

Case 06-T-0650
New York Regional Interconnect, Inc.

COMMUNITIES AGAINST REGIONAL INTERCONNECT
Interrogatory Request

Request No.: CARI-301
Requested by: John Shafer
Date of Request: February 9, 2009
Reply Date: February 19, 2009
Witness: NYPA Witness O'Connor
Subject: NYPA's Permanent Easements for Marcy South Right-of-Way

On page 4 of your direct testimony, you state that the Power Authority's permanent easements acquired by appropriation for the existing Marcy South line "contain restrictions and limitations on the use of the land and prohibit interference with the use and exercise of the Authority's permanent easements," but that "[i]n general, the landowner may construct and maintain a set of electric, telephone, water, gas, sewer lines. Additionally, the landowner has the right of ingress and egress."

1. Do you know of any instance where the underlying fee owner and/or a third party (who obtained real estate rights from the fee owner) has been permitted to construct electric lines or other utilities within an easement obtained by NYPA for the Marcy South right-of-way? If so, please describe in detail each such occurrence, including the voltage and power rating of the electric lines (or size of other utility) at issue, whether such lines were installed overhead or underground and the length (distance) of such lines.

Response:

Yes, I know of instances where the underlying fee owner and/or a third party has been permitted to construct electric lines or other utilities within an easement obtained by New York State for NYPA for the Marcy South right-of-way. There are eight (8) instances in which utility (electric and gas) lines have been permitted by NYPA to cross the Marcy South right-of-way. A search of the NYPA database indicates no applications for the construction of electric lines to run parallel to the Marcy-South Transmission Line on the Marcy-South right-of-way.

The following describes each occurrence:

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE 4/2/09
CASE NO. 06-T-0650
BY 325

Permit Number	Permittee	Type of Permit	Purpose	Date Issued
MS-99-2P	NYSE&G	Permit Requiring Insurance	NYSE&G distribution line and pole	09-Jul-99
MS-93-1P	NYSE&G	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace and remove an underground primary distribution line (12 KVY) (3 feet deep). Marcy-South Map No. SFR-5769 and Map No. SFR-6718.	04-Jun-93
MS-87-4P	Delaware County Electric Cooperative, Inc.	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace, and remove an electric distribution line. Marcy-South Map No. DEDE-804, Parcel 804. Gilboa-Fraser Map No. DD-598, Parcel 614.	05-Aug-87
MS-91-1P	Central Hudson Gas & Electric Corp.	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace, and remove a 16" in diameter natural gas pipeline. Marcy-South Map Nos. DUW-2021, DUW-2004, DUW-3619, DUW-3630, DUW-3631, ORN-1438.	09-Mar-92
MS-07-1P	Catskills 52 Liberty, LLC	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace and remove a subdivision road called "Road B", electric, telephone and cable lines together with the necessary accessories and appurtenances thereto.	21-Sep-07
MS-03-7P	Otsego Electric Cooperative, Inc.	Permit Requiring Insurance	Construct and maintain a distribution line.	14-Apr-05
MS-04-3P	First Falcon Realty, Inc., c/o Fusco Engineering	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace, and remove a parking lot, pedestrian and bike paths, vehicular roadway, utility lines (electric, telephone, cable), lighting poles for parking lot, roadway and pedestrian and bike paths, and gas main	08-Jun-05
MS-06-1P	Fregosi, Joseph	Permit Requiring Insurance	Construct, install, operate, maintain, repair, replace, and remove a driveway and underground electric, telephone, and television cable in PVC conduits to lot number 2 of a subdivision together with the necessary accessories and appurtenances thereto.	18-Apr-06

2. Do you know of any instance where the underlying fee owner and/or a third party (who obtained real estate rights from the fee owner) has been permitted to construct electric lines or other utilities within any other easement owned by NYPA where NYPA has other existing transmission operations? If so, please describe in detail each such occurrence, including a discussion of NYPA's existing transmission operations at issue and the additional electric lines or other utilities permitted to be constructed within such easement, including the voltages and power ratings at issue, whether such lines were installed overhead or underground and the length (distance) of such lines.

Response:

I object to this interrogatory on the grounds that it is overly broad, lacks particularity, is burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of relevant information in this proceeding.

3. Do you know of any instance where the underlying fee owner and/or a third party (who obtained real estate rights from the fee owner) was denied permission to construct electric lines or utilities within a NYPA easement because they were found to potentially interfere with the use and exercise of NYPA's easement? If so, please describe in detail each such occurrence, including a discussion of NYPA's existing transmission operations at issue and the electric lines or utilities not permitted to be constructed within such easement, including the voltages and power ratings (or other utility size) at issue, whether such lines were to be installed overhead or underground and the length (distance) of such lines.

Response:

I object to this interrogatory on the grounds that it is overly broad, lacks particularity, is burdensome, and seeks information that is neither relevant nor calculated to lead to the discovery of relevant information in this proceeding.

