



March 6, 2012

Hon. Jaclyn A. Brilling
Secretary to the Commission
State of New York Public Service Commission
Empire State Plaza
Agency Building Three
Albany, NY 12223-1350

SUBJECT: Case 11-T-0654 Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 4.9 Mile Natural Gas Transmission Pipeline and Associated Facilities in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County

Dear Secretary Brilling:

By letters of February 6, 2012 and February 10, 2012, NYSEG advised your office that it wished to reduce the number of local ordinance waiver requests included in its Article VII Application for the above-referenced project. In those letters NYSEG eliminated Tables 2-1 and 2-2 and reduced to one the number of waiver requests in Table 2-3. NYSEG wishes to advise the Commission that it is now withdrawing its last waiver request by eliminating Table 2-3. That waiver addressed landscaping requirements contained in the Village of Horseheads Zoning regulations. NYSEG instead proposes to submit to the Commission a compliance filing that will show the plantings it proposes to make at the Gardner Road M&R station.

In connection with the elimination of its last remaining waiver request, NYSEG hereby submits the following revised parts of the Application:

- Revised Page 4 – List of Exhibits and Tables
- Revised Page 23

Your letter of December 14, 2011 also stated "...NYSEG should provide notice of the Application to all affected landowners and lien holders of record, along with an explanation that NYSEG intends to acquire their property by condemnation if necessary." In its December 27, 2011 response to your letter, NYSEG included a copy of a form letter sent to eleven property owners who had refused NYSEG access advising that NYSEG would be entering their properties to perform surveys and other testing related to the routing of the facility pursuant to the power granted NYSEG by the Eminent Domain procedure law (EDPL). NYSEG asked the Commission that the letter be accepted in satisfaction of the direction to notify property owners that NYSEG intends to acquire easements from them by condemnation, if necessary. NYSEG also asked that it not be required to send notice to holders of liens on the affected properties, particularly properties across which NYSEG has already purchased the property rights necessary for the project. In accordance with consultations between the attorney for the Department of Public Service and the attorney for NYSEG, NYSEG agrees that it will send by first class mail to all owners of, and holders of liens on, properties for which NYSEG has not already obtained the property rights necessary for the project. This notice will advise that the Application has been filed, that NYSEG intends to acquire the necessary property rights by condemnation if necessary, the date of the public statement hearing the Commission will hold on NYSEG's application, and that interested persons can provide their views to the Commission either at the hearing or in writing to the Commission. The notice will be mailed once the date for the public statement hearing is fixed, so that it can incorporate the date of the hearing.

Copies of this correspondence are being served on the parties identified on the enclosed Certificate of Service. NYSEG is also filing two copies of the correspondence in the Big Flats Branch Library, the Horseheads Free Library and the West Elmira Library.



If you have any questions concerning the matters discussed in this letter, please contact the undersigned at (585) 771-4926.

Very truly yours,

A handwritten signature in black ink that reads "Yvette LaBombard".

Yvette LaBombard
Manager, Gas Engineering

Enclosures

xc: See Certificate of Service
Director, Big Flats Branch Library (2 copies)
Director, Horseheads Free Library (2 copies)
Director, West Elmira Library (2 copies)