



June 15, 2020

Hon. Michelle L. Phillips
Secretary
NYS Public Service Commission
3 Empire State Plaza
Albany, NY. 12223

Hon. James Costello
Hon. Sean Mullany
Administrative Law Judges
Public Service Commission
3 Empire State Plaza
Albany, NY. 12223

Re: 10-T-0139 June 3, 2020 PSC Ruling Denying Motion to Conduct Public Statement Hearings by Video Teleconference

Dear Judges Costello, Mullany and Secretary Phillips:

The Public Service Commission has requested that parties in Case 10–T-0139 weigh in as to whether an evidentiary hearing should be held as required under PSL 123(2) for amendments to the route and operations of the proposed Champlain Hudson Power Express. In response, the Sierra Club Atlantic Chapter files this brief affirmatively requesting that all parties and the public should have the opportunity to participate in hearings on changes to the cable route, burying depths, electrical capacity and any other amendments that would result in a material increase to the overall environmental impact of the project, in comparison to what has been approved to date. We believe evidentiary hearings will be necessary to help review changes that have come with insufficient commentary both in the execution of alternatives and analysis of why inferior routes or practices were approved previously without proper scrutiny. In consideration of the insufficient information and ambiguity attached to the proposed amendments, it would appear that a supplemental environmental impact statement, as required by National Environmental Policy Act (NEPA) through the modification of the Presidential Permit, would be a more appropriate action for the PSC to acknowledge, rather than placing the burden on the general public to demonstrate harm from these alternatives, before any new order is issued.

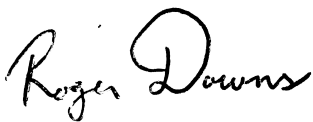
The Sierra Club’s review of these alternatives cannot be separated from our continued opposition to the entire project concept, and while we can appreciate alleviating some environmental disturbance with an alternative route, it is clear that those alternatives can lead to new and unique problems – like violations of Article XIV of the State Constitution, new stream and wetlands disturbances, encroachment on the habitat of endangered species, and loss of archeological resources. None of these changes alleviate the negative impact that the entire project will have on wild Canadian rivers, disadvantaged communities in both Canada and New York City, the Hudson River Estuary, the growth of New York renewable energy jobs and the State’s climate goals under the Climate Leadership and Community Protection Act.

There is significant commentary in the applicant's *amendment to the certificate of environmental compatibility and public need* about the project's purported climate benefits which they use to drive an urgent and accelerated timeline for approval of the amendments. But the climate benefits from the CHPE line are dubious, with significant methane emissions from the massive hydroelectric impoundments, the comingling of dirty electrons from Canadian sources like coal, gas and oil, and NYC building efficiency offsets largely canceling out any claims of true carbon neutrality.¹ Since this docket was created in 2010, the energy goals of NYS have been significantly altered by the Reforming the Energy Vision plan (REV) and the 2019 Climate Leadership and Community Protection Act (CLCPA). REV calls for development of localized distributed energy. The CLCPA sets a goal of 70% of our electricity to be produced by in-state renewable energy generation by 2030. This Canadian sourced electricity project, which is dependent on a lengthy transmission system, fails to further either of these administrative or legislative standards. The project will also harm the development of the renewable energy industry and jobs in New York State and does not comply with CLCPA's environmental justice provisions. Utilizing our state's resources to undermine our own energy goals in 2020 is counter-productive and should be reexamined in a supplemental process when there are changes to a project or a change in circumstances related to the project. The PSC's own timeline for approvals or denials must properly consider implementation of the CLCPA over specious and far from certain plans for NYC to underwrite a \$2.2 billion cable to the Canadian wilderness instead of investing in local renewable energy, efficiency and storage solutions.

The evidentiary hearing process should be broad enough to reexamine the applicant's climate claims in consideration of the new policies and laws implemented in NYS that have direct bearing on the environmental compatibility and need of the CHPE line. With eight alternative route changes, changes in cable technology, burial depth, an uncertain US / Canadian border crossing location, and a potential 25% increases to megawatts carried by the cable, the PSC is, at a minimum, obligated to hold an evidentiary hearing – but should strongly consider coordinating with the Department of Energy in requiring a supplemental Environmental Impact Statement (SEIS) to comprehensively address the substantial changes in the project, and how the project conflicts with the new climate regulations and laws in New York.

Thank you for consideration of these comments.

Sincerely,



Roger Downs
Conservation Director
Sierra Club Atlantic Chapter

¹ https://www.ippny.org/vs-uploads/chpe-study/1580134557_ENERGYZT%20REPORT%20-%20CHPE%20Impacts_01272020_FINAL.pdf