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November 20, 2017

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Re: Case 17-F-0655 - Application of Riverhead Solar 2, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Solar Electric Generating Facility Located in the Town of Riverhead, Suffolk County.

Dear Ms. Bomyea, Mr. Muscato and Ms. Pratt:

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 Riverhead Solar 2 Facility (Riverhead Solar) filed on October 20, 2017, by Riverhead Solar 2, LLC (Applicant), a wholly-owned subsidiary of FTP Power, LLC.

While we recognize that the Applicant has made significant efforts in their public outreach, in an effort to guide and assist you in preparing an adequate and robust PIP Plan, DPS Staff has prepared some specific recommendations, which are outlined in Attachment A. 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 revised 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 17-F-0655  
Riverhead Solar  
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](mailto: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  
Andrea Cerbin, Assistant Counsel, Office of General Counsel  
Cassandra Partyka, Assistant Counsel, Office of General Counsel  
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## **ATTACHMENT A**

### **General Comments**

1. DPS Staff recommends that in the revised PIP Plan for the proposed Riverhead Solar 2 Facility (Riverhead Solar, the Facility or the Project), Riverhead Solar 2, LLC (the Applicant), add the case number to the front cover page and in the header of all pages where the case number is indicated.
2. DPS Staff recommends that the Applicant include efforts to consult with DPS Staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement (PSS).
3. DPS Staff requests that copies of local laws and ordinances be provided to DPS Staff at the time of submittal of the PSS to advance scoping.

### **2.0: Project Description**

#### **2.2: Project Summary**

1. Figure 1 should be referenced in the first paragraph on page 3.
2. In the first paragraph on page 3, the Applicant notes that there are multiple solar facilities around the proposed Project. The Applicant should identify the facilities by name and indicate that they are owned/operated by sPower. In addition, the Project location is described in relation to other features and facilities. DPS Staff recommends that the revised PIP Plan provide an aerial photo-based map showing the location of the adjoining or nearby existing and proposed solar energy facilities, substations, and the proposed Riverhead Solar locations.
3. The Applicant should provide additional details regarding the location of the collector substation near the Sutter/Sterlington Solar PV facility. The PIP Plan should indicate the length of the proposed underground generation tie-line that will connect the Project facilities to the Edwards substation. If that line length design will exceed one mile, that 138 kV line will be subject to Public Service Law Article VII, and not subject to Article 10, other than as a Related Facility. If the line length is less than one mile, the 138 kV line is part of the Article 10 Generation Facility and the extent of the Article 10 Facility Area must extend to the Edwards substation. This should be explained in the revised PIP Plan and as part of outreach efforts.
4. Figure 2 should include the name of the existing solar facilities as described in the first paragraph on page 4. In addition, the map should identify the location of the Edwards substation, and extend the Facility Area as discussed in comment 3 above. Because the Project area and other features are not distinguishable in a black and

white copy of Figure 2, the Applicant should clearly label the three solar facilities depicted.

5. The third paragraph on page 4 indicates that panels will be installed on a “low-profile racking system.” The Applicant should include an estimate of what the typical heights of the Project facilities might be.
6. On page 7, provide additional details of the anticipated socioeconomic benefits of the Facility, including:
  - (a) An estimated number of permanent local employment opportunities that will be generated by construction and operation of the Facility; and
  - (b) The estimated dollar amount of revenue anticipated to the County and local municipality tax bases.

### **2.3: Study Area**

1. The draft PIP Plan cites to Article 10 rules and describes the requirements for defining a Study Area. It suggests a Study Area extending one-mile outside of the Project Facilities Area. While the rules identify one mile as a potentially appropriate Study Area in highly urbanized areas, the Project setting does not meet that characterization. DPS Staff has agreed with several other project developers that two miles is an appropriate Study Area for major solar energy electric generating facilities in initial PIP Plan purposes, with potential for expansion due to potential Project visibility. DPS Staff recommends that the revised PIP Plan provide a two-mile Study Area for the Riverhead Solar Project, given the significant scale of development and cumulative effects with adjoining and nearby solar energy developments.
2. Figure 3 should be updated to include the revised Study Area boundary.

### **3.0: Identification of Stakeholders**

1. The Applicant should include “adjacent municipalities” in the bulleted list on page 12.

#### **3.1: Affected State and Federal Agencies**

1. DPS Staff recommends including contacts for the Metropolitan Transportation Authority. Contact information is available on the Metropolitan Transportation Authority website: <http://www.ny.gov/agencies/metropolitan-transportation-authority#top>.

2. DPS Staff recommends that the Central Pine Barrens Commission staff be added as stakeholders to the outreach plan. Most of the Project Facility Area is within the Riverhead Receiving Area for land use development credits under the Pine Barrens Credit program (Pine Barrens Comprehensive Land Use Plan, Chapter 6, Figure 6-4, pg. 12). Contact information is available on the Central Pine Barrens Joint Planning & Policy Commission website: <https://pb.state.ny.us/contact-us/>.

### **3.2: Local Agencies**

1. DPS Staff recommends adding the Town of Riverhead Industrial Development Agency since the proposed Facilities will be located primarily within the Town's Industrial Zone. Contact information is available on the Riverhead Industrial Development Agency website: <http://www.riverheadida.org/contact-gd.php>.
2. DPS Staff recommends adding the Town of Riverhead Planning Department, Office of Conservation Advisory Council. Contact information is available on the Town of Riverhead, Conservation Advisory Council website: <http://www.townofriverheadny.gov/pview.aspx?id=3747&catID=118>.

### **3.4: Municipalities in the Study Area**

1. Given the extended Study Area recommended by DPS Staff, the Town of Southampton may be within the two-mile boundary. If so, the Town should be included as a municipality in the Study Area.

### **3.5: Additional Stakeholders**

1. DPS Staff recommends adding a contact for the organization Renewable Energy Long Island. Contact information is available at the Renewable Energy Long Island website: <http://www.renewableenergylongisland.org/>.

### **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. The second paragraph of this section notes that the final layout will be determined by incorporating further input from stakeholders, as well as processing data from fieldwork. It further states that the specific host and adjacent landowner information is not included in the PIP Plan. The Applicant should explain when the Company intends to develop a final Project layout and how the Company plans to include host

and adjacent landowners during early Project planning phases. DPS Staff recommends that the Applicant adds the following statement to this section: “Participating and adjacent landowners will be included in mailings, outreach activities and notifications that are provided to the stakeholders identified in this PIP Plan and as the Facility progresses. However, for privacy purposes, the stakeholder list may include addresses or parcel numbers rather than landowner identification.”

### **3.8: Environmental Justice Communities that will be Affected by the Proposal**

1. Given DPS Staff’s recommendation to extend the Study Area, the Applicant should review the location of the environmental justice communities in the Towns of Brookhaven and Southampton, which are two miles east of the Project boundary. If it is determined that these communities fall within the Study Area, the Applicant should revise this section to include a discussion of outreach activities targeted to any minority group(s).
2. This section should include a new figure that identifies potential environmental justice communities and their location relative to the Study Area boundary.

### **4.0: Language Access**

1. Article 10 regulations note that the PIP Plan needs to identify languages other than English spoken by 5,000 or more persons in any 5-digit zip code in the Study Area **and** by a significant population of persons in close proximity to the proposed Facility. Table 1 indicates that there are over 3,000 people that speak a language other than English in the 11901 zip code. However, it is unclear if this figure represents one language or multiple languages. This section should provide a chart with a more detailed breakdown of the number of languages spoken within the 11901 zip code. The chart should include the total population, the number of residents that speak English, the name of each of the most prevalent non-English languages spoken and the number of people who speak those languages. A more detailed description of the languages spoken and the proximity of the population to the Project will help clarify whether the Applicant needs to address a specific non-English speaking community. If the Applicant determines that a significant population speaks another language other than English, the revised PIP Plan should include the measures that will be taken to accommodate this community (e.g. translation of key outreach materials, an interpreter present at the open houses, etc.).

### **5.0: Proposed Public Involvement Program**

#### **5.1: Project Contact Information**

1. In the revised PIP Plan, DPS Staff recommends that the Applicant provide the toll-free telephone number in this section.

2. DPS Staff recommends that in the revised PIP Plan, the Applicant indicate how it will advertise the hours of the field office other than on the Project website. The Applicant should clearly state the hours of operation when Project representative(s) will be available to the public. This section should also indicate how the company will address calls/comments received on the local and toll-free line during non-business hours.
3. Since DPS Staff's recommendation is to extend the study area to include the Towns of Brookhaven and Southampton, the Applicant should consider a repository site in that area, such as the Longwood Public Library or Center Moriches Free Public Library.
4. See Section 5.6 comments re: Project Website.

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

1. A preliminary schedule with milestones and opportunities for public involvement should be included to the best of the Applicant's ability.
2. The Applicant indicated that it would "attend Town meetings." The Applicant should clarify whether these meetings include the Towns of Brookhaven and Southampton.

#### **5.5.1: Public Meetings**

1. The Applicant needs to provide the anticipated date or an estimated time-frame for when it intends to conduct the open-house meetings/presentations for the planned open house events.

#### **5.5.2: Educational Materials**

1. Written materials, including the mass mailing to announce the initial set of public meetings, should include Project contact information, the Project website address, an invitation to join the stakeholder list and the location of the document repositories.

### **5.6: Project Website**

1. DPS Staff recommends that in the revised PIP Plan, the Applicant indicate that the website is live and all information has been updated, or state an approximate time when materials will become available on the Project website and is available to the public. The Applicant should also provide the URL.
2. The website should provide information that is in the PIP Plan about the response period for inquiries and comments received. A response process should include same

day recognition that a request was received. A response should be sent no more than 2-3 days after the inquiry or comment was received, when feasible. If the request involves obtaining written documents, the response should include an estimated mailing date of the materials.

### **5.7: Notifications**

1. The Applicant indicates that the stakeholder list will be notified when the PSS and Application are filed. 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.

### **6.0: Required Airport/Heliport Pre-Application Consultation**

1. DPS Staff advises that the Brookhaven Calabro Airport should be added to the list of stakeholders to be consulted throughout the Article 10 process.

### **Exhibit A: Master List of Stakeholders/Notification List**

1. DPS Staff recommends that the stakeholders/notification list be revised to include the contacts noted in the comments on Section 3.0.
2. DPS Staff advises that the Public Service Commissioners should not all be listed for Notification.
3. DPS Staff questions providing service directly to the United States Department of Defense, Secretary of Defense.
4. The following contacts for NYS DPS should be included on the Stakeholder/Notification List: James Denn, Public Information Officer; Lorna Gillings, Outreach Contact; Andrea Cerbin, Assistant Counsel; and Cassandra Partyka, Assistant Counsel. Andrew Davis is with the Department's Office of Electric Gas and Water.
5. The list should include town clerks to ensure dissemination of notices to board members.

### **Exhibit B: Goals and Objectives for Stakeholder Involvement**

1. DPS Staff recommends that this list be revised to include questions from stakeholders and the responses provided by the Applicant.

### **Exhibit C: Example Meeting Log**

1. The Applicant should provide a log that has been filled in with Project activities/public outreach to date.



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 stakeholder list (including participating and/or adjacent landowners) and file a copy of the list with the Secretary to the Commission.