

1 19-T-0069 - April 10, 2019 - 7:00 p.m. - Public Statement

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 CASE 19-T-0069 APPLICATION OF NIAGARA MOHAWK POWER
5 CORPORATION FOR A CERTIFICATE OF ENVIRONMENTAL
6 COMPATIBILITY AND PUBLIC NEED PURSUANT TO ARTICLE VII
7 FOR THE PIPELINE E37 RELIABILITY AND RESILIENCY
8 PROJECT IN THE TOWN OF BETHLEHEM, ALBANY COUNTY AND
9 THE TOWNS OF EAST GREENBUSH AND NORTH GREENBUSH,
10 RENSSELAER COUNTY.

11 Wednesday, April 10, 2019
12 7:00 p.m.
13 The Red Barn
14 99 Town Park Road
15 East Greenbush, New York 12061

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20 A.L.J. ASHLEY MORENO
21 COMMISSIONER DIANE X. BURMAN
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2 (On the record 7:01 p.m.)

3 A.L.J. MORENO: I call Case 19-T-0069
4 Application of Niagara Mohawk Power Corporation for a
5 Certificate of Environmental Compatibility and Public
6 Need pursuant to Article VII for the Pipeline E37
7 Reliability and Resiliency Project in the Town of
8 Bethlehem, Albany County and the Towns of East
9 Greenbush and North Greenbush in Rensselaer County.

10 Good evening everyone and welcome.
11 We're here tonight for a public statement hearing
12 that was noticed on March 13th. This hearing, again,
13 concerns National Grid's proposal to construct a
14 natural gas transmission pipeline in the Towns of
15 Bethlehem and North and East Greenbush. My name is
16 Ashley Moreno. I am an administrative law judge with
17 the Department of Public Service and I am responsible
18 for presiding over this hearing in this case.

19 Just as -- by way of background,
20 National Grid's proposal, as some of you may have
21 heard at our information session, is being reviewed
22 pursuant to Article VII of the Public Service Law.
23 So prior to any construction, National Grid must
24 first obtain a Certificate of Environmental
25 Compatibility and Public Need from the Public Service

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2 Commission.

3 So when this case is eventually
4 brought before the Public Service Commission, the
5 Commission may reject it, it may adopt it. It may
6 adopt it with modifications or conditions. And in
7 making its decision, the Department of Public
8 Service, pardon me, the Public Service Commission
9 will be considering the entirety of the record
10 developed in this case. And that will include all of
11 the statements that are made here tonight on the
12 public record at the public statement hearing as well
13 as any comments that come in to the case in other
14 forms, which I'll discuss in just a moment.

15 And it gives me great pleasure to also
16 introduce to you tonight one of the members of the
17 Public Service Commission. This is Commissioner
18 Diane Burman, and I'll turn it over to you.

19 COMMISSIONER BURMAN: Hello. Thank
20 you. My name is Diane Burman. I've been on the
21 Commission since 2013, and I'm here tonight really
22 just as a listener. It's important for me to hear
23 from all of you. For those of you who may be for the
24 first time speaking at a public statement hearing,
25 feel comfortable to share your thoughts your

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2 concerns, whatever they may be. I'm here to bring
3 back to the commissioners what I learn tonight and
4 anything on the record and be making a decision based
5 on that. So thank you for having me and I look
6 forward to your comments.

7 A.L.J. MORENO: And so just to
8 reiterate what Commissioner Burman just mentioned,
9 today's hearing is -- is really to hear from you and
10 your thoughts about National Grid's proposal. So
11 this is -- is not an evidentiary hearing. We're --
12 we're not going to be cross examining anyone. But
13 rather this is a forum just really to hear from you
14 and what your thoughts are.

15 So, again, as I mentioned before we
16 went on the record, if you would like to make a
17 statement here tonight, if you could please fill out
18 one of these cards and I'll call you up one by one so
19 that you can make your statement for the record. And
20 as you may have noticed, we do have our court
21 reporter here who's going to be preparing a
22 transcript of tonight's events. And if I could just
23 ask you to please try to speak clearly and slowly so
24 that she can accurately capture your statements, we'd
25 appreciate that.

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2 And for -- if for any reason you do
3 not wish to make statement here, live tonight, you're
4 welcome to do so in a few other ways.

5 We have a -- a one eight hundred
6 number that you can call. And we also -- you may
7 submit comments either electronically or by regular
8 mail. If you would like to do that, there's a fact
9 sheet available at the back table, and that has the
10 information -- the contact information that you can
11 pursue to do that.

12 And, I will apologize in advance
13 because we have one microphone tonight and it's the
14 one I'm using. So we'll be passing it back and
15 forth, so my apologies in advance for that. And just
16 before we start with our speakers, if I could just
17 remind everyone to please be respectful, not
18 interrupt anyone. And to the extent you have a cell
19 phone with you, if you could just silence it, we'd
20 appreciate that. Is there any question about the
21 procedures tonight? Okay. Hearing none, I will call
22 our first speaker. It's Michele Brown. My
23 apologies. (passing microphone).

24 MS. BROWN: Good evening. My name is
25 Michele Brown and I am the immediate past president

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2 of the Capital Region Builders and Remodelers
3 Association. The Capital Region Builders and
4 Remodelers Association represents hundreds of
5 businesses surrounding the capitol region. While our
6 main focus is around residential home building and
7 remodeling, we support many different opportunities
8 that help the local economy.

9 Natural gas, as a resource, is a key
10 economic factor which has allowed the Capital region
11 to thrive in recent years. As we represent many home
12 builders, we know some of the key aspects they look
13 for to build successful and beautiful new home
14 communities. When prospecting for new community
15 development opportunities, the first inquiry from our
16 home builders is that the property has water, sewer
17 and utilities.

18 The second item our builders inquire
19 about is the available -- availability of natural gas
20 in the area. Natural gas is a key factor in our
21 builders' new home communities as it -- as it is a
22 clean and efficient source for heating new homes.
23 With new building technologies, our home builders are
24 creating the most energy efficient homes ever built.
25 Energy efficiency is the biggest difference our

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2 builders can provide when buyers are comparing new
3 homes to resale homes.

4 Some of the most positive feedback our
5 builders are hearing is how energy efficient and cost
6 effective it is to heat their homes. The cost
7 effectiveness of running these homes is due in part
8 by the energy efficient building practices but also
9 the use of natural gas. Natural gas is an affordable
10 solution to residential heating efforts. If natural
11 gas were not to be available in the Capital region,
12 the local economy would come to a halt.

13 From a building perspective, local
14 builders would need to find other sources to heat new
15 homes. Builders would have to resort to propane or
16 oil heat which is not as clean as natural gas or
17 nearly as cost effective. The other alternative
18 would be geotechnical options which would add
19 significant costs to the price of any new home. If
20 oil, propane, electric or geotechnical were the only
21 options for heat sources for new homes, builders
22 would be very hesitant to enter into local emerging
23 markets with concerns for costs or desirability of
24 alternative heat solutions. Thank you.

25 A.L.J. MORENO: Thank you very much.

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2 The next speaker is Mary Frances Sabo.

3 MS. SABO: Sabo.

4 A.L.J. MORENO: Sabo, my apologies.

5 MS. SABO: Good evening. Thank you
6 very much for the opportunity to speak tonight. I am
7 Mary Francis Sabo and tonight I am a resident of
8 North Greenbush but I'm also representing -- I'm on
9 the town board of North Greenbush, as Councilwoman
10 Mary Francis Sabo.

11 So the petition that I read said that
12 National Grid is asking certain provisions of the
13 North Greenbush zoning code to be waived as
14 unnecessarily restrictive. And my question is what
15 specific provisions of the North -- North Greenbush
16 zoning code is National Grid asking to be waived?
17 What are the technological factors, cost factors,
18 economics and the needs of consumers that National
19 Grid believes are the basis for this request to waive
20 the North Greenbush zoning code provisions? Without
21 this information, I am not in a position really to
22 make a meaningful comment on the proposal. Thank
23 you.

24 A.L.J. MORENO: Thank you. And I
25 would just say that -- I know that there are some

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2 members of National Grid that perhaps could address
3 some of your questions. But thank you very much for
4 your comments.

5 Our next speaker is Rebecca Meier.

6 MS. MEIER: So necessity, they say, is
7 the mother of invention. And if we continue to build
8 fossil fuel infrastructure there's no incentive to
9 find alternatives. Fossil fuels are causing climate
10 change and endanger the future of our planet. We have
11 to find alternatives. My grandchildren need
12 alternatives. And we can't wait.

13 The New York State goal of eighty
14 percent reduction in greenhouse gas emissions by 2050
15 simply cannot be met if we continue to build fossil
16 fuel infrastructure. New pipelines will last many,
17 many, many years. And if it's a bridge fuel then we
18 shouldn't be building something that's so permanent.

19 We recently found out that the
20 ratepayers pay for the new pipeline in increased
21 rates and have been given permission to do so if this
22 project is approved. That means there's no incentive
23 for National Grid to find alternatives. I assumed
24 they were paying for this and therefore they had to
25 really weigh the risks of building it.

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2 But we're paying for it so there's no
3 real incentive for them to look at non-pipeline
4 alternatives. National Grid will get more customers
5 through this and make more money. We will pay for it
6 and the planet will be the worse for it. So I don't
7 have all the solutions. I know that I own a home and
8 I heat with -- I heat with geothermal heat. And I
9 don't know why all new homes and developments aren't
10 required to use geothermal heat. If you do it before
11 you build the home it's not much more expensive.

12 And I'm now paying monthly what I
13 would be paying in oil. So if we were at war we
14 would ask our citizens to make sacrifices for our
15 national interests. We believe it's time to ask
16 people to make sacrifices, and I'm not even sure that
17 it's -- we need to have sacrifices. But we need to
18 change it to ensure the continuation of a livable
19 environment. And these sacrifices will be the
20 necessity that will fuel invention.

21 Americans are inventive and I'm sure
22 that we can find -- on the way here I heard about two
23 gas explosions. My niece is in Lawrence. Her
24 students were in temporary homes when that gas
25 exploded. I don't expect there will be problems with

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2 this pipeline, but neither did the people in Lawrence
3 or the people I heard about in the news. So it's too
4 much risk. But the biggest risk is climate change.
5 Thank you.

6 A.L.J. MORENO: Thank you. Our next
7 speaker is Robert Connors.

8 MR. CONNORS: Yes. My name is Robert
9 Connors and I represent two environmental groups.
10 One is called Stop New York Frack Gas Pipeline. And
11 the other one is called Community Advocates for
12 Sustainable Environment. And both -- and both of our
13 groups are opposed to this pipeline or any other gas
14 pipeline for that matter.

15 So let me begin by saying that -- I
16 don't know if people can hear me all right -- that
17 although National Grid has been preparing this
18 proposal for at least one year, if not more, the
19 public just -- locally just heard about it. I only
20 found out about it March 28th and we've had very
21 little time obviously to react to -- to -- to do our
22 research and to do due diligence.

23 The timeline for the public statement
24 hearings -- time to do the necessary research. We
25 are asking for them to schedule -- for you to

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2 schedule hearings three months from now, up to three
3 months from now to give the citizens time to do their
4 -- the proper research and to prepare and to make
5 their comments.

6 So the -- the climate change itself
7 endangers the future of our planet as previously
8 heard and talked about. We have to find
9 alternatives. The New York State goal eighty percent
10 reduction in greenhouse gas emissions by 2050 cannot
11 be met if we continue to build fossil fuel
12 infrastructure. New pipelines will last for
13 approximately fifty years. Fifty years from now they
14 likely will be stranded assets.

15 Why -- why can't we just simply
16 transition to renewables much more quickly in order
17 to protect our planet? Paying for a new pipeline
18 with ratepayer money, there is just really no
19 incentive for National Grid to find alternatives.
20 The proposal itself did not look at or even I'll just
21 say adequately did not look at non-pipeline
22 alternatives.

23 We think National Grid should be
24 required to consider non-pipeline alternatives in
25 their proposal. For example, Westchester County, New

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2 York has created non-pipeline alternatives to a
3 similar pipeline proposed. Those should be carefully
4 looked at and considered by the Public Service
5 Commission. So why not use the rate hike money from
6 National Grid to instead incentivize the use of
7 geothermal heat for new growth and if the entities to
8 not use gas or to use less gas on the few peak days
9 each year.

10 And as far as I'm concerned the
11 documentation by National Grid is inadequate --
12 woefully inadequate. They have not proven that there
13 is a peak period shortage. In fact, we've -- we've
14 done some research to discover that since between the
15 years 2013 and 2019 there's been an average of only
16 one day -- one day where the temperature averaged
17 five degrees or less. So to spend seventy million
18 dollars to -- to deal with this very, very minor
19 situation to me is -- is exorbitant and it's
20 unneeded. There's much better ways to solve it.
21 When I use the term twenty-first century technologies
22 instead of just dealing with the old twentieth
23 Century gas pipelines. Thank you.

24 A.L.J. MORENO: Thank you. Our next
25 speaker is Chelsea Zantay.

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2 MS. ZANTAY: You know, I -- I really
3 respect National Grid. I think that their renewable
4 energy initiatives are really commendable. And as a
5 customer, it gives me comfort and like hope that
6 they're putting forth those initiatives in, you know,
7 to shape New York State's future. And that's why I
8 think that this project that they're proposing is --
9 is -- is really upsetting because for two reasons.

10 The first is that they're using
11 natural gas. You know, it's a dirty fossil fuel --
12 when they have access to renewable energy. And the
13 second is that it's traversing the Hudson River in --
14 in the manner that it is. You know, that -- that
15 environment, as we all know, I think that it's a
16 source of pride in New York that we brought it back
17 from the brink of disaster. And to continually put
18 it in jeopardy I think is -- is really, honestly,
19 dishonorable to the state.

20 I think that they're a better company
21 than this proposal. They have some of the brightest
22 minds that come up with these proposals. So I really
23 would implore you guys to reject the proposal or at
24 least modify it so it, A, doesn't use natural gas or
25 any fossil fuels. And, B, doesn't traverse the

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2 Hudson River in the form of a pipeline. Thank you.

3 A.L.J. MORENO: Thank you very much.

4 Our next speaker is Kevin Seiden.

5 MR. SEIDEN: Good evening. I come to
6 you as both a resident of the Town of North Greenbush
7 that this pipeline will be almost adjacent to my
8 property. Specifically, my neighborhood. Well, also
9 I'm a -- a career firefighter and a paramedic. A
10 paramedic in the Town of North Greenbush. So some of
11 the things that I'm going to mention are going to be
12 things that you're -- that you've heard in all other
13 projects. You know, traffic control and working
14 hours and stuff like that.

15 The area in which -- I was talking to
16 the gentleman in the back, the area in which they'll
17 be doing the underground digging transverse
18 Washington Avenue Extension. That is the main
19 arterial going into the City of Rensselaer and
20 primarily my neighborhood which is a borderline
21 neighborhood. So I would ask that you look into the
22 operating hours of that area. It's a very
23 residential area.

24 School buses coming and going, you
25 know, during the normal hours. You know, six and

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2 eighty-thirty, nine o'clock in the morning and then
3 again in the middle of the afternoon. So I have one
4 concern about traffic control there. It's only a two
5 lane road. And there's no other way to get emergency
6 vehicles from the Town of North Greenbush into the --
7 into those neighborhoods within the reasonable amount
8 of time. You have to go all the way -- transverse
9 East Greenbush, come back in through the City of
10 Rensselaer.

11 So that's -- that's one major concern
12 of mine. The second one is over the years there's
13 been several incidents with the Troy gate station
14 that's located on Blooming Grove Drive at Reynolds
15 Road. Most recently they had to evacuate Hilltop
16 Elementary School which is within a half a mile of
17 that facility. Fortunately, nobody was injured.
18 There was no medical issues at that time.

19 But there's already fundamental
20 problems with that facility adding an additional
21 sixteen inch line, with two hundred and twenty to
22 three hundred P.S.I. running through there. We don't
23 know as on a first responder basis whether the --
24 initially if the substance being released is natural
25 gas or if it's the additive that's being put in at

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2 that location. So, like I said, the building had to
3 be evacuated. The area needed to be evacuated.

4 You're talking a half a mile to a mile
5 depending on the amount of product being released and
6 the wind direction and stuff like that. So you're
7 affecting Route 4, several neighborhoods within the
8 area and the -- the fundamental school as well.

9 Obviously, I didn't have anything
10 presented. I didn't plan on speaking tonight. But
11 one of the -- one of the other things that was
12 brought up was, by another speaker, was the -- the
13 infrastructure with the -- the gas and the
14 residential buildings. There's plenty of residential
15 building already happening in that area. The school
16 district has already rezoned Bell Top Elementary to
17 offshoot students into other -- other schools within
18 the district.

19 So -- so that's -- that's already --
20 the -- the infrastructure is already there that can
21 maintain the growth that's -- that is in place and
22 continuing to grow. Obviously, developers have
23 already taken this into consideration with -- with or
24 without this project in place. So with the -- with
25 the drilling, we had some issues when they -- they

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2 drilled or when they installed, you know, Route 43,
3 the connector Exit 8 with construction vehicles and
4 traffic and the workers and everything like that.

5 So there's very limited parking in
6 that area that they'll actually be doing the digging.
7 So I would -- I would take that into consideration as
8 well when it comes to the traffic flow and the times
9 of the day. Those -- those streets are already
10 backed up as it is with Exit 8 being right there on
11 the connector. There's already been -- there's
12 multiple accidents at that intersection of Washington
13 Ave., Van Alstine, Route 43 due to the lighting and
14 timing and traffic flow and all those other human
15 factors that take place into that. People trying to
16 get to work and home and stuff like that.

17 So I'm not going to say I'm for or
18 against this project, but I would recommend that the
19 project do be looked at closely and those factors be
20 considered. I'm also interested to see how the --
21 the National Grid will make that proposition to the
22 Town with the zoning questions that were brought up
23 earlier.

24 Thank you very much.

25 A.L.J. MORENO: Thank you. I have

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2 just one more card at the moment. So I just would
3 ask that if anyone in the room is interested in
4 making a comment here tonight, if you would like to
5 fill out a card that would be great. Otherwise, this
6 may be our last speaker. The next speaker is Frank
7 Coppa.

8 MR. COPPA: Frank Coppa, East
9 Greenbush. I think the -- the proposal deserves more
10 study. More time should be spent in considering a
11 few of the factors mentioned today, and I think in --
12 in the media. If the issue is siting and there's a
13 problem with that path, the easement that's been
14 provided to the utility as compared to the original
15 easement for existing pipelines or transmission
16 lines, that needs much more study.

17 But if we're staying inside the
18 easement and there's not going to be any degradation
19 of surrounding property in East Greenbush, North
20 Greenbush, Rensselaer, I don't think that that's as
21 big a consideration. If the issue is or the argument
22 here is just that saying that renewable energy is
23 going to make up for potential power shortages on a
24 large scale in the next -- in the next several
25 decades, that's not going to happen.

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2 I -- I consider myself familiar with
3 the renewable energy technology and business, and I
4 consider myself an environmentalist. But it's not
5 going to be able to make up for the potential
6 shortage that development in this area could -- could
7 cause. Eventually, that might not be the case. I
8 think in several decades, perhaps a little longer the
9 entire energy infrastructure could change in a way
10 that means that renewables will become much more
11 dominant and will lessen the need for natural gas.
12 But right now that -- that's not going to be the case
13 or for the foreseeable future.

14 I think a separate issue I saw here
15 regarding -- was in regard to the PILOT program in
16 which natural gas is asking for an amendment to the
17 tax scenario that's been provided by the County of
18 Rensselaer. I think, although that's not related to
19 this particular issue, but certainly Rensselaer
20 County, I'm hoping if they're going to amend that
21 area, they should amend it in a way in which the tax
22 burden goes on to National Grid and not on to the
23 taxpayer. If they want to amend that it should be in
24 a way that we're not going to pick up the tab. Thank
25 you.

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2 A.L.J. MORENO: Thank you very much.

3 We have one more speaker. George Riley.

4 MR. RILEY: Am I on?

5 A.L.J. MORENO: Yes.

6 MR. RILEY: I just wanted to let you
7 know I actually work with 190. I was actually the
8 shop steward on a three foot pipeline over in
9 Selkirk, and as far as the pipeline goes, the safety
10 on that pipeline, unreal. I mean, they put these
11 pipes together. They -- they weld them, they x-rayed
12 them, they coat them. Everything has to be
13 absolutely perfect or it doesn't go in the ground.

14 The -- the grass, the fields and
15 everything they have to be absolutely perfect. So
16 much grass per square foot or whatever it is, so much
17 fertilizer, they treat it. They put stuff down on
18 the hill so it doesn't slide off. As far as like
19 safety with the -- the E.M.S., I mean, if you're
20 flagging on -- on the road, I'm sorry, E.M.S., cops,
21 even school buses have the right of way. You have to
22 let them through.

23 Other than that, I mean, everything
24 was top notch. There's a one point eight mile line
25 and we didn't have any problems. We even drilled

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2 underneath Route 32.

3 A.L.J. MORENO: Very good.

4 MR. RILEY: That's basically it.

5 COMMISSIONER BURMAN: Thank you.

6 A.L.J. MORENO: Thank you very much.

7 MR. RILEY: Thank you.

8 A.L.J. MORENO: Okay. That exhausts
9 the amount of speaker cards that I have. Has anyone
10 -- is anyone in the room interested in speaking?
11 Okay. Seeing no hands then we will conclude the
12 hearing. If you would like to make a comment, as I
13 mentioned before, there are other means to do it if
14 you don't want to do it here tonight. And there are
15 fact sheets available on the back table that have the
16 contact information on how you can do that.

17 So if you're interested, I'd suggest
18 you stop in the back. But we thank you very much for
19 your participation tonight and your time and
20 comments, and thank you to East Greenbush for your
21 accommodation of this room. We appreciate it, and
22 have a good evening, everyone. Thank you.

23 COMMISSIONER BURMAN: Thank you.

24 (Off the record 7:29 p.m.)

25 (On the record 7:31 p.m.)

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2 A.L.J. MORENO: My apologies, folks.

3 I -- -- while we have no more speaker cards, I did
4 not pay close attention to the time. And so we --
5 while we are off the record, we will still stay here
6 until eight o'clock. So if anyone changes their mind
7 between now and eight o'clock, we will certainly be
8 here. So if you would like to fill out a card please
9 go in the back of the room. And to the extent that
10 any additional people come forward, we will take your
11 statements on the record. Thank you.

12 (Off the record 7:31 p.m.)

13 (On the record 8:00 p.m.)

14 A.L.J. MORENO: Okay, folks. We're
15 just going to go back on the record very briefly. It
16 is now eight o'clock the appointed hour at which we
17 are closing the hearing because we have had no more
18 speakers come forward to speak on the record this
19 evening. So with that, thank you very much for your
20 participation and we are adjourned. Thank you.

21 (Off the record 8:00 p.m.)

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2 STATE OF NEW YORK

3 I, JANET AXTON, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 23, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 17th day of April 2019.

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13 JANET AXTON, Reporter

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