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April 17, 2019

Via Document and Matter Management System

Hon. Kathleen H. Burgess, Secretary
State Board on Electric Generation Siting
and the Environment
Three Empire State Plaza
Albany, NY 12223-1350

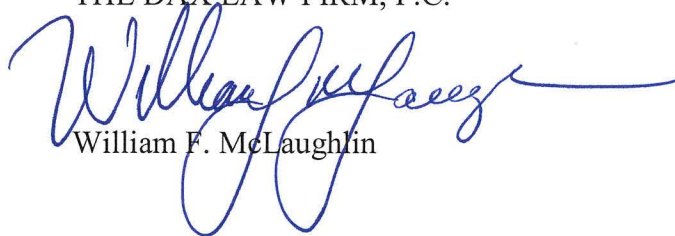
Re: Case 19-E-____ – Number Three Wind LLC Application for Certificate of Public
Convenience and Necessity and Petition to Establish Lightened Regulation

Dear Secretary Burgess:

On behalf of Number Three Wind LLC (NTW) enclosed find NTW's *Application for Certificate of Public Convenience and Necessity and Petition to Establish Lightened Regulation* with exhibits, Verification and draft State Administrative Procedure Act notice.

Respectfully submitted,

THE DAX LAW FIRM, P.C.



William F. McLaughlin

JWD:lmd
Enclosures

**DRAFT
PROPOSED RULE MAKING
NO HEARINGS(S) SCHEDULED**

Petition of Number Three Wind LLC for Lightened Regulation.

Establishment of the Regulatory Regime Applicable to an Approximately 105.8 MW Wind Electric Generating Facility

I.D. No. _____

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Number Three Wind LLC for a certificate of public convenience and necessity (CPCN) authorizing the construction and operation of a 105.8 MW wind electric generating facility in Lewis County, New York; a lightened regulatory regime; and confirmation that the remaining requirements of Public Service Law § 68 are subsumed by Article 10.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64-69, 69-a, 70-72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Establishment of the regulatory regime applicable to an approximately 105.8 MW wind electric generating facility.

Purpose: To ensure appropriate regulation of a new electric corporation.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Number Wind LLC (NTW) on April __, 2019 requesting approval of a certificate of public convenience and necessity and to establish lightened regulation in connection with the approximately 105.8 MW wind electric generating facility that NTW is developing in Lewis County, New York. NTW requests an order providing that it will be regulated as an electric corporation under a lightened regulatory regime consistent with that imposed on the owners-operators of other competitive wholesale generators. The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters. Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: <NAME>, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, <TELEPHONE>, email: <EMAIL>.

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.