few years, plus
7 half a million dollars over a three-year period for
8 this project.

9 The cost of construction of the
10 C.P.V.'s facility will be passed on to us, the
11 ratepayers. When you add construction cost, I.D.A.
12 incentives, and cost increases, the economic
13 hardships of this project for our region are
14 unacceptable.

15 The jobs, as has been stated by
16 other people, the University of Massachusetts and
17 others have found that investment in solar, wind,
18 geothermal, biomass, pretty much almost any form of
19 energy besides fossil fuel based and nuclear,
20 creates more jobs. Energy transmission, many
21 other -- retrofitting homes, all of that creates
22 permanent long-term jobs, and we actually save
23 money that way.

24 Clearwater opposes the issuance
25 of the certificate of convenience and necessity

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2 because the proposed C.P.V. project will have a
3 negative environmental impact and will exacerbate
4 the climate crisis. By burning more fossil fuels,
5 all we're doing is creating a bigger carbon
6 footprint. We're not solving the problem.

7 We are -- we're going to be
8 putting -- this plant will put two point two
9 million tons more of CO2 into the environment and
10 it will put five hundred times of known carcinogens
11 and neurotoxins, including volatile organic
12 compounds, nitrous oxides, particulate matter, and
13 other hazardous pollutants, this -- and
14 radioactivity because they will be using shale gas
15 in this plant.

16 Fracking somewhere else doesn't
17 mean that we're not -- doesn't mean that we're not
18 having fracking in New York State if we're using
19 fracked oil and -- fracked gas, I mean, in New York
20 State. It -- it directly contradicts New York
21 State's renewable portfolio standards, this
22 project, and other sustainable federal, state, and
23 regional energy goals.

24 I'm trying to summarize here. I
25 know the time is late. In view of the foregoing,

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2 Clearwater views C.P.V.'s project and its related
3 components as significant and strongly recommends
4 that the New York State Public Commission --
5 Service Commission denies C.P.V. the required
6 certificates of compliance and necessity pursuant
7 to Section 68, deny the approval of financing
8 pursuant to Section 69, and deny approval of a
9 lightened regulatory regime at this time.

10 As has been stated earlier,
11 ten-day public comment period is insufficient for
12 community groups and citizens to comment on this
13 very extensive project. And we ask the Public
14 Service Commission to hold an issues conference and
15 a technical conference on these matters and to
16 extend, for at least thirty days, public comment.

17 In addition, as we've heard
18 today, there are many issues that are new that were
19 not addressed in the F.E.I.S. that need to be
20 addressed before the Public Service Commission can
21 make a determination with regard to the upgrade
22 from the controversial, whether it's six fifty, six
23 eighty-five, eight fifty, what is the number, what
24 is that amount? Whatever -- if there's a
25 differential from what was considered to what is

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2 now being considered, an F.E.I.S. must be
3 addressed, the ammonia levels, the quantity of
4 ammonia, the aquifer issues, and the fact that this
5 is not -- though we are home rule state, this is
6 not a local issue. This is a regional issue. This
7 is regional planning. And to have a small town
8 make the determinations for our entire region is
9 dangerous to our community, to our environment, and
10 to our economy. So we ask, once again, for the
11 P.S.C. to not approve. Thank you.

12 A.L.J. AGRESTA: Okay. The next
13 speaker is Evelyn -- is it Preus? Is that how you
14 pronounce it?

15 MS. PREUS: Yeah, Preus. It's
16 okay.

17 A.L.J. AGRESTA: Okay.

18 MS. PREUS: Hello. I'm Evelyn
19 Preus. I'm here as a mother and as a teacher. I
20 teach, at the moment, an energy course, for
21 home-schoolers. And we were talking about shale
22 gas this morning. And as I got out the charts that
23 showed U.S production in oil and gas, I asked the
24 kids to point to me on the chart when they were
25 born. I almost cried. I almost cried. These kids

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2 were babies. Some of these kids weren't even born
3 when these decisions were made about their lives.
4 And the most important decision here is the 2005
5 Halliburton loophole. And that goes to the very
6 core of this process here.

7 This is supposed to be a
8 democratic process, but do we know what we are
9 talking about? I wish you wouldn't have cut short
10 the gentleman from the Southern Tier because what
11 he had to say went right to the heart of this --
12 this problem. How can you approve a plant when you
13 don't even know what it's running on?

14 The Halliburton loophole exempts
15 the oil and gas industry from the Clean Air and
16 Clean Water Act. That means they don't have to
17 disclose what they put in the wells and what ends
18 up in the gas that is supposed to be going to be
19 fired here at Wawayanda.

20 How can you have an environmental
21 assessment when you don't even know what you're
22 burning? And hey, there's so many providers, so
23 many different providers. Each has their own
24 proprietary plan. That's supposed to be just --
25 supposed to be like Pepsi Cola. Hey, if it's just

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2 like Pepsi, why can't we know what's in it? Why do
3 we have to be exempt from the Clean Air and Clean
4 Water Act?

5 So how can we have a democratic
6 process? How can we talk about this here? How can
7 the Town of Wawayanda decide whether that project
8 is a public convenience, whether it is safe, when
9 we don't even know what we are talking about?

10 And I -- I ask you to look at
11 these kids here. I brought them because I fear for
12 their future. I look, I see -- like I was so -- I
13 was so flabbergasted by some people in this room
14 just like scoffing at information that was offered.
15 Like Pramilla, thank you so much.

16 And I just want to show you like
17 what kids -- what kids understand this process to
18 be like. And I -- you know, this is a science fair
19 project. They have a good clue -- they have a good
20 clue of what's going on. And I ask you not to let
21 them down.

22 A.L.J. AGRESTA: Could you take a
23 minute and just describe it into the microphone
24 what you're holding up because the record is not
25 showing this?

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2 MS. PREUS: Okay. Well, I -- I
3 also do -- whoops. I submitted it all to the
4 record. We are describing what fracking does. It
5 shows how it's poisoning the air, how it's
6 poisoning the water that we drink, accidents that
7 can happen, such as well head explosions. Here we
8 have a pipeline explosion because we have hydrogen
9 sulfide in -- in the pipeline -- in the natural gas
10 which is corroding the pipelines. It's highly
11 corrosive, very toxic thing. It's also very
12 dangerous and you're talking about Wawayanda being
13 in a basin. Hydrogen sulfide that is leaking out
14 will be collecting in the basin. It's very toxic.

15 Next we have your health effects.
16 Then we have the creation of sinkholes from like
17 lots of things come out. Then you have the
18 triggering of earthquakes and we just learned that
19 this power plant is supposed to be built on a fault
20 line. We already have Indian Point on a fault
21 line. So if you are promoting fracking here, we
22 are just like saying well, let's light a Hiroshima
23 bomb right in our back yard.

24 And what do we have here? Oh,
25 you have greenhouse gases. We all know that

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2 methane which is leaking out of pipelines, which is
3 leaking out of compressor stations, which will be
4 leaking out of the Wawayanda power plant. It's
5 twenty times more potent than carbon dioxide, which
6 of course this power plant will also emit.

7 And then we have -- even like the
8 helicopter that is trying to squelch a fire is
9 catching on fire, which you could see as a comment
10 on the emergency services available to really deal
11 with this sort of issue. Thank you very much.

12 A.L.J. AGRESTA: Next speaker is
13 Thomas Salamone -- Salamone.

14 MR. SALAMONE: Salamone.

15 A.L.J. AGRESTA: Salamone? Sorry
16 about that.

17 MR. SALAMONE: No problem. I'll
18 be quick. My name is Thomas Salamone. I'm a
19 resident of Westtown, New York in the Minisink
20 Valley. I'm also a member of the Minisink Valley
21 School Board.

22 I did vote no for the project. I
23 don't think the -- the project has the right to be
24 in an agriculture residential community. I don't
25 think it's the right decision for our children's

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2 future and the thousands and thousands of children
3 that are going to be affected by this. You know,
4 it's very real in this valley with the ozone level.
5 You know, we do hold a lot on that pollution. I'm
6 not against any of the local union guys. I'm not
7 even against any of the C.E.O.s because I know when
8 you guys go home and tuck your kids in at night,
9 you got to be thinking there's a better way. And
10 especially just recently that I would say your
11 pioneer from Exxon Mobil, I'm with Rex, not in my
12 back yard. That's it.

13 A.L.J. AGRESTA: I'm going to
14 kill this one, too. Next speaker if Jurgen
15 Wekerle. Is that close?

16 MR. WEKERLE: Close, yeah. Hi.
17 My name is Jurgen Wekerle. I'm a co-chair of the
18 Sterling Forest Hylands Committee of the Atlantic
19 Chapter Sierra Club and conservation chair of the
20 local Ramapo-Catskill Group of the Sierra Club.

21 I'm a -- I live in Orange County.
22 Growing up our family purchased certified, not
23 pasteurized, certified milk and produce from the
24 Bohman (phonetic spelling) Farm, which is the
25 location of the C.P.V. plant.

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2 I'm retired now. I was a
3 lifelong union member and a shop steward part of
4 that time. My retirement depends on the jobs of
5 our union members here, just as their retirement
6 depends on the jobs of their children in the
7 future. I totally endorse and support the comments
8 of Mr. Hurst against this project. Jobs, important
9 as they are, have to have a meaningful productive
10 public purpose. This plant, in effect, is an
11 energy factory. Factories post deregulation that's
12 kind of their category for tax purposes and
13 everything else. They are not utilities. They are
14 semi-regulated, but they -- they are -- the purpose
15 of factories is not to create jobs. The purpose of
16 jobs is to support the meaningful productive output
17 of a needed good or service of the factory, itself.

18 And in this case, the problem is
19 will C.P.V. have any meaningful revenue income to
20 support its debt service, to support its operation,
21 to even add into the -- the need for energy that we
22 all obviously use and share.

23 There is no need. That is what
24 the whole problem is. And it doesn't matter what
25 the source of the energy is, whether it's good,

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2 clean, or dirty energy. It doesn't matter. If you
3 don't need it, you just don't need it. And the --
4 the ability to pay back has not been proven and not
5 been shown. And that is an important consideration
6 in terms of what your duty will be with the
7 eventual determination here.

8 The -- we have examples of our
9 four power plants. Danskammer, Roseton, Bowline,
10 and Lovett, all are closed. Those were the plants
11 that supplied all of our power. They ran full-time
12 and they're not in operation right now. The need
13 for energy from power plants has decreased
14 incredibly.

15 There are other sources that have
16 not been discussed, especially net metering, solar.
17 We're talking about industry-wide individual
18 factories getting their own renewable energy
19 sources. Walgreen has just announced putting solar
20 on all of their outlets across the country. All of
21 these efforts incrementally are taking market share
22 from power plant production and are providing the
23 electricity that we actually do need.

24 The power purchase agreements
25 that municipalities like the Town of Esopus, four

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2 thousand panels, solar panels on their closed
3 landfill to support all of their municipal
4 services. Some of the efforts from the City of
5 Middletown of putting solar on the closed landfill,
6 which is really tiny though, to help power the
7 sewer treatment plant that is to provide water for
8 C.P.V. Those are the efforts that are encroaching
9 into the market share of power plants and why the
10 future of power is totally being revolutionized.

11 The reason Bowline, Lovett,
12 Roseton, and Danskammer went out of business was
13 they were losing money. They all acknowledged in
14 the bankruptcy proceedings that they were not
15 producing more than twenty-five percent of their
16 capacity and they could not fund any of their
17 operations even though they had cheaper oil were
18 established, had no debt service to speak of in the
19 conventional sense that a new plant would -- would
20 incur.

21 Power plants upstate, Cayuga
22 and -- and the Ithaca area, Dunkirk and -- and --
23 and the Buffalo area, they're the same thing.
24 Those power plants and their petitions before the
25 Public Service Commission to close down cited that

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2 they were not producing more than twenty-five
3 percent of their capacity. They were losing money.
4 And the alternative was to -- the two utilities,
5 National Grid and NYSEG, indicated for thirty
6 million bucks each they could wire in through
7 transmission the same output from -- that the power
8 plants were producing and needed by the area versus
9 a six hundred plus million dollar repowering of
10 those plants. That still would not be profitable
11 because they still didn't have the customers to pay
12 for what they have now. They won't -- on coal,
13 they won't have the customers to pay for gas. It's
14 not a question of fuel source; it's a question of
15 the customer base has disappeared. And that was
16 not addressed in the E.I.S. or the documents before
17 you.

18 The -- the -- several plants,
19 Calpine was mentioned, the reason that Calpine went
20 out of business was because they had no customers.
21 They folded because there was no market, they could
22 get no contracts. There are three power plants in
23 the City of Middletown, Harriman and, over the
24 border, in Ringwood that Orange and Rockland
25 post-deregulation contracted with Bechtel to

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2 produce, based on gas supply.

3 They realized that the population
4 and growth projections in Orange County actually
5 took place, but the household use diminished. It
6 did not go up on a linear scale like it had during
7 the -- the '50s, '60s, and '70s, and '80s. They
8 had to sue Bechtel in court to get out of that
9 take-or-pay contract even though Bechtel had
10 expended no money in construction. And the court
11 upheld because of the effect on ratepayers of
12 paying excess cost for electricity that wasn't
13 needed and available.

14 That is what we're facing right
15 now. Other power projects, the Champlain Hudson
16 Power Express, which the Public Service Commission
17 granted most of their approvals and I'm not sure if
18 the presidential permit has been settled yet or
19 not, bringing cable power from Canada down the
20 Hudson to the metropolitan area. Their initial
21 application was for -- for two thousand megawatts.
22 They cut that in half immediately once they
23 discovered there was no need. Okay? New York
24 Regional Interconnect was another one of these
25 schemes of getting Canadian power by way of the

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2 conventional grid to Utica and then having their
3 own transmission line parallel to the Marcy South
4 line, west of the Catskills into the Rock Tavern
5 Substation.

6 They eventually pulled their
7 request because they could not get FERC to
8 authorize a -- a ratepayer surcharge to pay for the
9 construction even though their initial application
10 was that they would be able to do it on their own,
11 that there was a need and investors would actually
12 pay. Investors are too smart to pay. And FERC was
13 smart enough not to grant that. And NYRA pulled
14 their application and the Public Service Commission
15 wisely accepted their withdrawal with prejudice.
16 They could not reapply. Highly unusual based on
17 the circumstances which I'm sure included need and
18 the cost to ratepayers.

19 The other issues that are not
20 even mentioned here or in the E.I.S. proceeding was
21 the impact of energy supply companies. We are
22 getting electricity. We have the four plants that
23 aren't producing. We have Indian Point selling
24 most of their product to -- to the New England
25 I.S.O. Electricity is coming here from someplace.

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2 We have no shortage of electricity. And even with
3 the congestion between Utica and Albany and Albany
4 and Pleasant Valley and Dutchess County, even with
5 that, we are getting all the electricity we need.
6 Where is it coming from? That has never been
7 discussed.

8 We need the electricity, we have
9 it. The energy supply companies are one of those
10 sources that, in effect, are buying bargain
11 basement surplus electricity from the P.G.M. system
12 primarily and selling it, subsidized by the state
13 of course, undercutting the -- the -- the supply
14 produced by our own internal power plants.

15 What's happened with ESCOs,
16 Public Service Commission on its website listing
17 the complaints against the abuses of ESCOs to -- to
18 ratepayers and customers indicates that ten percent
19 of the accounts in New York State, the meters that
20 are in the name no matter how -- we don't know how
21 large or how many are in that household, one family
22 or a factory or a municipality, ten percent of
23 the -- of the account holders in New York State are
24 getting their power from energy supply companies.
25 That's ten percent that no longer are getting their

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2 power from the New York State power plant
3 production. That has to be looked at and
4 evaluated.

5 But the biggest single thing that
6 undercuts the future of power plants in New York
7 and the transformation that is taking place is not
8 just distributive energy, not just renewable
9 energy, but the simplest thing of all, energy that
10 isn't needed through efficiencies. And that is
11 what the -- the energy highway and the -- the
12 governor's energy highway initiative and what is
13 currently before the Public Service Commission in
14 terms of the transmission upgrade project with four
15 competitors in this relatively new endeavor by the
16 Public Service Commission to unblock the
17 congestion.

18 Our problem in New York, as was
19 mentioned earlier, is this surplus supply upstate
20 that cannot get to market and that is an example by
21 the Athens Generating Plant. Why Athens, in
22 particular? It is in our load zone, but it's above
23 the congestion point and it is in financial
24 trouble. Athens is a state of the art, the newest
25 major power plant in New York State, less than --

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2 less than six years old from operation now. It is
3 the model that C.P.V. would be employing. And
4 Athens can't make money in this market. They are
5 having trouble and they cannot get their
6 electricity into the metro market, which is the
7 highest consumer market that we have that everybody
8 wants to get into, to compete with other suppliers.
9 They can't -- they don't even have an opportunity
10 to compete.

11 They have proposed their own
12 cable from Athens-Catskill down the Hudson to
13 Buchanan. So that is going to go through. That
14 cannot be stopped in terms of the -- of the
15 methodology. We're talking about an existing power
16 plant that can't sell their electricity. And with
17 the congestion, they didn't wait for the grid
18 upgrades to take place. They are planning their
19 own, through West Point Partners, of -- of
20 constructing their own cable directly into the
21 market which has free run on -- on the Con Ed
22 transmission lines.

23 Between the approved -- the
24 approvals pending for Champlain Hudson Power
25 Express, which we oppose for other reasons, and

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2 this Athens Plant, over two thousand megawatts of
3 new power equals the output of -- of Indian Point.
4 So we have all these other sources. If you count
5 the -- the plans to repower Bowline, which the new
6 owners filing bankruptcy have -- have indicated
7 that's why they bought back Bowline, if you have
8 the new owners of -- of Roseton, which indicated
9 they're going to repower Roseton and not only that,
10 they want a second thousand megawatt plant adjacent
11 to Roseton on that same site, we're talking
12 collectively, if you include C.P.V., of over seven
13 thousand megawatts of new power into this area.

14 Subtract Indian Point, you have
15 five thousand megawatts of new power into this area
16 and there are no customers. What is that going to
17 do with existing power plants or other suppliers?

18 If C.P.V. is built, jobs will be
19 created for our local contractors and -- and labor
20 members. However, it will come at the expense of
21 putting their brethren in other power plants out of
22 work. That's what's happening with this rolling
23 reduction of -- of consumption and use throughout
24 the state and throughout the whole east coast here,
25 actually from Mississippi, our whole region of the

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2 Atlantic.

3 The efficiencies promised by
4 the -- by the upgrade, your map of the four
5 competing proposals, they're not just modeling of
6 what might happen. We have real examples and we
7 have the submissions of the two utilities upstate
8 with -- with Cayuga and Dunkirk of -- of National
9 Grid and NYSEG of what they can do to supply the
10 same energy at a tiny fraction of the cost without
11 any new emissions at all, just based on what's up
12 there.

13 We -- with this grid
14 modernization, the surplus power that is available
15 to us right now will actually have a market and the
16 producers upstate will be able to survive and not
17 raise their prices up there. It will also lower
18 the prices here. That is important because you
19 heard of the -- of the FERC capacity zone, which
20 the Public Service Commission poses on -- on very
21 sound grounds of raising the prices. But you can
22 double that because, with new production here
23 that's not needed, we will not benefit from the
24 lower priced electricity that already exists that
25 can't get to us. So you'd almost double the cost

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2 to us and we'll all be paying for the delivery
3 charge increases based on the construction to
4 upgrade the grid.

5 So those are things that -- that
6 have to be looked at. And all these things took
7 place after the E.I.S. was completed and actually
8 could not really address. That is the reason why a
9 supplemental environmental impact statement is
10 required and should take place and why the -- the
11 efficiencies that -- that are promised should be
12 explored further.

13 We also have the real example of
14 Lovett Power Plant, by the way, in -- in Rockland
15 County. Lovett went out of business before the
16 bankruptcies were fully completed. Myrant and
17 Dynegy were the two hedge fund holding companies
18 that -- that ran these things more as speculation
19 and was more of a designer bankruptcy when they
20 bought the damned places to begin with. They knew
21 there was no need and they were obsolete plants.

22 Again Athens is not obsolete, is
23 having the same problems. With Lovett, when it
24 petitioned for a permit to close, it had to show
25 replacement power like one of the major

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2 requirements. Well, if you -- if you don't produce
3 it, where are we going to get power from.

4 There was no new generation that
5 provided replacement power for Lovett. You know,
6 independent of the Lovett closure decision, Con Ed,
7 which had purchased Orange and Rockland, did a --
8 a -- a local upgrade of the -- of the distribution
9 system and constructed a new state of the art, I
10 don't want to say smart grid type thing, but it was
11 a state of the art substation. And the utility
12 grade efficiencies from that substation upgrade
13 equaled the output of Lovett without any new
14 generation being needed. That is a real life
15 example.

16 We have the submissions on file
17 with -- with Cayuga and -- and Dunkirk. And if
18 this -- if this major congestion is -- is
19 implemented, it could be that Athens will not need
20 their cable. It will be that Iberdrola, which has
21 its own plan of getting the cable from -- from --
22 from New Scotland substation down to the Kingston
23 area because they can't get electricity to their
24 service area in the Kingston, Saugerties, Woodstock
25 area. So they need their own cable because of the

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2 congestion.

3 If this goes through with the --
4 with the major upgrades, there may be no need for
5 those kinds of investments and the need for C.P.V.
6 is -- is this -- we don't need it now. We
7 especially will not need it if the upgrades go
8 through. And in the filings, they all repeat that
9 the utility grade efficiencies will seriously
10 diminish the need for new generation.

11 So we have major business plan
12 issues throughout the whole utility industry and
13 the power plant industry themselves have major
14 problems that they're not addressing. And
15 repeating and restoring infrastructure and
16 generating sources with inclined replacement
17 services just -- all it does is the horseshoe
18 makers are making more horseshoes. They're not
19 into the modern technology era. Thank you very
20 much and thank you for your endurance.

21 A.L.J. AGRESTA: Now I let that
22 speaker go on because there was some new material
23 presented. So that's not a license for everybody
24 else to repeat stuff we already heard. Okay?

25 James Smith, Greg, it begins with

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2 an M?

3 UNIDENTIFIED SPEAKER: James

4 Smith left.

5 A.L.J. AGRESTA: James Smith has

6 left? Okay. It's then Greg, I'm sorry, I can't

7 read the handwriting. It's either M-A-R or

8 M-A-S-K-A-N.

9 MR. MARKOWITZ: Markowitz.

10 A.L.J. AGRESTA: Okay. You're

11 up.

12 MR. MARKOWITZ: Hi. I really

13 can't follow much of the presentations that were

14 here tonight. Guys did a great, thorough job of

15 speaking your voice. For the record, I was a first

16 responder when the Trade Center fell. I worked for

17 the Port Authority. I've also worked as a heavy

18 highway laborer, 472 Union. I was a -- a

19 contractor for them and paid my dues to the chamber

20 of commerce in Orange County. And I also worked

21 for FEMA. I was helping the people in New York

22 recover from the disaster.

23 I am one hundred and fifty

24 thousand percent against this compressor station.

25 There are many peer reviewed articles that show

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2 that dirty natural gas is worse than coal, worse
3 than oil, and all the exempt provisions,
4 environmental laws that allow the polluters, the
5 dirty natural gas polluters to destroy our
6 environment.

7 I had an interview today with the
8 New York City School Construction Authority because
9 I'm not working with FEMA anymore. And it pays
10 eighty thousand. I'm called back in on Thursday
11 for another interview. Personally, I'd rather get
12 up to -- move up to Lake Placid or maybe Vermont,
13 where they ban fracking statewide, and live in a
14 clean environment because the definition of clean
15 isn't what you see in New York City.
16 Unfortunately, when you drive closer to the city,
17 you see smog. Smog is only caused by fossil fuels,
18 coal, natural gas, and oil. It's not caused by
19 anything else.

20 And why is respiratory illness so
21 high in the cities? Why are other diseases so high
22 in the cities? Look at the lime green -- when I
23 worked in Forest Hills for FEMA the lime green
24 landscape, the -- the brown -- and I saw that today
25 during my interview going in and parking in

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2 Secaucus Junction from here in Westtown, which I
3 haven't seen yet from the compressor station where
4 there are no jobs currently. Nobody's working the
5 compressor station. There's no environmental laws
6 governing what's going on with the compressor
7 station. And that's all here from the exemptions
8 from the -- the major -- seven major federal
9 environmental laws.

10 So I can't follow up on what
11 these brilliant people who have done their research
12 have said, but I don't have any kids here. I'm a
13 single -- I mean I have a girlfriend, so she's
14 going to sell her house and we're going to move to
15 either the Burlington area, where it's more
16 progressive, where they appreciate clean air, where
17 they appreciate the human element, and -- or maybe
18 the Adirondacks where I could just hike and work as
19 a mountaineer somewhere and make nothing. And I'm
20 happier doing that. So, that's it.

21 A.L.J. AGRESTA: Okay. The next
22 speaker is Douglas Byrd, (phonetic spelling)
23 followed by Ellen Weininger and Bill Fiorvanti.

24 Oh, that was -- was that Doug?

25 All right. We have a pass. And

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2 Ellen Weininger is the next speaker then.

3 MS. WEININGER: Thank you for the
4 opportunity to address this public hearing. My
5 name is Ellen Weininger. I am the educational
6 outreach director for Grassroots Environmental
7 Education on New York's science-based environmental
8 health non-profit that works with leading medical
9 and scientific experts in the environmental health
10 field. I'm an environmental health educator and a
11 public health advocate.

12 The permitting of the C.P.V.
13 Valley Energy Center poses many serious concerns
14 regarding public health and economic impacts. This
15 project promotes significant increases in fossil
16 fuel development and production by promotion and
17 expansion fracking of methane gas and the further
18 build-out of methane gas infrastructure to support
19 the plant. This will result in significant
20 escalation of methane emissions throughout methane
21 gas production and delivery life cycles, which is
22 in direct conflict with Governor Patterson's
23 Executive Order Number Twenty-four requiring that
24 New York State reduce total greenhouse gas
25 emissions by eighty percent from 1990 levels.

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2 Methane gas is a fossil fuel, not
3 a clean energy fuel. According to the
4 intergovernmental panel on climate change, methane
5 is eighty-six times more potent a greenhouse gas
6 than carbon dioxide over a twenty-year period, and
7 thirty-four times more potent over one hundred
8 years. Recent studies demonstrate significant
9 methane leaks in existing aging methane gas
10 delivery infrastructure in Washington D.C., Boston,
11 and New York City. Studies have also shown that
12 methane emissions from drilling and fracking
13 operations are as high as nine percent.

14 This proposed project ignores
15 these crucial facts. Last year's peer reviewed
16 report by Dr. Mark Jacobson (phonetic spelling) at
17 Stanford University and a team of scientists and --
18 and economists provided a roadmap for New York to
19 reach one hundred percent renewable energy by 2030.

20 The wind, water, and sunlight
21 plan, as it is known, provides a roadmap to
22 potential proportions and amount of power provided
23 by each renewable resource and its footprint.
24 These renewable energy solutions are on a shelf
25 right now, readily available to meet our energy

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2 needs by 2030. The report explains the technical
3 capacity that we already have, the economic
4 feasibility that we have, and methods of renewable
5 energy infrastructure that can transform New York
6 by eliminating dependence on polluting fossil
7 fuels.

8 This means reduction of
9 greenhouse gas emissions. This means energy
10 independence. This means energy security. This
11 means jobs, jobs, jobs. This means improved water
12 and air quality. This means protection of public
13 health, lower healthcare costs, and stabilization
14 of energy costs. The wind, water and sunlight plan
15 would also reduce New York's electric power demand
16 by thirty-seven percent.

17 Just last week, Dr. Jacobson and
18 his team released a fifty-state roadmap to one
19 hundred percent renewables by 2050 with meaningful
20 targets for the reduction of climate changing
21 greenhouse gas emissions.

22 Last month, a Minnesota
23 administrative law judge recommended the largest
24 ever proposed solar project over five other
25 proposals that the state's utility submitted to

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2 state regulators as part of a competitive bidding
3 process. The other projects considered were almost
4 exclusively for new methane gas power plants.
5 According to the judge, the solar proposal provided
6 the most cost effective deal. The judge, in his
7 report, stated that the proposed solar project
8 known as The Geronimo Project would have numerous
9 socioeconomic benefits, minimal impacts on the
10 environment, and best supports Minnesota's efforts
11 to reduce greenhouse gases. He also stated that
12 the project is the most reasonable and prudent
13 alternative to meet the utility's needs.

14 The project will receive no state
15 or utility subsidies, but will qualify for a
16 federal tax credit. The expected cost of the solar
17 project is two hundred and fifty million dollars.
18 Building methane gas infrastructure will take
19 billions of dollars and the wet -- network of the
20 aging and leaking methane gas pipelines will add
21 many billions of dollars more to the ratepayers tax
22 tab.

23 Just a few days ago, it was
24 reported that the cold weather is bringing swings
25 of methane gas prices despite the shale gas rush.

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2 When, last year, methane gas prices hit record
3 lows. This year, methane gas prices have spiked to
4 the most expensive prices seen since the 2008
5 economic collapse. Methane gas has always been
6 prone to sudden booms and busts. Utilities and
7 customers are paying the heavy price.

8 The Nebraska Public Power
9 District shut down its gas-fired plants because the
10 cost were three hundred percent higher.
11 Manufacturers relying on methane gas in New England
12 shut down for days over this winter due to high
13 methane gas prices, leaving workers without pay.
14 New York City residents have seen a twenty-percent
15 spike in power bills. Part of the problem is that
16 cold weather can interfere with drilling and
17 fracking, with wells freezing over just when heat
18 is needed most.

19 On the other hand, wind energy
20 infrastructure investments have paid off during
21 this rough winter, saving utilities in mid-Atlantic
22 and mid-western states millions of dollars per hour
23 during peak demand times in this extreme weather
24 period by providing massive quantities of very
25 valuable electricity when grid operators needed it

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2 most to meet demand from electric heaters and
3 furnace fans and to keep the lights on. Jobs, more
4 jobs with wind energy.

5 New York cannot bear the burden
6 of public health, environmental, and economic
7 impacts of increased greenhouse gas emissions,
8 water contamination, and air pollution from the
9 unwise and unnecessary development and production
10 of methane gas and its hazardous infrastructure, of
11 leaking and explosive pipelines, polluting
12 compressor stations and gas-fired power plants, and
13 leaking and aging methane gas delivery systems.

14 According to Mount Sinai School
15 of Medicine's recently released report, New York
16 State's children and the environmentally mediated
17 disease continues to spiral and take a huge toll on
18 our most vulnerable population, our children.
19 Asthma has tripled in the past three decades and
20 has become the leading cause of emergency room
21 visits, hospitalizations. It affects two hundred
22 and fifty thousand New York children. Air
23 pollutants are known to contribute to childhood
24 asthma.

25 Birth defects are now the leading

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2 cause of infant death. Certain birth defects have
3 doubled in frequency. Developmental disorders such
4 as A.D.H.D., dyslexia, and learning disabilities
5 affect one of every six American children. Autism
6 has increased sharply in prevalence and now affects
7 one child in eighty-eight. Primary brain cancer
8 among children has increased in incidents by nearly
9 forty percent from 1975 to 2004, according to the
10 National Cancer Institute. Childhood leukemia has
11 increased in incidents by forty -- over forty
12 percent. Benzene and other solvents are linked to
13 those.

14 According to the World Health
15 Organization, environmental exposures are
16 responsible for thirty-five percent of all
17 childhood disease and deaths worldwide. The U.S.
18 National Academy of Sciences has determined that
19 environmental factors contribute to eighty -- to
20 twenty-eight percent of developmental disorders.
21 This all comes at a hefty price to families,
22 schools, communities, health institutions, and our
23 society.

24 A recent analysis estimates that
25 the cost of environmentally disease -- mediated

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2 disease in New York's children adds up to over four
3 billion dollars annually. That figure accounts for
4 children in New York and does not factor in costs
5 to taxpayers for the adult population impacted by
6 toxic exposures. Children are uniquely vulnerable.
7 They take in more contaminants, pound for pound,
8 than adults do. Their organ systems are immature
9 and incapable of detoxification.

10 The proposed C.P. Valley Energy
11 Center will emit, and you've heard, carbon monoxide
12 thirty-four tons per year, nitrogen oxide one
13 hundred and eighty-six point eight tons per year,
14 particulate matter ninety-five tons per year,
15 volatile organic compounds sixty-five tons per
16 year, sulfur dioxide forty-two tons per year,
17 sulfuric acid thirteen tons per year, and carbon
18 dioxide two million one hundred sixty-four thousand
19 four hundred and thirty-eight tons per year. And
20 this does not even factor in the emission reduction
21 credits which will further increase those toxic
22 emissions.

23 This is just from one methane gas
24 power plant. Multiply the annual emissions per
25 plant by all of the gas power plants and the ones

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2 yet to be approved, the ones about to be approved,
3 and all of the other methane gas infrastructures,
4 such as compressor stations like the one just next
5 door in Minisink, and metering stations.

6 The expert reports that have
7 studied the acute and chronic health impacts
8 experienced by individuals living and working --
9 and working near gas infrastructures, including
10 compressor stations and gas-powered plants,
11 includes several acute issues, irritating skin,
12 eyes, nose, throat and lungs, respiratory impacts,
13 headaches, dizziness, fatigue, skin rashes,
14 vision -- visual impairment, irregular heartbeat.

15 The chronic health impacts, again
16 for individuals living and working near this gas
17 infrastructure, damage to liver and kidneys, damage
18 to lungs, damage to cardiovascular system, damage
19 to developing fetuses, we haven't even talked about
20 pregnant women and unborn children, reproductive
21 damage, mutagenic impacts, developmental
22 malformations, damage to the nervous system, brain
23 impacts, leukemia, aplastic anemia, changes in
24 blood cells, impacts to blood clotting ability.
25 These are just a few of the impacts.

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2 Cumulative impacts of the entire
3 life cycle of methane gas development and
4 production and expansion of its infrastructure,
5 whether in New York State or elsewhere, are
6 ignored, yet, significantly increased greenhouse
7 gas emissions and toxic pollutants. Public health
8 and economic impacts have been ignored and they are
9 serious public health and economic impacts.

10 Significantly increased exposure
11 to polluted air and water, contaminated farmland,
12 industrialization of communities with toxic
13 emissions from industrial plants to process, store,
14 and distribute liquefied natural gas and petroleum
15 natural gas, polluting compressor stations, methane
16 gas power plants, leaking and exploding pipelines,
17 fueling stations, fracking well heads, truck
18 traffic and accidents, train derailments from
19 shipping carbon fuels, higher levels of radon gas,
20 the leading cause of lung cancer in non-smokers, in
21 the methane gas supply to consumers, leaking and
22 aging delivery infrastructure, toxic radioactive
23 fracking waste and its constituents disposed in
24 landfills and wastewater treatment facilities,
25 applied on roads and on farmland are serious

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2 consequences of increasing fracked gas and will
3 mean greater toxic exposures and significantly
4 increased greenhouse gas emissions across New York
5 State and elsewhere, whether or not fracking is
6 permitted in New York.

7 We need clean air to breathe, we
8 need clean water to drink and uncontaminated food
9 to eat. If this C.P. Valley gas power plant is
10 permitted green -- greenhouse gases will continue
11 to spiral, contamination of our precious natural
12 resources and harm to human health are a certainty.
13 This is unacceptable. There's no second chance.
14 New York State can do better.

15 Renewable energy efficiency and
16 conservation, these are the tools and the solutions
17 on the shelf now to reach one hundred percent
18 renewables by 2030, with stabilization of energy
19 costs, with improved air quality and improved water
20 quality, with protection of public health and
21 reduced healthcare costs and reduction of electric
22 power demand by thirty-seven percent and with
23 increased job growth. This is your critical
24 opportunity to get it right by rejecting this
25 unwise, unnecessary, and hazardous C.P. Valley

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2 Energy Center. Thank you.

3 A.L.J. AGRESTA: Bill Fiorvanti?

4 And the next one after that will be Alex Lotorto.

5 MR. FIORVANTI: Thank you for the
6 opportunity to speak. My name is Bill Fiorvanti.
7 I am the director of Business Attraction -- I'm
8 sorry about the feedback. My phone, is that a
9 problem?

10 A.L.J. AGRESTA: No. Why don't
11 you stand over there?

12 MR. FIORVANTI: It was my phone.
13 Let me try that one more time. It might have been
14 my phone.

15 For those of you that don't know
16 the Orange County Partnership, we are your office
17 of economic development. Really, to put that more
18 plainly, our job is to grow and strengthen our
19 economy. Certainly, we do that by trying to
20 attract businesses that bring jobs, but do other
21 things to infuse money in the economy and again
22 further strengthen what we do.

23 We have been working with C.P.V.
24 Valley for a good six years, trying to make this
25 project happen. Again, we are all about growth,

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2 but we are about balanced growth. We live here,
3 too, so we want it to be safe for -- for not just
4 the local municipalities, but for the county and
5 region all together.

6 I do have a letter here from our
7 C.E.O., Maureen Halahan, but it's to the P.S.C.
8 It's in support of the project. Again, we've been
9 working closely with it. It does mean jobs. It
10 means permanent jobs, a number of good quality
11 permanent jobs. It's not hundreds of jobs, but
12 that's why we work to bring in other employers like
13 Amy's Kitchen and Unify and some of the other
14 recent successes we have had.

15 But it also brings in
16 construction jobs. I know a lot of people have
17 been calling them temporary jobs, kind of like
18 putting a negative connotation like it's a dirty
19 word, but those construction jobs are important,
20 too, as you heard from a lot of the -- the laborers
21 that were here as well.

22 It's also going to infuse money
23 in this economy, the least of which isn't -- C.P.V.
24 Valley is a company with a lot of resources.
25 They've already contributed to our local

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2 non-profits. I used to run a couple non-profits.
3 I know how important that is, so that's another way
4 it's going to help it. But the way we see it with
5 this issue, it's something even beyond that.

6 It's something -- it's about
7 capacity, really. We -- we are in need. There is
8 a power shortage. I know you're going to --
9 you've -- you've talked about a lot of the other
10 issues. Speak to your power companies. They will
11 tell you that, that there is a power shortage, that
12 it's tight now and there's a looming shortage. And
13 really to us when capacity if it does run out, and
14 this -- this county's continued to grow, certainly
15 what we want to see good again balanced growth.

16 For the previous decade, pretty
17 much we all know that this is the fastest growing
18 county in New York State. It's still the fastest
19 growing county in the Hudson Valley. So we hope
20 that that good clean balance of growth continues to
21 happen. But as soon as we're out of capacity with
22 power, that's over. Growth is over. Strengthening
23 the economy in that regard is over. Then we're
24 talking about contracting and weakening and we at
25 the Orange County Partnership alone, we're not

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2 about to let that happen. And our only hope is
3 that you don't let it happen either.

4 So we -- we certainly understand
5 both sides. A debate like this is absolutely very
6 healthy. We think it's great and appreciate
7 everyone's concerns, especially those that live
8 right next door. We certainly understand that, but
9 this is great balanced growth. C.P.V. Valley has
10 done the due diligence. That's why we have the --
11 the -- the E.P.A., the P.S.C., the zoning boards,
12 and planning boards. That's the purpose. And
13 again, they've done that due diligence.

14 So, it's a quality project that
15 we are certainly strongly behind and we hope that
16 you can be, as well, for the sake of Orange County,
17 not just now, but in the future. Thank you.

18 A.L.J. AGRESTA: Thank you.

19 FROM THE AUDIENCE: He's so full
20 of shit.

21 A.L.J. AGRESTA: Alex Lotorto and
22 then Romona Harragin will be the last speaker.

23 MR. LOTORTO: My name is -- my
24 name is Alex Lotorto. I am with the Energy Justice
25 Network. We're a small non-profit out of

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2 Philadelphia, but I work in -- I'm based in Pike
3 County and I work throughout the Marcellus Shale
4 fields in and Northeast Pennsylvania. I'm a
5 lifelong Pennsylvania resident and I'm here to
6 partially speak on that behalf, but I'm also a
7 union delegate for the Industrial Workers of the
8 World. And unlike some other unions that spoke
9 tonight, our slogan is not as long as I get mine.
10 It's an injury to one is an injury to all. And
11 that's in our constitution. We coined that phrase.
12 Okay?

13 And I want to make sure that I
14 speak to three issues. One is the jobs. First of
15 all, I work very closely with unions. I had just
16 returned from Washington D.C., from the Blue-Green
17 Alliance Conference. It's a conference where
18 I.B.E.W., the U.S. Steelworkers are two unions who
19 operate coal -- fire powered plants and other power
20 plants throughout the country were present there
21 speaking. I was with the Utility Workers of
22 America, where I spoke -- I had a long conversation
23 with their president.

24 The leadership of these unions,
25 nationally, regionally, and internationally, are

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2 talking about and -- and -- and transforming the
3 conversation to talk about a just transition.
4 Okay? And that means the -- a promise of -- of
5 good jobs and good environment are not two
6 competing goals. They can work -- they can be
7 together and fight for clean energy and good jobs
8 that don't require us to harm ourselves, each
9 other, our families, our neighbors, or the
10 environment. Okay?

11 And that's what -- that's why at
12 work we have an environmental union, this caucus in
13 my union. We are very active in looking into these
14 things. We educate our members and we make sure
15 that our work and our jobs don't impact or harm
16 other people because we don't just say as long as I
17 get
18 mine, you know. It's called an injury to one is an
19 injury to all.

20 Now here, I have a map of Pike
21 County. It's a neighboring county to Orange
22 County. We have a proposed compressor station that
23 will be used to push gas into the C.P.V. Power
24 Plant. It's Columbia Pipeline, which is a
25 sister-brother company or it's one company from

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2 NiSource which is also Millennium's parent company.

3 They're looking at building a
4 ninety-four-hundred horsepower that would make --
5 send the gas from the Tennessee Pipeline here,
6 which it comes from the shale. You can see some
7 shale gas leases here in Pike County along the
8 Delaware River here. It's -- it's next to the
9 Columbia line, which goes north to Minisink, which
10 hits the Millennium and goes over to the C.P.V.
11 Plant. And the Tennessee Pipeline and the
12 Millennium Pipeline both -- both source gas from
13 the Marcellus Shale fields, the closest being in
14 Susquehanna Bradford County.

15 In Bradford County, the -- and
16 Susquehanna, the gas is split between the -- the
17 Tennessee and Millennium for eastern transmission
18 with north-south highways that hit the -- it's the
19 Laser line in Susquehanna and the Boardwalk line in
20 Bradford County that go north-south and so they
21 share the gas and they're transmitted by Kinder
22 Morgan Partners and -- and NiSources competing --
23 you know, business competitors.

24 And we're right here at the
25 middle. Milford Township, right near -- right

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2 across the street from that proposed compressor
3 station, which by the way, is not using the best --
4 they're not -- they're going to -- they plan on
5 doing blow downs, which are unnecessary. They
6 put -- the best practice -- they're not using the
7 best practices. They use blow downs, they have
8 less noise reduction, and less vibration reduction
9 to cut cost, which also cuts jobs. Okay? The
10 E.P.A. Gas Star program works with their industry
11 and talks about how to put these -- these best
12 attachments on so that they don't have to do blow
13 downs. They do enclosed flares where they capture
14 the gas and sell it as product and all the
15 additional costs of that technology is absorbed by
16 selling the gas in the long run.

17 But these companies are in such a
18 rush, and I'll tell you why they're in such a rush,
19 to cut the amount of jobs they use to -- to build
20 these compressor stations, which screws the unions
21 out of the jobs. Right? And they're also in such
22 a rush to harm the environment and -- and do blow
23 downs instead of capturing the gas because the --
24 the Columbia Pipeline, when they do this
25 interconnect, is going to go south. And in their

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2 application to FERC, they state that there is a
3 demand that's yet to come online somewhere south
4 along the Columbia Pipeline.

5 Well, what -- what could possibly
6 be -- require all this extra horsepower besides
7 just this power plant, the C.P.V. plant? Well,
8 it's the Cove Point Maryland plant. Okay. It's an
9 L and G export facility that's going to send
10 billions of cubic feet of gas overseas. And
11 that -- that -- that demand for overseas gas,
12 they're expanding the Panama Canal to get these
13 bigger tankers over to Japan. Okay? Read about
14 it. That's going to compete with your C.P.V.
15 plant. And when the methane price spikes because
16 overseas exports are going up, C.P.V. and their --
17 whoever buys the plant because they're going to
18 sell it to the local utility, is going to be happy
19 to put the workers idle. They will idle your
20 I.B.E.W. brothers. They will send them home and
21 they'll say oh, the price is too high, we're going
22 to get it -- now with the grid efficiencies we're
23 going to get gas from other sources and other parts
24 of the grids.

25 This plant is -- is a

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2 justification to -- to -- to -- for public need to
3 build these pipelines so that they can get the Cove
4 Point and the offshore one from Long Island is
5 the -- Port Ambrose and -- and the -- the Boston
6 plants, after it connects to Mawah, New Jersey over
7 there, it goes all the way up to Boston, where they
8 have an import facility they want to transfer over
9 there to export.

10 The gas is not for -- for here.
11 The -- the power plant, obviously, as stated, is --
12 is -- is not needed as far as generation. The --
13 the hundreds of millions of dollars that go into
14 getting the gas to the power plant, building the
15 power plant, maintaining the pipelines is -- could
16 put more guys to work, more people to work, and
17 women too, you know, by doing the clean -- clean
18 energy economy.

19 And if the Blue-Green Alliance,
20 your union, the United Steelworkers Union who makes
21 the pipe, the laborers were there too, the -- the
22 Utility Workers of America all agree that there's a
23 better future available to us, but we have to take
24 this opportunity in our hands. And I'm -- I'm --
25 I'm really sad to hear my union brothers heckling a

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2 woman who could easily have been their wife who's
3 concerned about public health and throwing these
4 communities under the bus because people's property
5 values, too, are at stake.

6 You have union teachers who spoke
7 tonight who have paid their -- paid their pension
8 money and paid into their homes and their mortgages
9 to afford their homes. Okay? And their home
10 values are going to go down and those wages that
11 they earned for their entire lives to purchase
12 their homes and live in this beautiful area will be
13 worth less.

14 And who's going to pay for the
15 stolen wages? Well, I'll tell you who's going
16 to -- who's going to pay. We're going to pay for
17 it and they're going to collect the shareholders'
18 money and they're going to pay out to their
19 shareholders. They externalize the cost. It's a
20 cost of externality. It's an economic principal.
21 They can put in a facility and have everybody else
22 pay for it with the external cost and then they get
23 to make the profit. And that's -- that's -- that's
24 how they operate. That's how they operate in
25 Pennsylvania and that's how they'll continue to

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2 operate in New York.

3 And -- and I don't want my
4 compressor station built, starts on August 1st, and
5 I'll be there in the road blocking it. And I'm
6 going to talk to the steamfitters and talk to them
7 about not working there in Scranton. And I'm
8 really sick and tired of having to come to these
9 hearings and say this because the regulators need
10 to listen. And I hope New York is not going to
11 make the same mistakes Pennsylvania's made.

12 A.L.J. AGRESTA: Romona Harrigin?

13 MS. HARRIGIN: Hello. My name is
14 Romona Harrigin and I'm here because I grew up in
15 Wawayanda -- Town of Wawayanda. And my mother
16 actually nursed Mrs. Varman (phonetic spelling) on
17 her deathbed. Wawayanda was a rural farmland
18 community that turned into a little bit more of
19 suburbia as our area is growing.

20 I'm very upset and opposed to an
21 industrialization of the area that we know will
22 affect water, air, soil. We're the breadbasket to
23 New York City. We have a lot of farms. We have a
24 lot of organic growing. Particulate matter, as you
25 know, we're talking about, I've heard, tons and

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2 tons of carcinogenic particulate matter.

3 They haven't even addressed -- I
4 didn't even hear if there was a terrorist attack on
5 that amount of ammonia. I think, you know, if you
6 have just a little bit of ammonia in your bathroom
7 what that's like to your lungs. We heard about a
8 train spilling toxic chemicals. Could you imagine
9 having your lungs burned out? We had somebody here
10 talking about 9/11, those people who went down
11 there after the fact and cleaned up, they're all
12 coming down with cancer. They can't breathe,
13 people in their forties, you know, disabled. Okay?

14 The other thing is I belong to a
15 union. My dad actually was a Local 17. We have
16 some union members here. I know people are
17 desperate for jobs. People need jobs. If you're
18 from Upstate New York in the Albany area, you know
19 this, too. You know, but let's not be
20 shortsighted. And our economic leaders here,
21 they're so quick to just have a number on a graph
22 like we provided this many jobs. They don't look
23 at the environmental impact. That's -- that's
24 really not their goal.

25 As a matter of fact, this

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2 company, from what I could see, they're from
3 Washington, Virginia. They have sites all over the
4 United States. I think the closest office is
5 Braintree, Massachusetts. They actually sell --
6 they auction gas and they auction electricity off
7 on the grid. I read an article about one of their
8 facilities in California that there's such noise
9 pollution, which hasn't come up, the hum of this
10 industrial mechanization. Okay?

11 We heard about health problems.
12 We all know about, you know, lung cancer, cancer.
13 Plenty of people here know people who have had
14 cancer. You want to talk about particulate matter
15 and air pollution in our area? Right now you can
16 see smog. You go up on the Shawangunk Bridge in
17 Bloomingburg and you look down over the valley in
18 the summer, you just see the haze hovering there.

19 You know, we failed the air test
20 many times. We have what they call those pollution
21 days, you know, and we're talking about adding
22 more. More for what? For what, because somebody
23 somewhere else in the United States sees that it's
24 easy to hook up to this Marcy power line. And I
25 think I read in the thing, oh, they only needed a

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2 mile and a half to get to it, you know. Oh, you
3 know, let's see, there's a lot of gas there on the
4 Marcellus Shale. Let's build a plant here, you
5 know, we can justify this, let's get -- oh, you
6 know, it's clean. This is not clean. Clean?
7 Where do they get that from? I don't know.

8 So obviously, I'm against this.
9 It's disheartening to see how they manipulate, you
10 know, with let's go to nineteen percent instead of
11 twenty percent so we don't even have to address
12 any, you know, terrorist or anything in case
13 there's a crisis, which you know what, stuff does
14 happen, you know?

15 And as far as the lead agency
16 that I heard a member of the lead agency is working
17 for C.P.V., didn't that just happen in Orange
18 County government that one of the legislators, I
19 think the D.A. is investigating because he took a
20 job with the architectural firm that's supposed --
21 that got the contract to build the county building
22 and now we have a small little, you know, Town of
23 Wawayanda having one of their members working for
24 the agency, the corporation that's trying to get a
25 project in?

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2 I just -- I don't understand how
3 this can go on here in America. You know, is this
4 a democracy? The people here keep saying we don't
5 want this, there's not a need for it, we don't want
6 it? Is anybody listening?

7 I don't -- I'm sure these people
8 who are developing this aren't going to be living
9 around there. My mom lives within a few miles of
10 this. You know, I don't want to have to have her
11 gasping for air or, as you say, more birth defects
12 for the kids. You know, we can't eat the food. We
13 can't drink the water. Is that what we want?
14 Would you want that? I don't think so. Please,
15 listen to what the people are saying. You know, we
16 don't want this. Thank you.

17 UNIDENTIFIED SPEAKER: You've run
18 out of speakers.

19 A.L.J. AGRESTA: We've run out of
20 speakers.

21 UNIDENTIFIED SPEAKER: Oh my
22 gosh.

23 A.L.J. AGRESTA: That closes the
24 public statement hearing portion of tonight. We're
25 going to take a five-minute break and then anybody

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2 who wants to can stay for the procedural
3 conference, but it's meant to be the formal parties
4 that are participating. I'm going to ask them to
5 come up to the front because we're going to all be
6 sharing this one microphone. So we'll take a
7 five-minute recess.

8 (Off the record 9:57 p.m.)

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