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September 10, 2018

James A. Muscato II
Young/Sommer LLC
Executive Woods, Five Palisades Drive
Albany, NY 12205
jmuscato@youngsommer.com

Re: Case 18-F-0498 - Application of EDF Renewables Development, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of the Moraine Solar Electric Generating Facility in the Town of Burns, Allegany County, the Town of Dansville, Steuben County, and the Town of Ossain, Livingston County.

Dear Mr. Muscato:

This letter is to inform you that Staff of the New York State Department of Public Service (DPS Staff) has reviewed the proposed Public Involvement Program Plan (PIP Plan) for the proposed Moraine Solar Energy Center (Project) filed on August 10, 2018, by EDF Renewables Development, Inc. (Applicant).

Outlined in Attachment A are several specific recommendations from DPS Staff as to changes necessary to make the proposed PIP Plan more complete. DPS Staff believes that the application process will be streamlined if the Applicant develops a thorough PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide developing the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), the Applicant, “shall within 30 days consider the measures recommended by DPS [Staff] and, in a final written Public Involvement Program Plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program Plan to incorporate the DPS [Staff] recommendation, or provide a written explanation as to why the Applicant is not incorporating the DPS [Staff] recommendation.”

Case 18-F-0498
Moraine Solar Energy Center
PIP Plan – DPS Staff Comments

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at lorna.gillings@dps.ny.gov.

Sincerely,



Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

cc (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Graham Jesmer, Assistant Counsel, Office of General Counsel
Erin O'Dell-Keller, Office of Consumer Services
Laura K. Bomyea, lbomyea@youngsommer.com

ATTACHMENT A

Case 18-F-0498 – Moraine Solar Energy Center

DPS Staff provides the following recommendations specific to the filed draft PIP plan:

General Observations and Recommendations

1. DPS Staff recommends that in the revised Public Involvement Program Plan (PIP Plan), Moraine Solar Energy Center, add the case number to the front cover page and in the header or footer of all pages where the case number is indicated.
2. The PIP should be defined as Public Involvement Program Plan (“PIP Plan”).

Section 1 – Introduction

1. DPS Staff recommends that the Applicant combine the last sentence of the first paragraph with the fourth, fifth and sixth sentences of the second paragraph to form a new third paragraph that explains the purpose of the PIP plan.
2. At Page 2, number 3, add “intervenor” before the word “funding”.

Section 2 – Project Description

2.2: Project Summary

1. The description of the project location in the first paragraph should include the counties (i.e. Allegany, Livingston, and Steuben) where the towns are located.
2. The Project description on page 4 notes that the Facility will be connected to NYSEG’s 115 kV Moraine substation. The description should spell out “NYSEG” and state where the substation and the proposed point of interconnection are located, e.g. within the Town of Burn, Dansville, etc. Finally, the description indicates that the Moraine substation is depicted in Figure 2, but it is not shown or properly labeled.
3. The Applicant should describe the collection system noted on page 5 in greater detail – e.g. size and number of the containers, and to the extent possible, the approximate location of the system.
4. Page 8 notes that the Facility will include a substation to step-up the electrical output. To the extent possible, the description should indicate the approximate location of the proposed substation.
5. The Applicant should provide the additional details regarding the socioeconomic benefit of the Project, including the estimated dollar amount of revenues anticipated to the County and local municipalities tax bases.

6. The Applicant should provide information about the expected operational life of the project.

2.3: Study Area

1. DPS Staff advises that the 2-mile study area proposed is generally suitable for purposes of initially identifying potential stakeholders; however, study area definition for purposes of resource evaluations and analysis will potentially vary by Application Exhibit. For instance, visual resources assessment may require a larger study area.
2. DPS Staff advises that Baron Winds project is located as close as 3.2 miles from the Facility Area for the Moraine Solar project.
3. DPS Staff advises that NYS Office of Parks, Recreation and Historic Preservation's (OPRHP) Stony Brook State Park is located 1.7 miles from the proposed Facilities Area. Scenic view noted at state park hiking trail map should be reviewed for vista to Facilities Site. DPS Staff further advises that the 2013 Genesee Valley Greenway Trail Management Plan includes information about features and resources in the Greenway Trail corridor, and identifies proposed amenities to be added to the Trail, including camping areas, parking areas, and other features. (See Management Plan at: <https://parks.ny.gov/inside-our-agency/documents/MasterPlans/GeneseeValleyGreenwayStatePark/GVGStateParksIntroduction.pdf>). Proposed improvements and additional features should be considered early in developing the Proposed Moraine Solar Facility.
4. DPS Staff advises that many streams in and adjoining the Facilities Area are protected waterways due to water quality and habitat supporting trout and trout spawning. DPS Staff recommends that the Applicant reach out to NYS DEC and sporting enthusiast groups that may have an interest in habitat and recreational use aspects of these waterways, and potential effects of the proposed Facilities. Streams are headwaters reaches of both Canisteo River and Canaseraga Creek watersheds.
5. DPS Staff advises that the host community Town of Burns 2014 Comprehensive Plan identifies specific initiatives that should be explored as outreach goals. (See: <http://townofburnsnny.com/media/compplan.pdf>)
 - a. The Comprehensive Plan states that "The Comprehensive Plan Board is considering the possibility of wind and solar power in the Town of Burns." DPS Staff recommends that the Applicant contacts with Town representatives specifically inquire as to interests of the Town, and the Comp Plan Board, and

identify status of any efforts to develop details of local policies, guidance, rules or laws that specifically address solar energy development in the Town.

b. Other Town initiatives identified in the 2014 Comprehensive Plan include:

- i. development of hiking trails and connections to other nearby trails networks.
- ii. Consideration of the Route 70 corridor as a recreational asset.
- iii. Enhanced access for fishing and recreation at Canaseraga Creek.
- iv. Promotion of historic resources in the Town and Village of Canaseraga.
- v. Promotion of agricultural resources and farmland protection.

The status of these and other local initiatives should be identified, including any specific historic properties, trails locations, and scenic resources of local interest.

6. DPS Staff notes the following regarding the host community of Ossian:

- a. The Town of Ossian Ag and Farmland Protection Advisory Committee and Planning Team initiated a planning process in 2017. DPS Staff recommends that the Applicant reach out to the Town Planning Board, and the Ag Protection Advisory Committee, to review interests of these groups in the Moraine Solar project, land use impact consideration, and identify planning objectives and principles that may bear on proposed Facility location, design, and impact avoidance and minimization.
- b. Potential siting constraints in the southeastern portion of Town appear to include large floodplain areas, prime ag lands, protected streams, and areas with steep slopes. The Town Planning Board should be contacted to discuss project planning and consideration of resource areas, and to identify other resource interests.

Section 3 – Identification of Stakeholders

1. In the fourth sentence of the first paragraph, include the words “and involve” after “consistently educate.” The main purpose of the PIP Plan is to provide knowledge and opportunities for the public to participate in the process.
2. Host and adjacent landowners should be included in the bulleted list of stakeholders on page 12.

3.1: Affected State and Federal Agencies

1. Given that Stony Brook State Park is within the Study Area, the Applicant should include the regional office of the OPRHP.

3.5: Additional Stakeholders – Transmission Owners, Utilities and Utility Providers

1. Utility providers and major transmission facilities owners (such as NYSEG) in the proposed Project Area are not identified in the PIP Plan. The PIP Plan should be revised to identify specific utility and infrastructure stakeholders. The PIP Plan should also include establishment of points-of-contact for ongoing outreach to these stakeholders; and should identify specific goals including avoiding impacts to utility infrastructure, and minimizing any impacts on local service providers and utility customers during facility construction and operation.

3.6: Host and Adjacent Landowners

1. DPS Staff recommends that the draft PIP Plan be revised to expand the definition of “adjacent landowners.” DPS Staff recommends identifying adjacent landowners as landowners with property within 2,500 feet of a solar collector array, or substation, or within 500 feet of other Facility components (e.g., collection lines, POI, O&M facility, etc.).
2. DPS Staff recommends that the Applicant include a statement that additional outreach to host landowners and municipal officials will take place during decommissioning and restoration activities.
3. In the second paragraph of this section, the Applicant notes that it did not include landowner information in the draft PIP Plan. DPS Staff recommends that the Applicant state that it will provide an updated stakeholder list, including host and adjacent landowners and individuals/groups identified as a result of outreach activities, when the PSS and Application are filed.

Section 5 -- Proposed Public Involvement Program

5.1: Project Contact Information

1. The local Document Repositories identified on page 20 are limited to two Town Halls of the project area municipalities. DPS Staff recommends that additional resources, such as local libraries, be identified as document repositories likely to have additional evening and weekend hours of access to documents.
2. DPS Staff recommends that in the revised PIP Plan, the Applicant should clearly state the office location, the office hours and when Project representative(s) will be available to the public. The Applicant should also provide an estimated time frame for the opening of its local project office. In addition, the Applicant should indicate a timetable for which a representative will return phone calls and respond to emails.

3. This section should also indicate that the 844 telephone number is toll-free. The Applicant should describe how it will address calls/comments received during non-business hours and the anticipated timeframe for responding to calls.

5.3: Consultation with the Affected Agencies and Stakeholders

1. The Applicant states it will review comments submitted through the website. DPS Staff recommends that in the revised PIP Plan, the Applicant makes clear if it is referring to the Department's website or the project website, or both.
2. Stakeholder consultation meetings should be documented and summarized in the PIP Tracking Report.
3. The Applicant notes that it met with two of the three towns well over a year ago, but does not describe the nature of those interactions – e.g. meetings with officials, presentations at board meetings, etc. In addition, the Applicant does not mention having met with the Town of Ossian. The Applicant should in its revised PIP indicate the status of meeting with the Town of Ossian.

5.4: Pre-Application Activities to Encourage Stakeholder Participation

1. In addition to providing record of activity (Exhibit C), the Applicant should document concerns and questions raised by the public in the PIP Tracking Report. The Applicant's response should be provided in the tracking report submitted to the DPS.

5.5: Activities to Educate the Public on the Proposal, Process, and Funding

1. To the extent possible at this stage, the Applicant should include in the PIP Plan a project schedule, with key project milestones and dates/times/locations for public participation opportunities.

5.5.1: Public Meetings

1. DPS Staff recommends that the Applicant's open-house style meetings be held at two different times on the same day or on different days. This will accommodate workers' schedules and provide the best opportunity for interested persons to attend.
2. For entries where the Applicant indicates that it has conducted a mailing to the stakeholder list (e.g. prior to the open house meetings), the Applicant should provide an affidavit stating that it used its updated stakeholder list (including host and adjacent landowners) and file a copy of what was mailed and a list of names and addresses with the Secretary to the Commission.

3. The Applicant should note if any, and if so which one(s), of the newspapers listed for the notice of public meetings is a free newspaper.

5.5.2: Educational Materials

1. See comment at Section 5.1 above. The local libraries used for educational materials should be listed as repositories and be included on Stakeholders list.
2. Educational handouts should include information on intervenor funding, as well as the Article 10 process. Since residents in the area may not be familiar with solar projects, the planned materials should also include more general information about solar farms, as well as highlighting unique aspects of this Project. The Applicant should note that all Project outreach materials, including the invitation to the open houses and meetings, should include Project contact information, how the public can obtain additional Project information (website address and document repositories) and an invitation to join the stakeholder list.

5.6: Project Website

1. The PIP Plan should identify a response period for inquiries and comments received. A response should be no more than 2-3 days where feasible, and if the request involves obtaining written documents the response should include estimated mailing date of the materials.

5.7: Notifications

1. DPS Staff recommends providing an updated stakeholder list with the filings, including host and adjacent landowners and parties identified through the Applicant's outreach efforts, as well as proof that a mailing has occurred.
2. Pursuant to 16 NYCRR §1000.7, notice must be published in newspaper(s) that are designated for official notices in each municipality and the newspaper of largest circulation. DPS Staff recommends that the Applicant state whether the Evening Tribune meets both requirements. If not, the revised PIP Plan must identify all relevant newspapers. In addition, DPS Staff recommends that project announcements be published in a free newspaper if available in this area.
3. The Applicant states that notice of the PSS will be made in the newspapers listed above, but there is currently one newspaper listed, the "Evening Tribune." Staff advises that unless another newspaper is added, "newspapers" should be changed to "newspaper".

5.8: Activities to Encourage Stakeholder Participation

1. See comments at Section 5.5.1 regarding the open house events. DPS Staff recommends that it is made clear in this section as well, that two meetings will be held prior to the PSS and two more following the submittal of the PSS.
2. DPS Staff recommends that any additional information regarding the Complaint Resolution Plan the Applicant has available now should be added to this section.

Exhibit A: Master List of Stakeholders/Notification List

1. The following contacts for DPS Staff should be included on the Stakeholder/Notification List: Graham Jesmer, Assistant Counsel; and Andrew Davis, Office of Electric, Gas and Water.
2. In addition to the Finger Lakes contact of the Empire State Development Corporation, the Applicant should add Howard Zemsky, President and CEO of Empire State Development and Commissioner of the NYS Department of Economic Development.

Exhibit B: Goals and Objectives for Stakeholder Involvement

1. All Stakeholders listed in Exhibit B – “Goals and Objectives for Stakeholder Involvement,” should also be listed in Exhibit A – “Master List of Stakeholders/Notification List” (e.g., name of companies for telecommunications and natural gas transmission line, etc.).

Exhibit C: PIP Tracking – Record of Activity

1. DPS Staff recommends that the Applicant’s revised PIP Plan should provide a log that has been filled-in with Project activities/public outreach to date.
2. The information provided in the meeting logs should also include any concerns/issues along with the responses of the Applicant how these will be addressed.
3. For entries where the Applicant states it has conducted a mailing to the stakeholder list (e.g. prior to the open house meetings), the Applicant should indicate whether it filed a copy of the outreach material/notice and the mailing list with the Secretary.

Figures 2 and 3: Facility Area

1. The Facility Area and Study Area maps should be revised or supplemented with another figure to indicate and identify local road names and relevant resource areas (e.g. State Park) within and around the Facility Area. In addition, as noted above, the map should identify the location of the Moraine substation.