STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 13-T-0235 - Joint Application of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 14.5 Miles of 115kV Electric Transmission Facilities from the State Street Substation in Cayuga County to the Elbridge Substation in Onondaga County, NY.

ORDER GRANTING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

Issued and Effective February 25, 2016

TABLE OF CONTENTS

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of New York on February 23, 2016

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair
Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman

CASE 13-T-0235 - Joint Application of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 14.5 Miles of 115kV Electric Transmission Facilities from the State Street Substation in Cayuga County to the Elbridge Substation in Onondaga County, NY.

ORDER GRANTING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

(Issued and Effective February 25, 2016)

BY THE COMMISSION:

INTRODUCTION

By this Order, we grant to New York State Electric & Gas Corporation (NYSEG) and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid; jointly, Applicants), pursuant to Article VII of the Public Service Law (PSL), a Certificate of Environmental Compatibility and Public Need to construct and operate a transmission project known as the Auburn Transmission Project (Project or Facility).

The certificate will adopt the terms and conditions presented to us in a Joint Proposal that has the full or partial support of a wide range of parties to this case. The parties have worked collaboratively for approximately a year and a half

to resolve many complex issues that have culminated in the Joint Proposal before us. The Project is necessary to remedy immediate and forecasted reliability issues in the Auburn area. Completion of the Project will ensure transmission system reliability throughout the Auburn area by eliminating thermal overloads under the full range of forecast contingencies, based on projected levels of growth through at least 2024. As described in the Joint Proposal, the route has been constructed to minimize potential adverse environmental impacts, including impacts to the local agricultural economy, potentially affected farmers, and acquisition of new property rights.

The parties have adequately addressed all issues identified in opposition to the Project. The record developed in this case is complete and fully supports the required statutory findings and conclusions for granting the certificate.

PROCEDURAL HISTORY

On May 31, 2013, New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid filed an application pursuant to Article VII of the Public Service Law, seeking a Certificate of Environmental Compatibility and Public Need authorizing the construction of a new 115 kilovolt (kV) electric transmission line along the Project route.

On July 10, 2013, the Applicants sent a joint letter to each property owner who may be directly affected by this Project, as well as property owners who live near the proposed and alternative routes for the Project, informing them of the pending application and of a public open house-style meeting to be hosted by the Applicants at the Jordan-Elbridge Community Center near the Project area.

Following several supplements to the Application, the Secretary determined that the Application was deemed compliant as of September 24, 2013.

On December 2, 2013, the Applicants sent a second joint letter to each property owner who may be directly affected by this Project, as well as property owners who live near the proposed and alternative routes for the Project, again informing them of the pending application and this time giving notice of the two public statement hearings to be held in Auburn and Jordan. The letters also provided more detailed information about the Project and provided links to the Public Service Commission website, a Project website established by the Applicants, and information on how to contact the Applicants for more information.

Public statement hearings were held on December 9, 2013, at the Cayuga County Office Building in Auburn, New York and on December 10, 2013, at the Jordan-Elbridge Community Center in Jordan, New York. Each public statement hearing was preceded by an informational session for the public.

Following exploratory discussions among the parties, Applicants filed a Notice of Impending Settlement Discussions on January 21, 2014. Interested parties participated in the settlement process, and on June 22, 2015, the Applicants filed a Joint Proposal, including six appendices. The Joint Proposal is signed by NYSEG, National Grid, trial Staff of the Department of Public Service (Staff), the New York State Department of Environmental Conservation (DEC), the New York State Department

of Agriculture and Markets (Ag & Markets),[1] Nucor Steel Auburn, Inc. (Nucor), the Sierra Club, and a citizen group identified as Ratepayers and Community Intervenors (collectively, the Signatory Parties). On July 20, 2015, a notice inviting comments on the Joint Proposal was issued.

On July 17, 2015, Cayuga Operating Company, L.L.C. (Cayuga) filed testimony of Manos Obessis, Ph.D., Executive Vice President of PowerGem, L.L.C., opposing the Project and questioning whether the Project is needed to improve reliability in the Auburn area. Cayuga is the owner of the Cayuga Generating facility's two units, which each provide approximately 150 MW of local generation within the Auburn area. Ag & Markets filed testimony of David Behm, M.A., an Associate Environmental Analyst with the Department's Division of Land and Water Resources. On July 31, 2015, Staff and Nucor Steel filed rebuttal testimony.[2] In addition, Sierra Club and Ratepayers and Community Intervenors, jointly, filed a statement in support of the Joint Proposal.

On August 17, 2015, an evidentiary hearing was held at the Department’s Albany offices for the purposes of examination of the terms and conditions of the Joint Proposal and the receipt into evidence of the Joint Proposal and supporting evidence. In addition to the Applicants, NYSEG and National Grid, the following parties appeared at the evidentiary hearing: Staff, DEC, Ag & Markets, Nucor Steel, Sierra Club, Cayuga, and Ratepayers and Community Intervenors.

---

[1] Ag & Markets’ support and signing of the Joint Proposal has an exception; it does not apply to the portions of the Project ROW adjacent to lands encumbered by certain conservation easements to the extent that NYSEG’s proposed vegetation management easement conflicts with the provisions of the conservation easements.

[2] Nucor Steel is the largest electric load in NYSEG’s Auburn area.

Following the evidentiary hearing, on September 11, 2015, initial briefs were filed by the Applicants, Staff, Ag & Markets, Nucor Steel, Sierra Club, Ratepayer and Community Intervenors, and Cayuga. On September 25, 2015, reply briefs were filed by Applicants, Staff, Ag & Markets, DEC, Nucor Steel, Sierra Club, and Cayuga.

On November 18, 2015, a Recommended Decision (RD) was issued recommending Commission issuance of an Article VII certificate to the Applicants.[3] The RD recommends rejection of the Cayuga's objections to the Applicants' need analysis regarding Phase 2 of the Project.

On December 8, 2015, Cayuga and the Applicants filed briefs on exceptions. As discussed below, Cayuga takes two primary exceptions to the RD, asserting, first, that the Applicants have not established that Phase 2 of the Project is needed to maintain electric system reliability, and second, that Phase 2 will serve the public interest, convenience, and necessity. The Applicants support the overall recommendation of the RD, but request several clarifications or corrections to the RD, which have been incorporated into this order, except as discussed below.[4]

On December 23, 2015, reply briefs in opposition to exceptions were filed by the Applicants, Staff, DEC, Nucor, and Sierra Club. Given the limited scope of exceptions to the RD, exceptions are addressed in our statutory findings.

---

[3] Following issuance of the RD, one person provided public comments proposing that that Nucor, with assistance from the New York State Energy Research and Development Authority, could possibly develop a separate clean energy source to serve the Nucor facility in Auburn, in order to avoid the need for this Project.

[4] See discussion of land use impacts, below; the Applicants' proposed factual corrections are noted in the discussion of statutory findings.

PSL Article VII was recently amended by enactment of Chapter 521 of the 2015 Laws of New York, effective December 11, 2015. The amendment adds a new section 126(1)(d) requiring a finding whether "… the facility represents the minimum adverse impact on active farming operations that produce crops, livestock, and livestock products, as defined in Section 301 of the Agriculture and Markets Law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property."

Previously, potential impacts to agricultural resources were addressed within the findings regarding nature and minimization of environmental impacts. Because the finding on agricultural resources was enacted after issuance of the RD, a notice soliciting comments on this finding was issued January 19, 2016, requiring comments to be filed by January 26, 2016. Parties filing comments on this new agricultural finding include Staff, the Applicants, DEC, Sierra Club, Ag & Markets, and Cayuga. In addition, public comments were filed by the American Farmland Trust, the New York Agricultural Land Trust, Inc., and a landowner abutting the Project right-of-way (ROW).

THE JOINT PROPOSAL

The Project, as described in the Joint Proposal, has several components. Hearing Exhibit 17 provides the Signatory Parties' proposed construction sequence that is designed to maintain reliability during the construction period.

The Project would generally follow existing rights-of-way a distance of approximately 14.5 miles, from NYSEG’s State Street substation in the City of Auburn, in Cayuga County, to National Grid’s Elbridge substation in the Town of Elbridge, in Onondaga County. The existing NYSEG ROW runs generally north-south and is approximately 4.2 miles long from the State Street

substation in Auburn, traveling north to its intersection with the existing National Grid ROW (the ROW Intersection).[5] Existing NYSEG Lines 971 and 972 are located within this ROW; Line 972 is approximately 50 feet to the east of Line 971.

The existing National Grid ROW is generally oriented east-west, running approximately 10.3 miles from the ROW Intersection to the Elbridge substation.[6] Existing National Grid Lines 2, 7, 15, 5, and 31 are located within this 10.3-mile segment of the National Grid ROW.[7] National Grid's removal of retired Line 5 and its structures from the ROW Intersection to MP 10.3, prior to construction of the Project, will help to provide space required for NYSEG to install a new line and to relocate an existing line.[8]

The Project components are summarized as follows:[9]

1. The Proposed Line

NYSEG would construct a new 115 kV line from the State Street substation to the Elbridge substation (the Proposed Line) in two sections. One section will run 4.2 miles from the State Street substation to the ROW Intersection in the existing NYSEG ROW, parallel to existing Lines 971 and 972. The other section would run 10.3 miles from the ROW Intersection at MP 4.2 to the

[5] Project Milepost (MP) 0.0 is at the State Street Substation; MP 14.5 is at the Elbridge Substation.

[6] The National Grid ROW also continues west from the ROW Intersection, but that segment of the National Grid ROW is not relevant to the Project.

[7] The Elbridge substation is located at the eastern end of this 10.3-mile segment. Line 31 is in the ROW only from MP 10.3 to the Elbridge substation.

[8] Removal of retired Line 5 and its structures is a separate activity planned by National Grid; it is not part of the Project. Separately, at present, existing Line 5 is located in the ROW on double circuit structures, which also support existing Line 15.

[9] This description largely mirrors the description in the RD.

Elbridge substation at MP 14.5, parallel to the existing National Grid lines located in the existing National Grid ROW. NYSEG will install this section of the Proposed Line, that runs on the National Grid ROW, predominately on double circuit phase-over-phase self-supporting steel monopole structures. National Grid will convey a portion of the National Grid ROW to NYSEG for the purposes of the Project.

From the ROW Intersection to approximately MP 6.2, the Proposed Line would be located approximately 50 feet to the south of the centerline of the structures that hold existing Line 5 and existing Line 15. Southernmost on the existing National Grid ROW from the ROW Intersection to approximately MP 10.3 is Retired Line 5. Separate from the Project, National Grid plans to remove retired Line 5 and its structures prior to commencement of construction on the Project.

At approximately MP 6.2, the Proposed Line would roll from its vertically-configured double circuit structure to a horizontally-configured three-pole crossing structure. From there, it would cross under all existing National Grid lines in the existing National Grid ROW in its own separate span from south to north at an approximately 90 degree angle before rolling back from a second horizontally-configured three-pole crossing structure to the next vertically-configured double-circuit structure on the northern portion of the proposed expanded National Grid ROW.

From approximately MP 6.2 to the Elbridge substation, the Proposed Line would be located approximately 50 feet to the north of the centerline of the existing double circuit structures supporting National Grid Lines 2 and 7.

2. Relocated Line 15

The structures supporting existing Lines 5 and 15 will support proposed Bused Line 5 (described below). NYSEG plans to

install relocated Line 15 on the Proposed Line's new double circuit structures from MP 4.2 to approximately MP 6.2. At approximately MP 6.2, like the Proposed Line, relocated Line 15 would roll from its vertically-configured double circuit structure to a horizontally-configured three-pole crossing structure. From there, it would cross under all existing National Grid lines in its own separate span from south to north at an approximately 90 degree angle before rolling back from a second horizontally-configured three-pole crossing structure to the next vertically-configured double-circuit structure on the northern portion of the proposed expanded National Grid ROW.[10] From approximately MP 6.2 to the Elbridge substation, relocated Line 15 would be located on the double-circuit structures supporting the Proposed Line, running on the north side of the ROW to MP 14.5 at the Elbridge substation.

Relocated Line 15 would be primarily supported by the open side of the new double circuit installed for the Proposed Line.

3. Bused Line 5

National Grid plans to bus together the existing National Grid Line 5 (existing Line 5) and the existing National Grid Line 15 (existing Line 15) in the section between approximately the ROW Intersection (MP 4.2) and the Elbridge substation (approximately MP 14.4) in the portion of the National Grid ROW that NYSEG will not acquire from National Grid (the National Grid Retained ROW), to create Bused Line 5. As described above, to effectuate this busing, existing Line 15 will be relocated to the double circuit structures that would also support the Proposed Line. Busing will occur approximately

[10] The two three-pole crossing structures used for Relocated Line 15 will be separate structures from those used for the Proposed Line.

every mile for this section. The length of bused Line 5 will be approximately 10.3 miles.

Two sections of existing Line 5 are proposed to be reconductored: the two spans where the line electrically connects to NYSEG Line 972 near the ROW Intersection, and also the first span outside of Elbridge substation.

4. ROW Intersection Structures

At the ROW Intersection, approximately MP 4.2, one structure is proposed to be replaced to effectuate the newly configured interconnection from the NYSEG ROW to the National Grid ROW.[11]

5. Rebuild of Line 972

NYSEG plans to rebuild the existing NYSEG Line 972. The primary proposed structure type supporting rebuilt Line 972 would be single circuit self-weathering, self-supporting steel monopoles containing davit arms and porcelain suspension insulators.

6. Partial Rebuild of Line 971

NYSEG plans to rebuild existing Line 971 in the area between MP 0.0 and MP 1.4 (Turnpike Road) using steel monopole structures and a number of structure connections configured vertically. The primary proposed structure type that would support the rebuilt Line 971 in this area would be single circuit self-supporting self-weathering steel monopole structures containing davit arms and porcelain suspension insulators.

[11] See Joint Proposal, Appendix B at 5; Structure 633 will be replaced and a new structure, 633A, comprised of three poles, is proposed at the ROW intersection.

7. State Street Substation

The existing NYSEG State Street substation is located in the northern part of the City of Auburn, east of State Route 38. The existing State Street substation consists of an open air 115/34.5kV straight bus arrangement with single bus-bar configuration. NYSEG plans to perform the required work at the State Street substation, which includes the relocation of the existing 115kV line bay for NYSEG's existing Line 976 (Wright Avenue-State Street) and construction of a new 115kV line bay, as well as the installation of additional equipment related to the new bay. The new configuration of State Street substation would be single bus bar with tie breaker separated into two bus bars.

8. Elbridge Substation

The existing Elbridge substation is located in the eastern part of the Town of Elbridge, east of Kester Road. The existing Elbridge substation is an open air 345/115/34.5kV facility owned by National Grid. The Elbridge substation is a straight bus arrangement with a two bus-bar configuration. At the Elbridge substation, National Grid plans to install a new bay for the Proposed Line and another new bay for relocated Line 15. It also plans to install new foundations and expand the existing substation footprint by 100 feet to the north (50 feet for the Proposed Line and an additional 50 feet for relocated Line 15) to accommodate the two new 115kV bays and expanded A-frame dead-end structures.

9. Two Project Phases

The Joint Proposal identifies two phases of the proposed Project:

- Phase 1 of the Project includes the Proposed Line and connection of it to the two substations. At the same time as, or prior to, construction of the Proposed Line, NYSEG

also would rebuild its existing Lines 971 and 972 south of Turnpike Road (MP 0.0 to MP 1.4) to allow for construction of the Proposed Line as intended.

- The Project's Phase 2 would increase the capacity of the existing 115kV circuit between the same two substations. This would be accomplished by the rebuilding of NYSEG Line 972, the busing together of National Grid Lines 5 and 15, and then connecting rebuilt Line 972 and bused Line 5 to the State Street and Elbridge substations. At the time of, or prior to, the foregoing, NYSEG would relocate the 10.3 mile section of existing Line 15 between the ROW Intersection and the Elbridge substation.

10. Additional Property Rights

The Project would require the following new real property rights:

NYSEG ROW:

- Enhancement of existing easement rights on existing easement lands (i.e., to allow uses or activities beyond the scope of the current easements).
- Irregular-shaped easements on property immediately northwest of State Street substation.
- A 25-foot-wide clearing-only easement corridor on the east side of ROW immediately north of Turnpike Road (approximately MP 1.4 - MP 4.2).
- Danger tree rights on parcels abutting the Proposed Line side of the ROW (approximately MP 0.1 - MP 4.2).

National Grid ROW:

- Mostly 53.5-foot-wide easement corridor on the south side of the ROW west of the crossover point (approximately MP 4.2 to MP 6.2).
- Mostly 35.5-foot-wide easement corridor on the north side of ROW east of the crossover point (approximately MP 6.2 to the Elbridge substation).

- Danger tree rights on parcels abutting the Proposed Line side of the ROW, between the ROW Intersection and the Elbridge substation.

11. Proposed Certificate Conditions

Joint Proposal Appendix D contains Proposed Certificate Conditions that the Signatory Parties recommend the Commission adopt. Among the Proposed Certificate Conditions are clauses addressing public notice, health and safety, the contents of the Environmental Management and Construction Plan (EM&CP), ROW restoration, and protection of environmental resources. Additionally, other proposed clauses address the following subjects:

- Proposed Ordering Clause 49 would prohibit the Applicants from commencing construction in any segment (i.e., each Applicant's ROW and each substation) until the property rights needed to build and operate at least 70% of the Project length in that segment are obtained;

- Proposed Ordering Clause 53 would prohibit mid-span splices on new construction of the Project;
- Proposed Ordering Clause 61 would require that the areas of the ROW and work areas where construction has occurred be cleared of debris (such as nuts, bolts, spikes, wire, and pieces of steel) related to electric line construction or removal;

- Proposed Ordering Clause 89 would require that a Wetland Mitigation Plan with a 1:1 ratio (of wetlands created to wetlands destroyed) be included in the EM&CP, though the Applicants may propose an in-lieu fee; and

- Proposed Ordering Clause 125 would require that a Quality Control Plan be included in the EM&CP.

THE RECOMMENDED DECISION

The RD recommended granting a certificate for this Project, as conditioned by the terms and conditions of the Joint Proposal. It found that the Project, as conditioned by the terms and conditions of the Joint Proposal, satisfies the siting

criteria of PSL 126(1).[12] Regarding need for the Project, it is uncontroverted that Phase 1 of the Project should be constructed as soon as possible to remedy an immediate need to avoid reliability violations and service disruptions, if a major contingent event occurs. Further, regarding Phase 2 of the Project, the RD, relying upon the Applicants' Updated Need Study, concluded that the construction of Phase 1, alone, is not sufficient for NYSEG to satisfy its reliability planning criteria.

The RD concluded that both phases of the Project are necessary even if the two Cayuga electric generating units located in Lansing continue to operate. The RD found that, because this Project is needed to improve reliability of the transmission system in the Auburn area, some acquisition of new property rights, including property rights affecting agricultural lands, is necessary. However, the RD observed that as a result of the parties' negotiations, the terms and conditions of the Joint Proposal have reduced the proposed expansion of rights-of-way from that originally proposed in the original Application, minimizing the new property rights required for this Project. The RD noted that the Joint Proposal contains many terms and conditions that protect and preserve the local agricultural economy and the potentially affected farmers of New York State.

[12] Subsequent to issuance of the RD, on December 11, 2015, Article VII was amended to add a new finding to PSL 126(1) regarding impacts to agricultural resources (Ch. 521, L. 2015). This additional finding is addressed below.

DISCUSSION OF STATUTORY FINDINGS

PSL §126(1) provides that we may not grant a certificate for the construction or operation of a major utility transmission facility unless we shall find and determine:[13]

> (a) the basis of the need for the facility;
>
> (b) the nature of the probable environmental impact;
>
> (c) that the facility represents the minimum adverse environmental impact, including consideration of the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations including but not limited to, the effect on agricultural lands, wetlands, parklands and river corridors traversed;
>
> (d) that the facility represents the minimum adverse impact on active farming operations that produce crops, livestock, and livestock products, as defined in Section 301 of the Agriculture and Markets Law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property;
>
> (e) ... (1) what part, if any, of the line shall be located underground; (2) that such facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability;

[13] Public Service Law Article VII was recently amended by enactment of Chapter 521 of the 2015 Laws of New York, effective December 11, 2015, adding a new section 126(1)(d), requiring a finding regarding agricultural impacts, and renumbering the subsequent sections of PSL 126(1).

> (f) [not applicable][14]
>
> (g) that the location of the facility as proposed conforms to applicable state and local laws and regulations ..., all of which shall be binding upon the commission, except that the commission may refuse to apply any local ordinance, law, resolution or other action or any regulations ... or any local standard or requirement which would be otherwise applicable if it finds that as applied to the proposed facility such is unreasonably restrictive in view of the existing technology, or of factors of cost or economics, or of the needs of consumers whether located inside or outside of such municipality;
>
> (h) that the facility will serve the public interest, convenience, and necessity.

The concept of "environmental compatibility and public need" requires that we "protect environmental values, and take into account the total cost to society of such facilities" when making a decision on whether to grant a PSL Article VII certificate.[15] In rendering this decision, we cannot look at any single aspect of an application in a vacuum; rather the Commission must consider the totality of all of the relevant factors. Moreover, if we determine that the location of all or a part of the proposed Project should be modified, or is not needed, we may condition the certificate upon such modification, provided that the municipalities and persons residing in such municipalities affected by the modification shall have had notice of the application as provided in PSL §122(2).[16]

---

[14] PSL §126(f) applies to gas transmission lines.

[15] See Chapter 272 of the Laws of 1970, Section 1, Legislative Findings.

[16] PSL §126(3).

The Signatory Parties indicate that their support for issuance of an Article VII certificate to Applicants for the proposed Project is based on the relevant statutory factors.[17]

In the sections that follow, we summarize the parties' positions on the statutory findings that we must make in this proceeding. We render specific findings and determinations, pursuant to PSL §126(1), to support the granting to NYSEG and National Grid of a certificate of environmental compatibility and public need.

1. Need for the Project

Phase 1

To begin, it is uncontroverted that Phase 1 of the Project is needed to address reliability issues within NYSEG's Auburn area. With their application, Applicants filed their engineering justification for the Project, Application Exhibit E-4.[18] Subsequently, on January 30, 2015, in support of the Joint Proposal, including Phase 2 of the Project, the Applicants filed NYSEG's Auburn Transmission Project – Updated Need Study Report (the Updated Need Study).[19]

The Applicants' engineering justification states that the Project is needed to reinforce NYSEG's electric transmission system in the Auburn area. It shows that NYSEG's ability to ensure reliable service to customers in its Auburn area is dependent on the availability to operate both of the generating units at the Cayuga Generating Facility, located in Lansing. This dependency exists only because of limitations in transmission capacity to the area. In Application Exhibit E-4, NYSEG's justification for the Project was based on the system

[17] Joint Proposal, ¶ 18, p. 13.

[18] Hearing Exhibit (Hrg. Exh.) 13A (dated 11/12/13) and 13B (dated 5/31/13).

[19] Hrg. Exh. 20.

planning study performed in 2012. The 2012 study findings stated that at that time, no system normal or single contingency thermal or voltage problems existed on the transmission system in the Auburn area during summer or winter peak load conditions as long as both generating units were available at the Cayuga Generating Facility. The 2012 study findings also documented that during forced or planned outages of one or both generating units at the Cayuga Generating Facility, the transmission system in NYSEG's Auburn area was inadequate with respect to thermal capacity.

The Applicants' engineering justification[20] documented examples of criteria violations under certain tested conditions, based on the 2012 study,[21] and shows that Phase 1 of the Project would eliminate thermal overload problems and satisfy capacity and voltage requirements under normal and contingency conditions during planned or forced outages of one of the generating units at the Cayuga Generating Facility. Further, the engineering justification, relying upon the 2012 study findings, shows that Phase 2 of the Project would provide adequate thermal capacity and acceptable voltage at Auburn area loads above 220 MW during an extended outage of both generating units at the Cayuga Generating Facility and a loss of the Proposed Line.

The Joint Proposal sets forth the Signatory Parties' conclusion that based on the Applicants' engineering justification[22] and the 2012 planning study, Phase 1 of the Project is needed under current and forecast conditions. Consistent with the recommendation in the RD, we accept the uncontroverted conclusion of the Signatory Parties, as supported

[20] Hrg. Exh. 13A and 13B.

[21] See Joint Proposal ¶ 12 and Hrg. Exh. 13.

[22] Hrg. Exh. 13A and 13B.

by the record, demonstrating need for Phase 1 of the Project, regardless of the status of the Cayuga generating units.

Phase 2

In the Updated Need Study, NYSEG updated the 2012 study using a new system model case provided by the NYISO[23] and an updated load forecast. With the Updated Need Study, NYSEG repeated the analysis performed in the 2012 study and also examined the impact of temporary and extended outages of the individual Cayuga generating units (i.e., loss of one unit and loss of both units).

The Updated Need Study reduced NYSEG's projected summer load growth rate to 1.13% (from 2.5% in 2012) and made several adjustments to local power flows based on NYSEG adjustments to the output of other upstate generation.[24] The criterion used to screen for violations during base case condition is the Summer Normal rating and for post-contingency conditions is the summer Long Term Emergency rating (LTE). Violations of the summer Short Term Emergency rating (STE) were noted because these indicate severe overloads that can result in load shed.

As with the prior studies, this analysis showed expected violations of both NYSEG's LTE and STE rating limits on various line segments immediately if both of the Cayuga units were not available during summer peak conditions.[25] The Updated Need Study shows that if one Cayuga unit were not available for an extended period (i.e., more than four hours), the Elbridge-

[23] The 2012 study used the New York Independent System Operator (NYISO) case "FERC-715 2012 Summer Peak Load 50/50"; the Updated Study used the NYISO case "FERC-715 2014 Summer Peak Load 90/10."

[24] Hrg. Exh. 20 at 1-3.

[25] Id. at 1, 5, and 8 (Scenarios 1.1 and 1.2).

State Street 115 kV line would be operated well above its normal rating and would approach its LTE rating.[26]

The RD concluded that Phase 2 is needed to mitigate the risk of an extended loss of both Cayuga units followed by an outage of the Proposed Line, and that the entire Project is needed to reinforce NYSEG's electric transmission system in its Auburn area. The Applicants, Staff, Nucor, DEC, and Sierra Club oppose Cayuga's exceptions, and support the RD's conclusion that the Project is needed and will serve the public interest, convenience, and necessity. They support the RD recommendation that we issue a Certificate of Environmental Compatibility and Public Need for the entire Project.

Cayuga takes exception to the RD, asserting that the Applicants have not established the need for Phase 2 of the Project to maintain electric system reliability or that the Project will serve the public interest, convenience, and necessity. Cayuga asserts that the RD's reliance on the Updated Need Study is misplaced because that study is based on a flawed assumption that Cayuga Unit 1 has been mothballed.[27] Cayuga contends that every section of the Updated Need Study that identifies a reliability concern assumes that Cayuga Unit 1 has been mothballed. This is a flawed assumption, Cayuga maintains, in light of its revised proposal to repower both of the Cayuga units in the Repowering Case pending before the Commission.[28]

Cayuga argues that the RD improperly attempts to support the Updated Need Study's assumption that one of the Cayuga Facility's units has been mothballed based on existing

---

[26] Id.

[27] August 17, 2015 evidentiary hearing transcript (Tr.) 19-20.

[28] Case 12-E-0577, Proceeding on Motion of the Commission to Examine Repowering Alternatives to Utility Transmission Reinforcements (Repowering Case).

circumstances at the Facility, because Unit 1 was out of service for approximately seven months in 2015.[29] The Unit 1 outage occurred on January 11, 2015. Cayuga Unit 1 went back in service in August 2015. Cayuga asserts that the Updated Need Study, which is dated January 30, 2015, was being prepared months before the outage occurred. Cayuga concludes that the RD improperly considers the Unit 1 outage as justification to support the Updated Need Study's modeling.[30]

As noted above, for planning purposes, a unit outage greater than four hours in duration is considered an extended outage. The RD correctly acknowledged that Cayuga Unit 1 was unavailable for several months, since January 2015, due to fire damage.[31] The Updated Need Study is a forward-looking planning tool. Therefore, we find unpersuasive Cayuga's criticism that the study did not reflect the most recent history of Cayuga's two units at the time of its preparation. Instead, the Updated Need Study appropriately considers possible contingencies, including contingencies accounting for the unavailability of Cayuga's two units. The fact that such a contingency consideration was validated by actual events following the preparation of the study is hardly a basis to criticize the study or the RD's reliance upon it. The RD appropriately found that “it is reasonable that the Applicants’ reliability planning included a scenario for subsequent events that may take off line one or both of the Cayuga units,” and that “such an outage scenario would have serious adverse implications for Auburn area

[29] RD at 35.

[30] Cayuga adds that historically, other than the 2015 outage of Unit 1, neither unit at the Cayuga Facility has been off line in a long-term outage since the mid-1980s.

[31] RD at 35; Unit 1 returned to service in August 2015.

reliability."[32] In sum, we reject Cayuga's exception that the RD's reliance on the Updated Need Study was misplaced.

Next, Cayuga takes exception to the RD by asserting that the modeling employed in the Updated Need Study goes beyond normal transmission system planning requirements articulated by the NYISO, the New York State Reliability Council (NYSRC), and NYSEG's transmission planning manual, a point Cayuga contends the RD failed to address. Cayuga maintains that, following the outage of a single Cayuga Facility unit, the "next contingency" to be considered in a reliability planning study would be either the loss of the second unit or the loss of Phase 1, whereas the Updated Need Study modeled both the loss of Phase 1 and the loss of the second Cayuga unit simultaneously. Cayuga concludes that this modeling overstated the need for Phase 2 of the Project.

Electric system reliability criteria set the minimum reliability levels for planning and operating the electric system. The fact that there exists NERC, NPCC, NYSRC and individual utility criteria demonstrates that regional and individual circumstances may warrant application of different criteria and utility operator judgment. In addition, reliability criteria do not preclude a utility from planning to stricter criteria if, in the utility operator's judgment, it is proactively guarding against a contingency that is credible.

In this instance, NYSEG has developed Phase 2 of the Project to ensure that it meets reliability criteria and will be able to reliably serve its Auburn area customers, should both Cayuga generating units become unavailable for an extended period of time (i.e., longer than four hours) during periods of peak electric demand. Cayuga has issued a mothballing notice for its two units, which are approximately 60 years old, and the units presently operate pursuant to a Reliability Support

[32] RD at 35.

Services Agreement. In our view, NYSEG's Updated Need Study reasonably modeled scenarios with the two Cayuga units unavailable. If the Cayuga units were refueled as Cayuga proposes in the Repowering Case,[33] these older units will still be in place, and more vulnerable to an outage than newer units would be. As stated in the RD, Cayuga's PowerGem Assessment shows that by 2019, near-exceedances would occur in the Auburn area, and, if the PowerGem Assessment covered a 10-year period, it would show that exceedances will then occur. [34] In the event either or both Cayuga units experience an extended outage or permanent shutdown, reliance on the repowered Cayuga units rather than Phase 2 would not allow sufficient time to construct the upgrades required to meet NYSEG's established reliability planning criteria.[35] For these reasons, Cayuga's proposed repowering reliability solution is unacceptable and must be rejected.[36]

Given these circumstances, it is appropriate that NYSEG is proactively planning for contingencies with Phase 2. It is reasonable that NYSEG's Updated Need Study considered scenarios including unavailability of the two Cayuga units. Completion of the full Project, including Phase 2, will mitigate transmission system risks, and, therefore, we believe the

[33] Case 12-E-0577, supra.

[34] RD at 33, 34.

[35] Id. at 31.

[36] We do not reach the issue of cost effectiveness of Cayuga's proposed repowering reliability solution because we find that repowering the Cayuga units would not meet reliability concerns. However, these economic issues are addressed in the Repowering Case being heard by the Commission at the same Session as this Article VII case. See Case 12-E-0577, the Repowering Case, supra.

Project, including Phase 2, is the best reliability solution to ensure system reliability through the 2024 planning horizon.[37]

Even Cayuga's Supplemental Assessment found that at projected 2019 peak load levels, the loss of one of the Cayuga Units for more than 4 hours and loss of the Proposed Line would result in NYSEG's Line 972 operating at 98.5% of its LTE rating.[38] The Applicants, DPS Staff, and Nucor each opined that, to mitigate the risk of an overload of Line 972, it is more reasonable to build Phase 2 than to rely on such a thin margin. Completion of the full Project, including Phase 2, will mitigate the identified transmission system risks, and therefore is necessary to ensure system reliability through the 2024 planning horizon. Consequently, we reject Cayuga's exception to the modeling employed in the Updated Need Study.

Cayuga next asserts that the RD improperly faults its Supplemental Assessment for using a five-year rather than a ten-year horizon. The RD states that "if the [Supplemental Assessment] covered a ten-year period (as does the Updated Need Study), then it would show that exceedances would occur."[39] Cayuga argues that the RD incorrectly concludes that exceedances would occur beyond 2019, which is the last year studied in the Supplemental Assessment.[40] Cayuga maintains that the Supplemental Assessment shows that no project-related concerns are forecast through 2019, if both of the Cayuga Facility's units are in service. The growth rate in the Auburn area, Cayuga asserts, is only 0.1% per year, and therefore, it is

---

[37] The Commission has addressed the comparative economic issues in the Repowering Case, considered by the Commission at the same Session as this Article VII case.

[38] Hrg. Exh. 43, p.5, Table 2.

[39] RD at 34.

[40] Id.

unlikely that the Cayuga generation facility will be incapable of adequately maintaining electric system reliability for the ten years immediately following repowering. On this basis, Cayuga urges the Commission to reject the RD's conclusion that the Supplemental Assessment is shortsighted.

The RD properly concludes that Cayuga's Supplemental Assessment was "shortsighted" because it was limited to a five-year reliability analysis through 2019.[41] The RD properly credits the rebuttal testimony that a five-year planning horizon is too short and that if Cayuga's Supplemental Assessment covered a ten-year period (as does the Updated Need Study), it would show that criteria violations are expected to occur.[42] For example, Nucor witness Siegrist observed that the line would be bordering on noncompliance as soon as 2019, and that if Cayuga's Supplemental Assessment were extended beyond its limited five-year reliability study window it would show that exceedances likely would be encountered, in absence of construction of Phase 2 of the Project.[43] We find that the record supports the RD's conclusion that, in the absence of completion of Phase 2 of the Project, such an outage scenario would have serious adverse implications for Auburn area reliability.

The record supports the RD's conclusion that, with both Cayuga units on an extended outage, the contingency loss of the Proposed Line causes loading of Line 972 above its LTE rating at Auburn area loads above 123 MWs; and that even at NYSEG's reduced growth rate forecasts, 123 MWs represents less than 2/3 of the 2018 projected peak load of 198 MWs in the Auburn area. Such a circumstance would leave the system unacceptably vulnerable to hundreds of hours of potential

[41] RD at 33, 36.

[42] RD at 34.

[43] RD at 33-34; see also, Tr. 31-32, 57.

curtailment during the summer months. In view of these circumstances, the RD appropriately credits the Applicants' conclusion, supported by the Signatory Parties, regarding the need for Phase 2 and rejects Cayuga's opposition to Phase 2. We find no basis to modify or reject the recommendations of the RD, as Cayuga seeks in its exceptions brief.

The RD correctly states that a finding of public need required by PSL section 126 must take into account the "totality of all of the relevant factors" and not simply view a single aspect in isolation.[44] Prudent transmission planning requires that both expected load growth over a longer planning period and sensitivities to assess load forecast variations should be taken into account in this circumstance. Cayuga's Supplemental Assessment failed to address these issues, and the RD correctly considered those omissions to be serious.[45]

The RD properly discussed and took into consideration all pertinent factors in concluding that there is a need to construct both phases of the Project.[46] Phase 2 of the Project is needed because it is "of value to the region's electric transmission and distribution system," and it "will be capable of delivering additional energy to meet the increasing demand of Auburn area and will improve reliability at a reasonable and relatively low cost."[47] Completion of the Project is sufficient to ensure transmission system reliability throughout the Auburn area by eliminating thermal overloads under the full range of contingencies based on projected levels of growth through at least 2024.

---

[44] RD at 21.

[45] RD at 35.

[46] RD at 21.

[47] RD at 69.

Having considered Cayuga's alternative on a system planning basis, we do not agree with Cayuga that repowering is a more effective alternative to Phase 2.[48] The record in this case demonstrates that completion of the Project is sufficient to ensure transmission system reliability throughout the Auburn area by eliminating thermal overloads under the full range of contingencies based on projected levels of growth through at least 2024. For purposes of transmission system planning, it is more reasonable to build Phase 2 to mitigate the risk of an overload than to rely on Cayuga's forecasted thin margin.

Cayuga further argues that the Applicants failed to satisfy their obligation to consider alternatives to this transmission project under Article VII of the PSL because they failed to consider Cayuga's repowering proposal as an alternative. We believe, based on the record here, that the Applicants did satisfy their burden by, among other things, providing an analysis of alternative routes to the proposed transmission lines.[49] After the Application was filed, Cayuga participated fully as a party to the case and put forth the continued operation of its plant as an alternative. As the record and the previous discussion demonstrate, Cayuga took full advantage of the opportunity it was given to challenge the Applicants' case and to attempt to support its alternative. We

[48] When repowering is proposed as a transmission system reliability solution, the repowering proposal must be considered on case-by-case basis to determine whether it will meet reliability needs and avoid the costs of transmission upgrades.

[49] PSL §122(a) imposes upon an applicant the requirement to include in its application "a description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits and detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility."

find no procedural or substantive error in the alternatives consideration here.

Lastly, Cayuga maintains that the RD's recommendation that the Project is necessary improperly interferes with our authority in the Repowering Case, precluding any comparative consideration of Cayuga's revised repowering proposal. In the Repowering Case, the Commission directed NYSEG "to examine the relative costs and benefits of repowering the plants [including the Cayuga Facility] at their existing sites, and to compare those costs and benefits to the costs and benefits of alternative transmission upgrades over the long term." The order directed that NYSEG request a bid from Cayuga and, after analyzing the submission, submit a report of its repowering analysis that addressed several factors.[50]

Public Service Law §126 provides the Commission with power to decide whether to issue an Article VII Certificate for the Project in this proceeding to the Applicants. Cayuga misapprehends the role of a recommended decision in our decision-making process. An RD does not do away with the requirement for Commission action on a pending proceeding. The RD remains a recommendation until such time as the Commission may act on the recommendation to grant, modify, or deny a Certificate.

Here, the RD recommended that the Commission issue a Certificate for the Article VII Project, based on the record evidence in this case. The RD properly concluded that "the economics, reliability, engineering feasibility, environmental

[50] The factors identified include reliability, ratepayer costs, the environment, the economy (e.g., temporary and permanent jobs, economic development, and tax revenue), electric market competitiveness, and any other factors that the utilities believed should be considered in weighing the costs and benefits of repowering versus transmission upgrades.

considerations and other aspects of Cayuga's repowering proposal are not issues to be adjudicated in this case, although the expected availability and performance of the Cayuga units are relevant."[51] The RD properly considered all pertinent aspects concerning the need justification for the Project, as is required by PSL section 126, and recommends that there is a need to construct both phases of the Project irrespective of any decisions concerning repowering of the Cayuga units.

In sum, we reject Cayuga's exceptions to the Project. The record supports our determination today that this Project is needed to address reliability concerns through 2024 and will serve the public interest, as discussed further below.

2. The Nature of the Probable Environmental Impact and Whether the Facility Represents the Minimum Adverse Environmental Impact

The Application, Joint Proposal, testimony, and exhibits in the record describe the nature of probable environmental impacts[52] and whether the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations. The Project has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial, wildlife, wetland and water resources, topography and soils, transportation, noise, debris, communications, and electric and magnetic fields. Categorized by type of impact, the following sections summarize the potential for environmental impacts to result from the proposed construction, reconstruction and reconductoring of the Project and proposed minimization of potential adverse impacts.

[51] RD at 27.

[52] Joint Proposal ¶¶ 20 through 81 address the nature of the probable environmental impacts of the Project and minimization of such impacts.

The RD found that the record supported the statutory findings regarding nature of environmental impacts and minimization of environmental impacts. As discussed below, we find that the environmental impacts associated with the Project will be avoided, minimized, or mitigated, as conditioned by the Joint Proposal's terms and conditions. Those terms and conditions include best management practices (BMPs) and specifications in the preparation of the environmental management and construction plan (EM&CP Specifications).[53] The Joint Proposal's terms and conditions provide that, in the event the Commission grants a certificate, Applicants must strictly comply with the EM&CP and the Proposed Certificate Conditions during Project construction, operation, and maintenance.

The Signatory Parties' proposed BMPs are set forth in Hearing Exhibits 18 (NYSEG BMPs) and 19 (National Grid BMPs); and the proposed EM&CP Specifications are Appendix E of the Joint Proposal. The proposed practices and specifications are consistent with similar such practices and specifications adopted in other Article VII proceedings and are unopposed. We therefore adopt the proposed practices and specifications as terms and conditions of the Joint Proposal to be applied to the Project.

a. Land Use

The existing land uses surrounding the Project ROW are predominantly agricultural and forested land, with the exception of the vicinity of NYSEG's State Street substation in the City of Auburn. In view of the recently enacted finding regarding

[53] Joint Proposal, Appendix E, Specifications for Development of EM&CP, Hearing Exhibit 18 (NYSEG's Best Management Practices Environmental and Agricultural Land Protection [Nov. 2012]) and Hearing Exhibit 19 (National Grid's Best Management Practices for Article VII Transmission Line Projects [Sept. 2013]).

the minimization of impacts on active farming operations, and because the existing land uses surrounding the Project ROW include agricultural land, we address land use issues separately, below.

b. Visual Resources

The Signatory Parties have proposed the use of steel monopoles (and related Project design features) to minimize other potential adverse impacts of the Project, including potential impacts to Cold Spring Cemetery, the need for additional expanded ROW from residential landowners, and potential impacts to residential and agricultural uses adjacent to the ROWs. The Signatory Parties propose that steel monopole structures would be used for the Proposed Line (MP 0.0 to 14.5), and rebuild of Line 972 (MP 0.0 to 4.2), and partial rebuild of Line 971 in the NYSEG ROW (MP 0.0 to 1.4). The use of steel monopole structures, which are taller than the existing structures in the NYSEG and National Grid ROWs, would create new adverse visual impacts in the Project area.

In assessing potential visual impacts of the Project, the Signatory Parties assert that the use of existing ROW corridors minimizes the potential adverse impacts on the visual and natural environment, as opposed to the alternative of constructing a new transmission corridor in the area. The natural environment in the Project area is dominated by glacial drumlins. The existing ROW corridors take advantage of existing forested areas and topography to effectively screen most views and minimize the visual impacts to local roadways and residences. The coloring and non-reflective finish of the steel monopoles are designed minimize visual impact.

The Joint Proposal addresses several sensitive viewpoints. Where the ROW runs parallel to the Millstone Golf Course in the Town of Elbridge, south of NYS Route 5, the

existing National Grid ROW already exists south of the golf course. In order to minimize visual impacts of the Project to the extent practicable, NYSEG has engaged the services of a professional landscape architect with experience in design for Millstone Golf Course, and will develop a visual impact mitigation plan, in consultation with the professional landscape architect, to be included in the EM&CP.

The ROW would be located on the Rolling Wheels Raceway Park property in the Town of Brutus south of NYS Route 5. The existing National Grid ROW already crosses an open area and the racetrack's private drive located between the state highway and racetrack facilities. The visual impact to the Raceway Park will be minimal because the existing transmission line facilities are already a prominent feature in this cleared portion of the viewshed.

The Proposed Line will be located closer than the existing lines to certain scattered residences and commercial properties adjacent to the Project. One or more properties in the immediate vicinity of the Elbridge substation will be impacted, due to the expansion of the substation that is necessary to connect it to the Proposed Line and relocated Line 15. The terms of the Joint Proposal provide that the Applicants will work with DPS Staff to develop an appropriate landscaping plan to screen the view of the expanded substation.[54]

The remaining visual resources within three miles of the Project are not anticipated to have significant additional views of the Project. We do not anticipate any significant adverse visual impacts to the visual and aesthetic character of scenic, recreational and historical areas within the three-mile viewshed of the Project. In balancing the potential environmental impacts of the Project, we find that the proposed

[54] RD at 52, citing JP ¶¶ 36-38.

use of steel monopoles and use of a route along existing ROWs will minimize unavoidable potential adverse visual impacts.

c. Cultural Resources

As discussed in the RD, a site file search and review was conducted to identify cultural resources using online databases, primarily the State Preservation Historical Information Network Exchange (SPHINX) system of the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) and the National Park Service's Focus interface for properties listed on the National Register of Historic Places (NRHP).[55] The primary information concerning the archaeological sites was obtained during a visit to the OPRHP's research center at Peebles Island, Cohoes, New York. Information on all recorded cultural resources (archaeological resources and historic structures) within three miles of the Project ROW was obtained. Cultural resources recorded on the NRHP or considered eligible for inclusion were identified. Based on this review, there are no known archaeological sites within the Project ROW.

A total of 38 archaeological sites were identified in a three-mile buffer around the Project ROW. Twenty-nine of these sites result from Native American occupation during the prehistoric and early historic periods and nine were associated with historic Euro-American occupation after circa 1800 A.D. Seven are located within 1,000 feet of the Project ROW, and four of these are shown on the relevant maps to be within 500 feet of the Project ROW.

This preliminary model of land use, based on the location of recorded Native American sites within three miles of the Project, provided a definition of moderate to high probability of archaeological sensitivity of the Project.

[55] Hrg. Exh. 4B, § 4.4.1.1, page 4-49.

Specifically, it is anticipated that relatively level areas within 700 feet of a stream or wetland within the Project ROW, and other areas of Project-related ground disturbance have a moderate-to-high probability for containing Native American archaeological sites, if they have not been previously disturbed. In the event a Certificate is issued, then prior to filing the proposed EM&CP, the Certificate Holder will conduct Phase 1 archeological investigations in areas of moderate-to-high archeological sensitivity, in coordination with the OPRHP. The Certificate Holder will file OPRHP's recommendations or a "no effect" letter to the Secretary prior to submitting the proposed EM&CP.

There are 143 previously evaluated historic architectural properties situated within five miles of the Project ROW. Thirty-four of the 143 historic properties are listed in the State Register and/or the NRHP. The remaining 109 have been determined eligible for listing in the NRHP.

Nineteenth-century structures are shown to be in close proximity to the Project ROW at three locations: (1) at the crossing of Potter Road in Throop; (2) at the crossing of NYS Route 34 in Brutus; and (3) at the crossing of Hamilton Road in Elbridge. Based on the background research conducted to date, areas with moderate to high sensitivity for nineteenth-century historic archaeological sites extend 300 feet along the Project ROW where it will cross roads established in the 19th century. Because earlier historic settlements (circa 1790 through 1810) were more frequently located along watercourses rather than established roadways, areas of moderate to high archaeological sensitivity for sites of this age overlap entirely with areas of moderate to high archaeological sensitivity for Native American sites.

In order to mitigate impacts to Cold Spring Cemetery, a historic cemetery located adjacent to the State Street substation, NYSEG has surveyed to determine whether any grave shafts are located on or adjacent to the Project ROW. As set forth in the Joint Proposal, the Signatory Parties have determined that, in the area between MPs 0.0 and 1.4 (Turnpike Road), the use of steel monopole structures for the Proposed Line, rebuilt Line 972, rebuilt Line 971, and a number of structure connections configured vertically will minimize impacts to the cemetery.

d. Terrestrial Ecology and Wetlands

The dispersion and density of vegetative land cover, including invasive plant species, throughout the Project ROW correlate with adjacent land use, land development, and existing natural resources. Along the existing ROW there are cultivated cropland, wetland communities, and intermixed forested upland communities. The most significant effect on vegetation will be the long-term conversion of existing forest to managed grassland or shrubland that would occur as a result of construction and maintenance of the Project.

Widening of the existing ROW will require the permanent removal of forest cover, while improved road access and other construction activities will require the selective clearing of undesirable woody species and/or saplings. The estimated acreage of forest cover types that may be removed as a result of the Project is approximately 35 acres. Because the existing NYSEG and National Grid ROWs have been cleared to provide adequate clearance from the existing conductors, but not necessarily to the edge of the existing ROW, the 35 acres includes approximately 9 acres of wooded areas already within the existing NYSEG and National Grid ROWs.

Vegetation clearing and management techniques employed by each Applicant will include mechanical and chemical applications, or a combination of the two, in accordance with such Applicant's currently effective Long-Range ROW Management Plan. Implementation of an invasive species management plan will mitigate potential spread of invasive plant and insect species.

A delineation of wetland areas completed in October 2012 identified 30 wetland areas and 11 associated streams within the Project ROW and adjacent areas.[56] There are approximately 52 wetland acres within the Project ROW based upon field delineations. These wetland acres include both federal wetlands and those designated as state wetlands by NYSDEC. All six of the NYSDEC-regulated wetlands are NYSDEC Class II wetlands.[57]

Potential effects to wetland areas may occur directly or indirectly during Project construction and operation. The Joint Proposal provides that every practical attempt will be made to avoid wetlands and minimize the area of permanent disturbance, and this will be specified in greater detail in the EM&CP. The long-term or permanent loss of wetlands and wetland functions due to construction is not anticipated. However, the conversion of forested wetland communities to shallow emergent marsh and/or scrub-shrub wetland communities is anticipated as a result of the widening of the existing ROW.

Mitigation strategies will be utilized to address short-term, temporary, wetland impacts during construction. Sediment and erosion control methods will also be implemented. All mitigation strategies, erosion and sediment control techniques, and temporary and permanent access roads to be used

[56] RD at 55-56, footnote 99.

[57] See 6 NYCRR Part 664, and §664.5.

by each Applicant will be identified during final design and will be included in the EM&CP. For invasive species control near wetlands and agricultural areas, both Applicants will follow the construction practices contained in the Certificate Conditions set forth in Joint Proposal, Appendix D.

It is expected that Project construction activities in wetlands and other waters over which the U.S. Army Corps of Engineers (USACE) has regulatory jurisdiction will be authorized by the USACE under Section 404 of the Clean Water Act.[58] The Applicants will seek this authorization from the USACE concurrently with the submission of the EM&CP to the Commission for approval.

Wildlife habitats in Cayuga and Onondaga Counties are largely associated with the primary land uses including active agricultural, rural residential, urban, upland forests, and wetland/riparian areas. Because the Project is located along an existing utility ROW, the level of impacts associated with the expansion of the existing ROW is expected to result in a minimal change in the structure and function of wildlife habitats within the Project ROW. The greatest impact to wildlife is expected to occur in those limited areas where forested communities will be permanently converted to other community types (e.g., old field, shrubland, shallow emergent marsh, etc.).

In October 2012, a biologist hired by NYSEG conducted a field study of the Project ROW and did not encounter any threatened or endangered species within the Project area. A letter request was submitted to the New York Natural Heritage Program (NYNHP) for information regarding the presence of threatened and endangered species and unique natural communities in the Project area. In a letter dated November 15, 2012, the NYNHP responded that it had no record of rare or state-listed

[58] See 33 U.S.C. §1344.

animals or plants or significant natural communities on or in the immediate vicinity of the Project. In the event a certificate is issued, the Certificate Holder will request that NYNHP provide an update to such letter prior to the Certificate Holder's submission of a proposed EM&CP for approval, and NYNHP's response will be included in the EM&CP proposal. Additionally, the proposed EM&CP will include a proposal to address wetland mitigation.

e. Topography and Soils

As noted in Application Exhibit 4, the Project is located in the Finger Lakes Region of Central New York. The topography along the Project ROW consists of hills (drumlins), valleys and lowlands bisected by south to north flowing streams. Elevations range from about 500 feet in the valleys to approximately 750 feet in the drumlins.

Bedrock underlying the Project ROW is from the Middle Devonian Period and includes the Hamilton Group and the Onondaga Formation. The Hamilton Group consists of black or gray calcareous shale or siltstone divided by three thin persistent limestone beds. In general, soils identified within the Project range from very poorly drained soils and mucks in wetland areas to somewhat excessively drained soils in uplands. No gravel pits, mines, or gas or oil wells are located along the Project ROW.

Construction and maintenance within the Project ROW will not result in cumulative effects relative to topographic and soil conditions. Extensive alterations of slope and gradient are not anticipated in the Project ROW. The Project will be designed and constructed to be compatible with onsite geologic conditions. The avoidance, minimization, and mitigation measures for disturbed soils and topography along the

portion of the Project ROW and along access roads to be used by each Applicant will be specified in the EM&CP.

Each Applicant will manage its construction in active agricultural areas to protect farm soils from erosion, compaction, and soil mixing. Each Applicant will make a reasonable attempt to locate active drain tiles that may cross the Project ROW to avoid tile damage during construction and maintenance activities. After construction is complete in a given area, the Applicant will repair or replace any damaged tiles and return the ROW to the original contours subject to field conditions. The EM&CP will describe the restoration procedures that will be used to restore or to minimize impacts to active farmland.

f. Transportation

Whitfords Airport is the only public use airport within five miles of the Project ROW. Four private use airports are located within five miles of the Project ROW: Flying K Airport, Marcellus Airport, Walls Airport, and Anthonson Airport. Two heliports are located within five miles of the Project ROW: New York State Police Heliport and Auburn Memorial Hospital Heliport. The Project Lines will be located within the existing ROW and are not likely to exceed Federal Aviation Administration obstruction standards. Therefore, the Project is not expected to have any adverse impact on the above-identified airports and heliports.

The only active railroads near the Project ROW are the CSX/Amtrak located to its north and the Finger Lakes Rail to its south. The Project ROW does not cross either of these, or any other railroads, so the Project will have no effect on railroads.

The Project ROW crosses a total of 16 state, county, or local roadways in Cayuga and Onondaga Counties. Throughout

construction, the Project ROW will be accessed at these public road crossings and potentially from new or existing construction access roads. The specific locations of access points to the ROW from local roadways will be developed with consideration for the maintenance of safe traffic operations. The EM&CP will address traffic control measures, including temporary signs, construction entrance locations, procedures for the movement of equipment and materials to the ROW, and potential road closure locations each Applicant will use for construction of its Project components. The EM&CP will also identify potential temporary storage locations for materials and equipment that each Applicant will use for construction of its Project components. The traffic control measures set forth in the EM&CP will also address procedures for conductor stringing to ensure maintenance and protection of traffic during construction of the Project. All required work permit applications will be submitted for all applicable road crossings. Each Applicant will fully comply with the permit conditions contained within its respective work permits.

With the exception of snowmobile trails, there are no public pedestrian paths or multi-purpose trails known to cross the Project ROW. For the snowmobile trails, and any additional paths or multi-purpose trails identified during the development of the EM&CP that could be impacted by construction of the Project, the Applicant responsible for that Project component will implement appropriate construction safety practices, identified in the EM&CP, such as temporary barricades and fencing, to prevent pedestrians from entering construction work zones and avoid conflicts with pedestrian traffic during construction.

g. Water Quality and River Corridors

The Project ROW is located within the Seneca River Basin, which drains much of central New York State. Major streams within the Project ROW include Skaneateles Creek, Carpenter's Brook, and their associated tributaries. Because the Project will be installed on overhead lines exclusively, to the extent practicable structures will be located to span streams within the Project ROW. The Applicants will avoid the discharge of fill material to jurisdictional wetlands that would require a USACE permit pursuant to Section 404 of the Clean Water Act. Additionally, the Project will not be constructed in, on, or over a navigable water body; therefore, a USACE Section 10 permit will not be required.

Project-related impacts to surface waters could potentially result from clearing and grading in areas adjacent to, within, and downstream of the Project ROW for construction access, installation and maintenance of the Project lines. Danger trees will be removed beyond the Project ROW where Danger Tree Rights exist and danger tree removals are required.

During construction, vehicular access across streams and other watercourses will be avoided to the maximum extent practicable, by interrupting access along the Project ROW and precluding traffic through these areas. These areas will be designated "No Vehicular Access" on proposed EM&CP drawings.

Stream crossings during construction will take place when stream beds are dry or where existing stream crossings are available, to the extent possible. Stream crossings will utilize equipment mats and other minimally-intrusive bridge materials that are designed to minimize stream bed and bank disturbance and water quality impacts. Each Applicant will identify each stream crossing type for each crossing location

for its Project components on the plan and profile drawings to be provided in the proposed EM&CP.

Lastly, the Joint Proposal provides that DEC retains the right to enter and inspect the Project to assess compliance with any DEC-issued permit or applicable substantive statute or regulation under its jurisdiction.[59] DEC Staff will notify the DPS Staff and the Applicants' appropriate representatives of any activities that violate, or may violate, either the terms of the Certificate or the Environmental Conservation Law.

h. Water Quality Certification

As part of the Joint Proposal, the Signatory Parties agree that the record in this proceeding supports the proposed water quality certification (WQC) set forth in Joint Proposal Appendix F. Staff says that the proposed WQC contains conditions to ensure compliance with applicable regulations for water-body crossings, including designation of water quality standards and requirements for water quality and suspended sediment monitoring.

The proposed WQC shall be issued by the Chief of the Environmental Certification and Compliance Section within the Office of Electric, Gas, and Water.

i. Noise

Overhead transmission line construction will generate noise levels that are periodically audible along the Project route, access roads, structure sites, conductor pulling sites, staging areas and marshaling yards. Temporary noise sources during construction may also include power tools and other construction equipment. The construction equipment to be used is similar to that used during typical public works projects and tree service operations.

[59] Joint Proposal, ¶ 75.

Noise generated by the operation of 115kV transmission lines typically contributes little to area noise levels. Operation of the proposed transmission lines is not expected to result in adverse noise impacts.

j. Communications

Each Applicant will comply with applicable sections of the latest version of the National Electrical Safety Code related to appropriate spacing between power and communication cables with respect to such Applicant's Project components. Consequently, the Project is expected to have no adverse effects on communications (e.g., cellular, television, radio) during construction or operation.

k. Electric and Magnetic Fields

The electromagnetic field (EMF) calculations report,[60] filed with the Joint Proposal, indicates that the maximum calculated electric and magnetic fields are within the Commission's guidelines in all cases. Under the Commission's September 11, 1990, Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities[61] (Policy Statement), the peak magnetic field at the edge of the ROW, as measured at one meter above ground when the circuit phase currents are equal to the winter normal conductor rating, should not exceed 200 milligauss (mG). The calculated magnetic field for the winter normal rating for the Project varies from 6.8 mG to 88.6 mG at the edge of the ROW for the various Project cross sections investigated.

[60] Hrg. Exh. 16 (filed June 22, 2015).

[61] Cases 26529 and 26559, Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, (issued September 11, 1990) in PSC Reports, Vol. 30, Part 3A, 1990; 1990 N.Y. PUC LEXIS 47.

Under the standard set forth in Commission Opinion No. 78-13,[62] the maximum electric field at the edge of the ROW should not exceed 1.6 kV/m. The calculated electric field for the Project ranges from 0.017 kV/m to 0.535 kV/m for the various cross sections analyzed.

l. Alternative Routes

As required by statute, the Applicants (and other Signatory Parties) considered three alternative routes. The Signatory Parties considered and rejected three route options other than the Project, including an undergrounding option.[63] The first alternative route would proceed north from the State Street substation in Auburn along an existing 34.5 kV ROW that follows an abandoned Lehigh Valley Railroad corridor, crossing Potter Road, Turnpike Road, Manrow Road, Sittser Road, and Highbridge Road. The existing corridor is narrow and bordered on both sides by woods for nearly the entire length. This corridor intersects with the National Grid ROW just east of the Proposed Line ROW Intersection. From there, alternative route A-C/C-E would follow the National Grid ROW to Elbridge.

This alternative route would necessitate the removal of the existing 34.5kV transmission line along a segment of the route, to accommodate an additional 115kV transmission line and a complete rebuild of the facilities to support both a 34.5kV and a 115kV line. In addition, use of this alternative would require expanding the current ROW to accommodate the new 115kV line.

---

[62] Cases 26529 and 26559, Opinion No. 78-13, Power Authority of the State of New York and Health/Safety of Extra-High Voltage Lines, (issued June 19, 1978), in PSC Reports, Vol. 18, Part 2, 1978.

[63] RD at 65.

The second alternative route would proceed north from the State Street substation approximately 4600 feet along the existing NYSEG 115 kV transmission ROW. Then the route would cross an active pipeline ROW, turn eastward, and follow the pipeline ROW for approximately 2.1 miles, crossing Potter Road, NYSEG's 34.5 kV transmission ROW, State Route 34 (N. Street Road), County House Road, and Mutton Hill Road, to the Finger Lakes Railroad ROW. At this point, the route would turn northeast and run along the Finger Lakes Railroad ROW for approximately 8.4 miles, crossing Hidden Valley Blvd., Grant Street (NY Rte. 5), Miller Road, Depot Road, Baker Road, Hamilton Road, Harlot Road, Vinegar Hill Road, Gorham Road, and Kingston Road. At this point, the route would exit the railroad ROW and turn due north for approximately 2000 feet to the National Grid ROW, at which point the route would follow the National Grid ROW for approximately 2 miles to the Elbridge substation. The Signatory Parties considered this second alternative route to be far inferior to both the proposed route and the first alternative, because it would require extensive clearing of forested lands and create a substantially greater number of land use conflicts than either of the other overhead alternatives.

Lastly, an underground transmission line alternative for the entire 14.5 miles was considered by the Signatory Parties as a third alternative route, and was rejected for this Project. The underground alternative would consist of an underground installation of the Proposed Line in the 4.2-mile NYSEG ROW, and both the Proposed Line and relocated Line 15 for the entire 10.3-mile National Grid ROW, with the two other major Project elements (rebuilt Line 972 and bused Line 5) the same as presently proposed.

The underground alternative would have significantly higher cost, additional environmental impacts, and lower levels of reliability as compared to overhead transmission lines. With the exception of visual impacts, the negative impacts to environmental resources that would result from construction and future maintenance of an underground line tend to be greater than for an overhead line. For example, an overhead line can be designed to span wetlands and agricultural lands to the maximum extent possible, whereas an underground line would require large excavations within these resources. In sum, the Signatory Parties do not support the 14.5-mile underground alternative.

In considering alternative routes, we agree with the Signatory Parties that the Project as located and configured is preferable, on balance considering all factors, to any of the alternative routes considered. The selected route and configuration is preferred because it is largely located within existing ROWs and minimizes additional property rights needed for the Project, and the selected route will avoid or minimize the disturbance to the human environment and natural habitats.

Conclusion

In sum, we find that the nature of probable environmental impacts have been identified, and that the Project, located and configured as conditioned by the Joint Proposal's terms and conditions, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.

3. Whether the Facility Represents the Minimum Adverse Impact on Active Farming Operations that Produce Crops, Livestock and Livestock Products

As noted above, Article VII was recently amended by enactment of Chapter 521 of the 2015 Laws of New York, effective

December 11, 2015. The amendment, in pertinent part, requires that the Commission make a finding whether the facility represents a minimum adverse impact on active farming operations that produce crops, livestock and livestock products, as defined in Section 301 of the Agriculture and Markets Law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property.

Because the finding on agricultural resources was enacted after issuance of the RD, a notice soliciting comments on this finding was issued January 19, 2016, requiring comments to be filed by January 26, 2016. Staff, the Applicants, DEC, Sierra Club, Ag & Markets, and Cayuga filed comments on the new finding. In addition, public comments were filed by the American Farmland Trust, the New York Agricultural Land Trust, Inc., and a landowner abutting the Project ROW.

The Application, Joint Proposal, testimony, and exhibits in the record describe the probable impacts on active farming operations that produce crops, livestock and livestock products (agricultural resources), and whether the facility represents the minimum adverse impact on these agricultural resources, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property.[64]

The RD found that the record supported the statutory findings regarding the nature of environmental impacts and minimization of environmental impacts, including impacts to agricultural resources. As discussed below, we find that the record supports a finding that impacts to agricultural resources

[64] See generally, Joint Proposal, Appendix E, EM&CP Specifications, and Hrg. Exhs. 18 (NYSEG BMPs) and 19 (National Grid BMPs).

associated with the Project will be avoided, minimized, or mitigated, as conditioned by the Joint Proposal's terms and conditions. Those terms and conditions include BMPs and EM&CP Specifications.

Staff, the Applicants, DEC and Sierra Club maintain that the RD addressed potential impacts to agricultural resources within the findings regarding the nature and minimization of environmental impacts, and that the record amply supports a finding that agricultural resources associated with the Project will be avoided, minimized, or mitigated.

Staff maintains that the record, including the Joint Proposal, demonstrates thoroughly consideration of the Project's potential impacts on agricultural lands, including those involving active farming operations that produce crops, livestock and livestock products, alternatives, and ownership and easement rights of impacted properties, and whether the Project represents the minimum adverse impact on these agricultural resources. Staff cites many provisions of the Joint Proposal and numerous references to the RD in support of its position. For example, Joint Proposal, Paragraph 29 states:

> Many active agricultural activities, including both cropland and pasture, currently take place on the existing ROW and are expected to continue upon the completion of construction. These activities demonstrate the potential for compatible co-existence of active farming and transmission line operation. No long-term impacts on farming or agricultural activities are anticipated as a result of the Project; however, during construction, agricultural operations on the Project ROW may be disrupted for up to two seasons, depending upon the timing of construction. Any short-term disruption to farming activities resulting from an Applicant's Project Components shall be minimized by that Applicant through scheduling, planning, and the use of protection, restoration and mitigation measures.

The Applicants state that, in order to ensure that the construction and operation of the Project is performed in a manner that protects agricultural soils and activities, the Applicants agreed to be bound by 23 certificate conditions regarding activities in agricultural lands.[65] Those conditions provide for the oversight of an agricultural inspector to monitor and enforce compliance with these certificate conditions during the Project's construction and restoration periods.[66]

DEC maintains that the RD already addresses the substance of the newly required finding, and that the substance of the new finding and determination is required to be addressed in other findings such as PSL §126(1)(c), regarding minimization of environmental impacts, and PSL §126(1)(g), regarding conformance to state and local laws and regulations.

Sierra Club asserts that, regarding the agricultural conservation easement properties potentially impacted, the RD found that the Project's impacts would be limited and did not constitute "a significant impairment of continued agricultural viability on the conservation easement lands."[67] The RD endorsed the Joint Proposal's efforts to minimize agricultural impacts, concluding that all alternatives have been evaluated and evidence has been submitted to support a finding that potential adverse impacts have been minimized appropriately, and further, that the harmonious co-existence of agricultural uses and utility activities can and should be continued, and potential adverse impacts to agricultural conservation easement lands have been minimized.[68]

---

[65] See, Joint Proposal, Appendix D, ¶¶ 91-113.

[66] Id., ¶¶ 67, 91, 100, 105-08, and 110.

[67] RD at 49.

[68] Id. at 50.

Ag & Markets is a signatory to the Joint Proposal, and concluded that "the [Joint Proposal] satisfies the objectives of avoiding, minimizing, or mitigating impacts to agricultural resources and farm operations, to the best of our knowledge, on the properties that are not encumbered by conservation easements.[69] In its comments regarding the new statutory finding, Ag & Markets renews arguments in opposition to impacts on agricultural conservation easement lands that were raised below and rejected in the RD.[70] Ag & Markets asserts that these potential impacts cannot support a conclusion that the vegetation clearing easements proposed by the Applicants represent the minimum adverse impact on active farming operations on the land currently encumbered by the conservation easements as required by the new finding regarding agricultural resources. These issues are discussed further, below.

Cayuga asserts that the parties to this proceeding must be afforded the same process for the 2015 Amendment to Article VII that has been given to all of the other issues that are statutorily required to be addressed by the Applicants, that are specifically discussed in the RD. More specifically, Cayuga asserts that this case should be remanded to the ALJ for further proceedings. Following consultation with the parties, Cayuga maintains, the ALJ should determine whether the 2015 Amendment presents any material issues of fact requiring a supplemental hearing. Then, regardless of whether such a hearing is held, Cayuga argues that the ALJ must issue a supplemental RD that addresses the additional statutory factor, after which parties must be afforded the opportunity to submit additional exception briefs. Cayuga concludes that this minimum due process is consistent with Commission precedent under analogous factual

[69] Ag & Markets Initial Brief at 3.

[70] See RD, 43-50.

circumstances where new information or issues were discovered after the release of a recommended decision.

However, in this instance, no new facts or information were discovered after the release of the RD. Instead, a new finding has been enacted. As other parties have noted in their comments, the record amply addresses potential impacts on active farming operations that produce crops, livestock, and livestock products, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property. Such impacts were addressed in the RD in the findings regarding nature and minimization of environmental impacts. The parties were provided with a full opportunity to address impacts to agricultural resources in the course of these proceedings. In fact, as recounted herein, these issues are addressed extensively in the Joint Proposal.

The newly required finding and determination has already been adequately addressed by the Parties in their Briefs and in the RD. Moreover, the substance of the newly required finding and determination is addressed within the required findings on nature and minimization of potential environmental impacts. PSL §126(c) requires a finding whether "… the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations including but not limited to, the effect on agricultural lands, wetlands, parklands and river corridors traversed [emphasis supplied]." The RD addressed impacts to agricultural resources in the recommendation regarding this finding. The record in this proceeding, and the RD, provide ample factual basis for our determination regarding the newly enacted finding on agricultural resources.

We reject Cayuga's contention that due process requires remand for further proceedings regarding the new statutory finding.

As noted above regarding environmental impacts, the Signatory Parties' proposed BMPs and the proposed EM&CP Specifications provide proposed practices and specifications which are consistent with similar such practices and specifications adopted in other Article VII proceedings and are unopposed. These proposed practices and specifications will avoid, minimize, or mitigate impacts on agricultural resources. As terms and conditions of the Joint Proposal, these proposed practices and specifications would be applied to the Project.

a. Land Use

The existing land uses surrounding the Project ROW are predominantly agricultural and forested land, with the exception of the vicinity of NYSEG's State Street substation in the City of Auburn. Project construction activities would occur primarily within existing electric transmission ROWs, which are either held by NYSEG in fee or pursuant to easements or owned in fee by National Grid. NYSEG owns the real property underlying the State Street substation in fee, and National Grid owns the real property underlying the Elbridge substation in fee. The expansion of each substation required for the Project will not require the acquisition of additional real property rights. The State Street substation is located at the northern edge of an industrially developed area in the city.

The Project ROW traverses an area of active agricultural lands and three designated agricultural districts. In Onondaga County, the Project ROW crosses Agricultural District No. 3, and in Cayuga County, the Project ROW crosses Agricultural District No. 4 and Agricultural District No. 5. Many active agricultural activities currently take place on the

existing ROW and are expected to continue upon the completion of Project construction, including use of land for both cropland and pasture. These activities demonstrate the potential for compatible co-existence of active farming and transmission line operation.

No long-term impacts on farming or agricultural activities are anticipated as a result of the Project. The Project is not anticipated to change the existing residential, commercial and industrial uses adjacent to the ROW or in surrounding areas. However, during construction, agricultural operations on the Project ROW may be disrupted for up to two seasons, depending upon the timing of construction. The Applicants propose to minimize any short-term disruption to farming activities resulting from construction of the Project through scheduling, planning, and the use of protection, restoration and mitigation measures, to be described in greater detail in the EM&CP.

In order to avoid permanent impacts to commercial sugar maple operations that currently exist adjacent to the Project ROW, the terms of the Joint Proposal provide that the Proposed Line and relocated Line 15 will cross from the south side to the north side of the Project ROW at approximately MP 6.2, rather than at approximately MP 5.0, as was originally proposed in the Application.

The Project is consistent with the goals of the 2009 New York State Open Space Conservation Plan, because the plan recognizes that energy production and distribution capacity are important to New York State and the Northeast as a whole, and the Project makes use of a statewide planning and siting process that take into consideration natural and recreational open spaces as well as the state’s natural and cultural heritage.

Local land use plans or policies of the towns of Throop, Brutus, and Sennett, and the City of Auburn within Cayuga County, and the Town and Village of Elbridge within Onondaga County were considered by the Signatory Parties to guide routing, locations and configurations of the proposed circuit and substation to promote compatibility with existing and future land use. The Project is not proposed to be located on any state or local park land.

i. New Property Rights

As described in Joint Proposal, Appendix B, NYSEG proposes to acquire all the new real property rights required for the Project. If a certificate is issued, NYSEG will have to acquire, either in fee simple absolute or by easement, a portion of the National Grid ROW (the NYSEG Acquired ROW). In addition, in the locations described in Joint Proposal, Appendix B, NYSEG will also have to acquire other permanent easement rights for construction of the Project and for subsequent Project operation and maintenance.[71] Such permanent easement rights would be required on lands on the NYSEG ROW already subject to one or more existing transmission easements.

As summarized in the RD and described in the record, the new easement rights fall into two broad categories: ROW expansion and ROW enhancement. ROW expansion is the addition of new land to widen an existing ROW, on one or both sides.[72] ROW enhancement is the addition to an existing ROW easement not of more land but of more easement rights. Each category has two subsets: first, new ROW land on which all Project activities could take place, including installation of transmission line

[71] In addition to Joint Proposal, Appendix B, see also, Hrg. Exhs. 22 and 53.

[72] See also Tr. 78-79.

facilities, as well as vegetation clearing, obstruction removal, and construction activities such as lay down and staging areas; and second, new ROW land that would allow for all such activities other than installation of transmission line facilities.

NYSEG proposes new easements in three of the four subset categories: In the case of ROW expansion, it must widen the ROW in some cases only to accommodate construction and to afford a cleared buffer zone, and in other cases also for the location of towers and circuits. In the case of ROW enhancement, it must acquire or expand the scope of easements to allow for all these activities, including the placement of transmission facilities. NYSEG does not propose to enhance any easements that would be in the fourth category, ROW enhancement excluding transmission.

New permanent ROW expansion easement rights would be needed on other lands that abut the existing NYSEG and National Grid ROWs. The types of activities that would be permitted by these easements include, without limitation, clearing and tree removal; ROW access; and other Project-related activities, but the right to install permanent transmission facilities would not be included in most of these easements.

There are three Project segments where NYSEG has proposed new additional easements for ROW expansion including transmission: immediately north of the State Street substation, by the St. Joseph Cemetery property, that will allow the installation of overhead lines above the cemetery; easements abutting the south side of the National Grid ROW Intersection, MP 4.2 to 6.2; and an easement abutting the north side of the National Grid ROW, at MP 6.2, that allows for the transition of the Proposed Line to the north side of the National Grid ROW.

Project segments where NYSEG has proposed new additional ROW expansion easements, excluding transmission, are the segment north of Turnpike Road to the ROW Intersection, approximately from MP 1.4 to MP 4.2, on the east side of the existing ROW; at the ROW Intersection, MP 4.2, an irregular shaped area east of the NYSEG ROW and south of the National Grid ROW; and north or north-west of the National Grid ROW, approximately from MP 6.3 to MP 14.4.[73]

Several potentially affected landowners have commented in opposition to the Applicants' proposed expansion of existing ROWs. As described above, we adopt the RD's conclusion that this Project is needed to improve reliability of the transmission system in the Auburn area. In developing the terms of the Joint Proposal, the Signatory Parties have reduced the proposed expansion of ROWs from that originally proposed in the Application.[74] We adopt the RD's finding that the terms and conditions of the Joint Proposal regarding proposed new property rights expansion and enhancement of ROWs minimizes the additional property rights required for the Project.

ii. The Conservation Easements

Some of the agricultural lands traversed by the Project ROW are encumbered by agricultural conservation easements held by the American Farmland Trust (AFT) and/or the New York Agricultural Land Trust (NYALT). The Applicants state that these conservation easements were created pursuant to New York State law.[75] The Applicants do not intend to place any

[73] RD at 42, footnotes 70-72.

[74] RD at 42.

[75] Environmental Conservation Law, Article 49, Title 3 (Conservation Easements).

permanent structures on the land encumbered by the conservation easements.[76]

The Joint Proposal contains many terms and conditions that protect and preserve the local agricultural economy and the potentially affected farmers of New York State. Currently, farming activities occur on the existing NYSEG and National Grid ROWs, including on the land owned in fee by National Grid.[77] Further, the proposed easements to be acquired by NYSEG for this Project expressly acknowledge the landowner grantor's right to use and cultivate the easement area for any and all agricultural purposes, provided there is no interference with the easement rights.[78]

For safety and clearance reasons, NYSEG's proposed easements specify that no structures can be erected, trees grown, or blasting undertaken in the easement area without the consent of NYSEG.[79] These clearances are prescribed by national safety standards as well as internal NYSEG requirements. No party disputes that these are legitimate concerns.

AFT and NYALT, non-parties in this case, provided public comments regarding the newly enacted agricultural resources finding. The RD addressed potential impacts on conservation easement lands in detail.[80] AFT makes a legal argument that the agricultural conservation easements were created with financial involvement of the U.S. Department of Agriculture (USDA), and that both AFT easements include a contingent right of enforcement to the United States; a federal,

---

[76] See Joint Proposal, Appendix B, p. 10; see also Tr. 111.

[77] See Hrg. Exh. 24, Updated Response to DAM-2.

[78] See Hrg. Exh. 55, Sample Non-transmission Easement); see also Tr. 111-112.

[79] Hrg. Exh. 55; see also Hrg. Exh. 24, Response to DAM-6.

[80] See RD at 37-40.

vested interest in the property that cannot be condemned by state or local government. AFT opposes any action that will directly impact active agricultural land and operations, in general, and in particular on the Hill and Hourigan family farms in the Town of Elbridge.

The agricultural conservation easements were created pursuant to New York law, specifically, Environmental Conservation Law (ECL), Article 49, Title 3 (Conservation Easements). ECL §49-0307 (1)(c) provides that a conservation easement held by a not-for-profit conservation organization may be modified or extinguished upon the exercise of the power of eminent domain. Because AFT, a not-for-profit conservation organization, is the grantee of the easements it has identified, we conclude that the Applicants, if granted an Article VII Certificate for the Project, could exercise powers of eminent domain to obtain the new property rights proposed for this Project on agricultural conservation easement lands.

NYALT contends, similar to arguments made by Ag & Markets, that the Project will have an adverse impact on active farming operations because proposed trimming and other restrictions on the agricultural conservation easement properties, combined with retained rights, will limit the nature and extent of agricultural enterprises on the affected properties. In addition, NYALT contends that if this Project is granted a Certificate, it will set a poor precedent for farmland protection programs in New York. NYALT maintains that New York's public policy to preserve agricultural lands should take precedence to the public need for a major utility transmission facility.

As stated in the introduction to the discussion of statutory findings, the concept of “environmental compatibility and public need” requires that we “protect environmental values,

and take into account the total cost to society of such facilities" when making a decision on whether to grant a PSL Article VII certificate. In rendering this decision, we cannot look at any single aspect of an application in a vacuum; rather we must consider the totality of all of the relevant factors. Thus, it is correct that we must consider the impact on agricultural resources, but it is not correct that such an interest takes precedence over the public need for a transmission facility necessary to ensure reliable electric service in that portion of the State. Here, the parties supporting the Project have negotiated at length to develop a Joint Proposal that will minimize Project impacts, including impacts on agricultural resources. In the evaluation of alternative routes, the parties considered four routes, including the preferred route, all of which would cross lands encumbered by agricultural conservation easements. Therefore, on the record before us, no viable route has been identified that will avoid crossing lands encumbered by conservation easements. In this circumstance, we find that the route for which we grant a certificate does indeed represent the minimum impact on agricultural lands, consistent with our statutory mandate.

The Applicants contend on exception, regarding potential Project impacts to conservation easement lands, that the RD has omitted an important justification for the RD's conclusion that the Applicants' proposed clearing easements would not significantly impact the agricultural viability of the lands encumbered by the conservation easements. The Applicants' proposed additional justification is that the Applicants seek to acquire clearing easements on only a very small proportion of the acreage adjacent to the Project ROW encumbered by conservation easements; and that the total acreage of all

easements the Applicants will seek on conservation lands is approximately 10.93 acres, less than 1.5% of the 770.5 acre total ROW-adjacent area encumbered by conservation easements.[81]

The RD found that the extent of any potential impact of the proposed easement on the conservation lands would be limited, and further that such impacts have been minimized. No party takes exception to these findings. Because these findings are sufficient, we do not find it necessary to adopt the Applicants' justification.

In sum, we find that the Project represents the minimum adverse impact on active farming operations that produce crops, livestock and livestock products, as defined in Section 301 of the Agriculture and Markets Law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property.

4. Undergrounding

The RD found that the record supported the statutory finding regarding undergrounding. No party has taken exception to the RD recommendation regarding this finding.[82] No segment of the Project's transmission lines will be located underground. As explained above, undergrounding the 14.5-mile transmission line would be prohibitively expensive and would result in significantly greater adverse environmental impacts than the proposed Project. An underground transmission system reasonably equivalent to the overhead lines contemplated in the Project would require several different cable segments and intermediate

[81] See Tr. 121-122 (Hourigan family total parcel acreage 346.33, plus Hill family total parcel acreage 424.22).

[82] In response to the January 19, 2016 Notice Soliciting Supplemental Comments on the newly enacted finding, one person commented advocating undergrounding the entire Project to avoid impacts to active farming operations.

switching stations. An underground transmission system would have significantly higher costs and several systemic and operational issues.

5. Long-Range Planning

The RD found that the record supported the statutory finding regarding long-range planning. No party has taken exception to the RD recommendation regarding this finding.

The Project is consistent with the planning objectives of the NYISO and is consistent with the Applicants' long-range plans for the expansion of their transmission facilities.[83] The record therefore supports a finding that this Project would conform to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability, and we so find.

6. State and Local Laws and Regulations

The RD found that the record supported the statutory finding regarding state and local laws and regulations.[84] No party has taken exception to the RD recommendation regarding this finding.

The Joint Proposal provides that Applicants will comply with the substantive provisions of each applicable state statute and regulation; obtain required proprietary permits, consents, and authorizations before the start of construction. No party has challenged that the Project will conform to all applicable state laws and regulations. The Joint Proposal identifies many substantive local law requirements that

[83] RD at 67-68.

[84] The RD incorrectly stated (at page 68) "[t]he Joint Proposal provides that the Applicants will . . . obtain Commission approval of all required Municipal consents under PSL § 68." The Joint Proposal does not contain such a provision.

Applicants have requested the Commission waive. Applicants request waivers, as detailed in Joint Proposal paragraphs 95 through 97 and Hearing Exhibit 7, of regulations relating to zoning, signage, truck parking, and traffic in cemeteries. Waiver of such laws is sought based on the Signatory Parties' assertion that the provisions are unreasonably restrictive in view of the existing technology, factors of cost or economics, or the needs of consumers. With the exception of the provisions of local laws identified in Hearing Exhibit 7, the Joint Proposal further provides that Applicants will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions applicable thereto.

The municipalities through which any part of the proposed Project route segments will pass were served with a copy of the application (pursuant to PSL §122) and the Joint Proposal. Based on the record, including Hearing Exhibit 7, and in the absence of municipal opposition to the Applicants' waiver request, we find that the record provides a prima facie justification to waive the substantive requirements of the local laws and regulations listed in Hearing Exhibit 7. We find that the Project otherwise conforms to applicable local laws.

In sum, upon our review of the record in this proceeding, we find that if an Article VII Certificate were to be granted subject to the terms and conditions of the Joint Proposal including the proposed certificate conditions, the substantive provisions of State laws and regulations are or shall be adhered to by the Applicants in the construction and operation of the Project. Similarly, notwithstanding the Applicants' requested exemption from the jurisdiction of local municipalities, the Project can be constructed in a manner that conforms to all substantive local laws and ordinances.

7. Public Interest, Convenience and Necessity

As set forth in the Joint Proposal, the Signatory Parties assert that the benefits establishing that the Project will serve the public interest, convenience and necessity primarily relate to increased reliability of the bulk power system in NYSEG's Auburn area. We have rejected Cayuga's challenge of the reliability need for Phase 2 of the Project, and instead find that both phases of the Project are needed. As described herein, this Project is of value to the region's electric transmission and distribution system. The Project will be capable of delivering additional energy to meet the increasing demands of Auburn area and will improve reliability at a reasonable and relatively low cost.

Siting of the Project structures primarily within existing ROWs will minimize any permanent adverse environmental impacts and also will serve to minimize temporary adverse construction impacts.

We therefore conclude that the Project will serve the public interest, convenience and necessity. As described herein above, this Project is of value to the region's electric transmission and distribution system. The Project will improve reliability at a reasonable and relatively low cost and will be capable of delivering additional energy to meet the increasing demands of the Auburn area. The Project will improve the efficiency of the State’s generation resources.

The Facility’s proposed use of existing ROWs (and other design features) will minimize potential adverse impacts, including temporary construction impacts.

The Certificate of Environmental Compatibility and Public Need is granted, subject to this order, which adopts the terms and conditions of the Joint Proposal, including the proposed certificate conditions attached and appended thereto.

CONCLUSION

We conclude that certification of the Project will serve the public interest, convenience and necessity. Broad support has been demonstrated for the Joint Proposal. Among the Signatory Parties, the state agencies have a role to protect the public interest.

The Joint Proposal is a reasonable and appropriate compromise of the Signatory Parties' diverse interests and positions. A comparison of Applicants' initial proposal to the recommendations set forth in the Joint Proposal demonstrates that the settlement results are within the bounds of a litigated outcome. The modifications to the Project indicate substantial negotiation among the parties, resulting in reduced adverse impacts in New York. Construction of the Project will not have any significant permanent adverse impacts.

Joint Proposal, Appendix B, entitled "Description and Location of Project," identifies the Project components that would be constructed and owned by NYSEG and those that would be constructed and owned by National Grid. The proposed location of the Project as set forth in Appendix B is approved.

As described herein above, this Project is of value to the region's electric transmission and distribution system. The Project will be capable of delivering additional energy to meet the demands of the Auburn area, will improve reliability at a reasonable and relatively low cost, and will improve the efficiency of the State's generation resources. Construction of the Project will not have any significant permanent adverse impacts. The Facility's proposed use of existing ROWs will minimize additional property rights required for the Project and any temporary adverse construction impacts.

Following completion of both Project phases, no identified local reliability needs are expected to occur through

at least 2024 under forecast load growth, irrespective of the operating status of the two Cayuga units.[85] Completion of the Project will ensure transmission system reliability throughout the Auburn area by eliminating thermal overloads under the full range of forecast contingencies, based on projected levels of growth through at least 2024.

The record in these proceedings demonstrates that the overall sum of the Joint Proposal's terms and conditions is in the public interest. We hereby adopt the terms and conditions of the Joint Proposal, filed June 22, 2015, and grant to joint Applicants, New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid, a Certificate of Environmental Compatibility and Public Need for the Project, as described herein.

The Commission orders:

1. The terms and conditions of the Joint Proposal are hereby adopted.

2. Except for factual corrections identified in Applicants' exceptions brief, all exceptions to the Recommended Decision are denied.

3. Subject to the conditions set forth in this Order, New York State Electric & Gas Corporation (NYSEG) and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) (NYSEG and National Grid together referred to as the Certificate Holders) are granted a Certificate of Environmental Compatibility and Public Need (the Certificate), pursuant to Article VII of the New York Public Service Law, authorizing a project (the Auburn Transmission Project or the Project) to construct, relocate, reconstruct, operate and maintain certain existing and proposed electric transmission lines in Cayuga and

[85] RD at 35, footnote 64.

Onondaga Counties; specifically, in the Towns of Throop, Brutus, Sennett, and Elbridge; the City of Auburn; and the Village of Elbridge.

4. Each Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate for the Project. Failure of either Certificate Holder to comply with this condition shall invalidate the Certificate.

5. The Certificate Holders shall file an Environmental Management and Construction Plan for the Project, consistent with the terms and conditions of the Certificate Conditions. Certificate Holders shall not commence construction on any component of the Project until the Commission has, by written Order, approved an EM&CP for the Project. Consistent with the Proposed Certificate Conditions, Certificate Holders shall provide notice to all landowners adjoining the Project.

6. Prior to the commencement of construction, the Certificate Holders shall comply with those requirements of Public Service Law §68 that do not relate to the construction and operation of the facility by obtaining Commission permission and approval as an electric corporation.

7. If the Certificate Holders decide not to commence construction of any portion of the Project, they shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

8. If construction of the Project hereby certified is not commenced within 18 months after the issuance of the Certificate the Certificate may be vacated by the Commission with notice to the Certificate Holders and Signatory Parties.

9. A Water Quality Certification pursuant to §401 of the Clean Water Act (33 U.S.C. §1341(a)(1) and PSL Article VII shall be issued by the Chief of the Environmental Certification and Compliance Section within the Office of Electric, Gas, and Water. It is hereby certified that, if the Certificate Holders submit an acceptable Environmental Management and Construction Plan (EM&CP) and comply with all conditions contained in this Order, construction of the facility will comply with the applicable requirements of §§301, 302, 306 and 307 of the Clean Water Act, as amended, and will not violate New York State Water Quality standards and requirements.

10. Except for the deadlines in Certificate Conditions 2, 3 and 34(h), the Secretary may extend any deadlines established by this order for good cause shown.

11. This proceeding is continued.

By the Commission,

(SIGNED) KATHLEEN H. BURGESS
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case 13-T-0235 - Joint Application of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 14.5 Miles of 115kV Electric Transmission Facilities from the State Street Substation in Cayuga County to the Elbridge Substation in Onondaga County

JOINT PROPOSAL

By:
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation d/b/a National Grid
Staff of the New York State Department of Public Service
New York State Department of Environmental Conservation
New York State Department of Agriculture and Markets
Nucor Steel Auburn, Inc.
Ratepayers and Community Intervenors
Sierra Club

Dated: June 19, 2015
Albany, New York

Table of Contents

List of Appendices

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case 13-T-0235 - Joint Application of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 14.5 Miles of 115kV Electric Transmission Facilities from the State Street Substation in Cayuga County to the Elbridge Substation in Onondaga County

JOINT PROPOSAL

This Joint Proposal, which includes Appendices A through F attached hereto and incorporated herein, is made as of the 19th day of June, 2015, by and among the following (collectively referred to as the "Signatory Parties"): New York State Electric & Gas Corporation ("NYSEG"); Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (collectively referred to as the "Applicants"); Staff of the New York State Department of Public Service designated to represent the public interest in this proceeding ("DPS Staff"); the New York State Department of Environmental Conservation ("NYSDEC"); the New York State Department of Agriculture & Markets ("NYSDAM"); Nucor Steel Auburn, Inc. ("Nucor"); Ratepayers and Community Intervenors; and the Sierra Club.

INTRODUCTION

On May 31, 2013, the Applicants filed with the New York State Public Service Commission ("Commission") application documents, pursuant to Article VII of the Public Service Law ("PSL") and the Commission's regulations thereunder, for a Certificate of Environmental Compatibility and Public Need ("Certificate") authorizing the construction of a new 115kV electric transmission line ("Proposed Line") along an existing electric transmission right-of-way ("ROW") a distance of approximately 14.5 miles, from NYSEG's State Street Substation in the City of Auburn, Cayuga County, New York to National Grid's Elbridge

Substation in the Town of Elbridge, Onondaga County, New York. In July of 2013, the Applicants filed with the Commission copies of replacement page 5-1 of Exhibit 5 (as filed on May 31, 2013) and replacement pages 9-1, 9-2, and 9-4 of Exhibit 9 (as filed on May 31, 2013). In a letter dated September 27, 2013, the Secretary to the Commission found that the application was filed or otherwise in compliance with PSL §122 as of September 24, 2013.

On November 12, 2013, the Applicants filed a supplement to the application ("Supplement"), which added the following three principal elements to the scope of the project:

1. The relocation and reconductoring of National Grid's existing 115kV Line 15 over a distance of approximately 10.3 miles from the Town of Throop in Cayuga County to the Town of Elbridge in Onondaga County to create "Relocated Line 15";
2. The busing of National Grid's existing 115kV Lines 5 and 15 over the same approximately 10.3 mile distance to create "Bused Line 5"; and
3. The rebuilding of NYSEG's existing 115kV Line 972 over a distance of approximately 4.2 miles from the City of Auburn in Cayuga County to the Town of Throop in Cayuga County, to create "Rebuilt Line 972".

In addition, the Project would entail certain work at the State Street and Elbridge Substations.

On May 19, 2014, the Applicants filed replacement pages for the application: specifically, Table 4 of the Wetlands Delineation Report that is Attachment B to Exhibit 4 in the Application filed on May 30, 2013, and page 2-7 of Revised Exhibit 2 and pages 9-1 and 9-2 of Revised Exhibit 9.

On May 7, 2015, the Applicants filed a further supplement to Exhibit 7 of the application (the application documents as supplemented by all of the foregoing since July of 2013 are referred to as the "Application").

The Applicants held an informational "open house" for the public on July 24, 2013, at the Jordan-Elbridge Community Center in Jordan, New York. Public Statement Hearings were held before Administrative Law Judge Kevin J. Casutto on December 9, 2013, at the Cayuga County Office Building in Auburn, New York and on December 10, 2013, at the Jordan-Elbridge Community Center in Jordan, New York, preceded in each case by informational sessions for the public. A procedural conference of the active parties was held before Administrative Law Judge Casutto in Albany, New York on January 7, 2014.

After exploratory discussions among the parties, a Notice of Impending Settlement Discussions was sent to all active parties and other interested persons and duly filed with the Commission on January 21, 2014. Settlement conferences were held in person or by telephone on February 4, 2014, October 30, 2014, November 24, 2014, December 16, 2014, January 7, 2015, January 8, 2015, February 26, 2015, March 12, 2015, April 1, 2015, April 15, 2015, April 24, 2015, May 12, 2015, and June 11, 2015. Technical conferences addressing specific elements of the Project were held on March 12, 2014, April 30, 2014, and June 3, 2014. Electronic communications were also utilized to facilitate settlement discussions.

After thorough discussion of the issues, the Signatory Parties recognize that the parties' various positions could be addressed through settlement and agree that settlement is feasible. The Signatory Parties further believe that this Joint Proposal gives fair and reasonable consideration to the interests of customers, transmission owners, and the public in assuring the provision of safe and adequate service. As detailed in this Joint Proposal, the Signatory Parties will work toward the objective of fully permitting the Project, including the Commission issuing the Certificate, as early as practicable, in order for construction to commence by the end of 2015.

TERMS OF JOINT PROPOSAL

I. GENERAL PROVISIONS

1. It is understood that each provision of this Joint Proposal is in consideration and support of all the other provisions of this Joint Proposal and is expressly conditioned upon approval of the terms of this Joint Proposal in full by the Commission. If the Commission fails to adopt the terms of this Joint Proposal in full, or adds additional terms, the Signatory Parties to the Joint Proposal shall be free to accept the Commission's terms or to individually pursue their respective positions in this proceeding without prejudice.

2. The Signatory Parties agree to submit this Joint Proposal to the Commission along with a request that the Commission adopt the terms and provisions of this Joint Proposal as set forth herein. The Signatory Parties agree that construction, reconstruction, operation and maintenance of the Project (as hereinafter defined) in compliance with the Joint Proposal and with the Proposed Certificate Conditions set forth in Appendix D attached hereto will comply with PSL Article VII and with the substantive provisions of applicable state law referenced in the Proposed Commission Findings set forth in Appendix C attached hereto.

3. All Signatory Parties fully support approval of the Joint Proposal in its entirety. The Signatory Parties recognize that certain provisions of this Joint Proposal contemplate actions to be taken by various parties in the future to effectuate fully this Joint Proposal. Accordingly, the Signatory Parties taking those actions agree to cooperate with all other Signatory Parties in good faith.

4. In the event of any disagreement over the interpretation of this Joint Proposal or implementation of any of the provisions of this Joint Proposal which cannot be resolved informally among the Signatory Parties, such disagreement shall be resolved in the following manner:

a. the Signatory Parties shall promptly convene a conference and in good faith attempt to resolve any such disagreement; and

b. if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter.

5. This Joint Proposal shall not constitute a waiver by the Applicants of any rights they may otherwise have to apply for additional or modified permits, approvals, or certificates from the Commission or any other agency in accordance with relevant provisions of law.

6. This Joint Proposal is being executed in counterpart originals and shall be binding on each Signatory Party when the counterparts have been executed.

7. Appendix A attached hereto lists the testimony, affidavits and exhibits that constitute the evidence agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding (collectively, the "Evidentiary Record"). The Evidentiary Record includes responses to certain information requests ("IRs") produced in this proceeding which the Signatory Parties believe contribute accurate, material and relevant information to the Evidentiary Record in support of the Project described in this Joint Proposal. The Signatory Parties have not included all other IR responses in the Evidentiary Record because they have either been superseded by changes to information in the Evidentiary Record, or are not required to support the Project as described in this Joint Proposal.

II. DESCRIPTION OF PROJECT

8. The Signatory Parties agree that the Description and Location of Project set forth in Appendix B, attached hereto, accurately describes the location, configuration and ownership of the project as they recommend it be approved by the Commission (the "Project"). Appendix B includes a detailed description of the components of the Project (the "Project Components") that would be constructed and owned by NYSEG (the "NYSEG Components") and the components of the Project that would be constructed and owned by National Grid (the "National Grid Components").

III. ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

9. The Commission must consider the totality of all relevant factors in making its determination of environmental compatibility and public need. The relevant factors include, without limitation, the basis of the need, cost, environmental impact, availability and impact of alternatives, undergrounding considerations, conformance to long-range plans, electric system reliability, state laws and local laws, and the public interest, convenience, and necessity.

A. Need for the Project

10. The Project is comprised of two phases:

a. The Project's "Phase 1" need is to add a new 115 kV circuit between the NYSEG State Street Substation and the National Grid Elbridge Substation. The Project would meet this need by construction of the Proposed Line and connecting it to the two substations.

b. The Project's "Phase 2" need is to increase the capacity of the existing 115kV circuit between the NYSEG State Street Substation and the National Grid Elbridge Substation.

11. Exhibit E-4 of the Application (Exhibit 13 of the Evidentiary Record and referred to herein as "Exhibit E-4") stated that the Project is needed to reinforce NYSEG's electric transmission system in the Auburn Division. NYSEG's ability to ensure reliable service to customers in its Auburn Division is dependent on both of the generating units at the Cayuga Generating Facility being available to operate. This dependency exists only because of limitations in transmission capacity to the area. NYSEG's justification for the Project in Exhibit E-4 was based on the system planning study performed in 2012. The 2012 study findings, documented in Exhibit E-4, stated that at that time, no system normal or single contingency thermal or voltage problems existed on the transmission system in the Auburn Division during summer or winter peak load conditions as long as both generating units were available at the Cayuga Generating Facility. The 2012 study findings also documented that during forced or planned outages of one or both generating units at the Cayuga Generating Facility, however, the transmission system in NYSEG's Auburn Division was inadequate with respect to thermal capacity.

12. Exhibit E-4 documented the following examples of criteria violations under certain tested conditions based on the 2012 study:

a. whenever the load in the Auburn Division equals or exceeds 135 MW, a forced or maintenance outage of both generating units at the Cayuga Generating Facility would cause the thermal loading on the Elbridge to State Street 115kV line #972 to exceed its summer normal rating of 120 mega volt ampere ("MVA");
b. whenever the load in the Auburn Division is at or above 120 MW and both generating units at the Cayuga Generating Facility are out of service, loss of the Quaker Road-Sleight Road 115kV line #980 would cause the Elbridge-State Street 115kV line #972 to exceed its summer long time emergency ("LTE") rating of 149 MVA;
c. whenever the load in the Auburn Division is at or above 138 MW, with both generating units at the Cayuga Generating Facility out of service, loss of the State Street-Clinton Corner 115kV line #971 would

cause the Elbridge-State Street 115kV line #972 to exceed its summer LTE rating of 149; and

d. whenever the load in the Auburn Division is at or above 185 MW, an outage of either the #980 or #971 lines with both Cayuga Generating Facility units off-line would cause the #972 line to exceed its summer short term emergency ("STE") rating of 158 MVA.

13. Exhibit E-4 further documented the 2012 study findings, stating that by bringing new transmission into the Auburn Division, the Proposed Line would eliminate the thermal overload problems and satisfy capacity and voltage requirements discussed above under normal and contingency conditions during planned or forced outages of one of the generating units at the Cayuga Generating Facility. Phase 2 would provide adequate thermal capacity and acceptable voltage at Auburn Division loads above 220MW during an extended outage of both generating units at the Cayuga Generating Facility for the loss of the Proposed Line.

14. Based on the planning study underlying Exhibit E-4, which was a study performed in 2012, Phase 1 of the Project is needed under current and forecast conditions during forced or planned outages of both generation units at the Cayuga Generating Facility. Based on NYSEG's *Auburn Transmission Project – Updated Need Study Report*, dated January 30, 2015 (Exhibit 20 of the Evidentiary Record and referred to herein as the "Updated Study"), Phase 1 is needed regardless of the status of the Cayuga generating units based on current planning criteria violations under the temporary or extended loss of one or both Cayuga units.

15. Based on the planning study performed in 2012, Phase 2 is needed following the construction of Phase 1 under forecast conditions (Auburn load of 220MW) during an outage of both Cayuga units for the contingency loss of the Proposed Line. Based on the Updated Study, Phase 2 is needed to mitigate the risk of an extended loss of both Cayuga units followed by an outage of the Proposed Line, which would cause an overload of Line 972 at

Auburn Division load levels above 123MW, which is 64% of the Auburn Division peak load experienced in 2013.

16. Both phases of the Project are needed to improve transmission system reliability throughout the Auburn Division and accommodate future growth in that Division.

17. Currently, NYSEG's transmission supply to the Auburn Division consists of 115/34.5kV sources at Hamilton Road, State Street, and Wright Avenue Substations. These substations are supplied by four major 115kV transmission lines: Milliken-Wright Avenue Line 973; Elbridge-State Street Line 972 and National Grid's 115kV Auburn - Elbridge Line 5 (connected in series to interconnect the State Street and Elbridge Substations); Sleight Road-State Street Line 971; and State Street-Wright Avenue Line 976. The privately owned Nucor Substation is served via the radial 115kV transmission line #931 that originates at State Street Substation. The 2013 summer peak load for the Auburn Division, which is served through the facilities listed above, was 191 MW; 2014 summer peak load was 184 MW (although temperatures were mild). Based on historical linear regression analysis, NYSEG projects the load for the Auburn Division to grow at a rate of 1.13% per year for the ten-year period beginning with the summer of 2015.[1]

18. As explained in more detail in the Updated Study, NYSEG has updated the 2012 study using a new system model case provided by the NYISO[2] and an updated load forecast. The Updated Study repeated the analysis performed in the 2012 study but also examined the

[1] Changes in NYSEG's databases, as legacy systems are replaced with new technology, have produced small differences in the data as measured by different systems. For instance, some peak load data set forth in Exhibit E-4 were calculated using different systems than the ones used to produce the peak load data set forth in this Joint Proposal. Nonetheless, NYSEG believes that its different calculation systems produce materially similar data.

[2] The 2012 study used the NYISO case "FERC-715 2012 Summer Peak Load 50/50"; the Updated Study used the NYISO case "FERC-715 2014 Summer Peak Load 90/10."

impact of temporary and extended outages of the individual Cayuga generating units (i.e., loss of one unit/loss of both units). NYSEG draws the following conclusions from the Updated Study: 1) Phase 1 is needed regardless of the status of the Cayuga generating units based on current planning criteria violations under the temporary or extended loss of one or both Cayuga units; 2) Phase 2 is needed to mitigate the risk of an extended loss of both Cayuga units followed by an outage of the Proposed Line, which would cause an overload of Line 972 at Auburn Division load levels above 123MW; and 3) the entire Project is needed under NERC Bulk Electric System Planning Criteria for N-1 contingency and NYSEG's internal planning criteria to reinforce NYSEG's electric transmission system in its Auburn Division, by enabling NYSEG to maintain adequate system normal and single contingency service throughout the division during temporary or extended outages of generating units at the Cayuga Generating Facility.

B. Cost

19. The Applicants' estimated Project cost is set forth in Exhibit 9 of the Application (Exhibit 9 of the Evidentiary Record), as updated in Exhibit 23. The Project's cost and the Project's construction activities, which are of relatively short duration, will not impact the local area sufficiently to induce any significant changes in the economic or local residential, commercial, agricultural or industrial land use patterns. Accordingly, no mitigation is deemed necessary for economic impacts or for changes in residential, commercial, agricultural, or industrial land use patterns in the Project.

C. Environmental Impact

20. The Evidentiary Record describes the nature of the probable environmental impacts of the Project which are briefly summarized below. The environmental impacts are expected

to be minimal and generally limited to temporary, construction-related disturbances and inconveniences.

21. The Signatory Parties agree that the Project, as this Joint Proposal and the accompanying Appendices propose it to be located and configured, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. The proposed route and configuration are preferred because the Project makes use, to a great extent, of existing ROW, avoids or minimizes the disturbance of natural habitat, is reasonable in terms of cost, and minimizes disturbance of residential, agricultural and commercial properties and activities and traffic.

22. The Project has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial, wildlife, wetland and water resources, topography and soils, transportation, noise, debris, communications, and electric and magnetic fields. With the design modifications developed by the Signatory Parties and identified in paragraphs 30, 31, 45 and 46 of this Joint Proposal, the Project represents the minimum adverse environmental impact.

23. Categorized by type of impact, the following sections address the potential for environmental impacts to result from the proposed construction, reconstruction and reconductoring of the Project.

a. Land Use

24. Project construction activities would occur primarily within existing electric transmission ROW, which is either (1) held by NYSEG in fee or pursuant to easements; or (2) currently owned in fee by National Grid. NYSEG owns the real property underlying the State Street Substation in fee; National Grid owns the real property underlying the Elbridge

Substation in fee. The expansions of both substations required for the Project will not require the acquisition of additional real property rights.

25. As noted in Exhibit 4 of the Application (Exhibit 4 of the Evidentiary Record and referred to herein as "Exhibit 4"), the existing land uses surrounding the Project ROW are predominantly agricultural and forested land, with the exception of the vicinity of NYSEG's State Street Substation in the City of Auburn, New York, which is located at the northern edge of an industrially developed area in the City.

26. NYSEG will need to acquire, whether in fee simple absolute or by easement, as the case may be, a portion of the National Grid ROW (the "NYSEG Acquired ROW"). In the locations described in Appendix B, NYSEG will also need to acquire other permanent easement rights for construction of the Project and for subsequent Project operation and maintenance. Such permanent easement rights would be needed on lands on the NYSEG ROW already subject to one or more existing transmission easements in order to increase the scope of existing easement rights, and on certain parcels of land abutting the National Grid ROW. The types of activities that would be permitted by these easements include, without limitation, transmission line construction, reconstruction and relocation; clearing and tree removal; ROW access; and other Project-related activities. In addition, new permanent easement rights would be needed on other lands that abut the existing NYSEG and National Grid ROWs. The types of activities that would be permitted by these easements include, without limitation, clearing and tree removal; ROW access; and other Project-related activities, but the right to install permanent transmission facilities would not be included in most of these easements.

27. Trees and shrubs within the Project's access roads and work areas will be mowed or cleared as necessary to provide unimpeded and safe access to proposed work sites. Shrubs

and low growing vegetation, as well as buffers at streams or in visually sensitive areas, will be maintained if they do not interfere with the construction activities or operational integrity of any of the facilities on the ROW. Existing forestland in these easement areas that is converted to herbaceous cover and low-growing compatible shrub species is not anticipated to significantly affect land use patterns or uses along the Project ROW. Rights to remove trees outside of the easement area that may pose a danger or hazard to Project facilities ("Danger Tree Rights") are required for portions of the Project length.

28. The Project is not anticipated to change the existing residential, commercial and industrial uses adjacent to the ROW or in surrounding areas. Any potential encroachments in the Project ROW that the Applicants determine may contravene either Applicant's property rights will be addressed by the Applicants on a case-by-case basis.

29. The Project ROW traverses active agricultural lands and three designated agricultural districts. In Onondaga County, the Project ROW crosses Agricultural District No. 3, and in Cayuga County, the Project ROW crosses Agricultural District No. 4 and Agricultural District No. 5. The Project ROW also traverses agricultural lands encumbered by agricultural easements held by the American Farmland Trust ("AFT") and/or New York Agricultural Land Trust ("NYALT"). Many active agricultural activities, including both cropland and pasture, currently take place on the existing ROW and are expected to continue upon the completion of construction. These activities demonstrate the potential for compatible co-existence of active farming and transmission line operation. No long-term impacts on farming or agricultural activities are anticipated as a result of the Project; however, during construction, agricultural operations on the Project ROW may be disrupted for up to two seasons, depending upon the timing of construction. Any short-term disruption to farming activities resulting from an Applicant's Project Components shall be minimized

by that Applicant through scheduling, planning, and the use of protection, restoration and mitigation measures. The Applicants will describe these measures in the Environmental Management & Construction Plan ("EM&CP").

30. In order to avoid permanent impacts to commercial sugar maple operations that currently exist adjacent to the Project ROW, the Signatory Parties have determined that the location where the Proposed Line and Relocated Line 15 will cross from the south side to the north side of the Project ROW should be located at approximately Milepost 6.2, rather than at the location proposed in the Application (approximately Milepost 5.0).[3]

31. In order to avoid siting any permanent Project facilities on lands covered by conservation easements held by the AFT, the Signatory Parties have determined that a single structure proposed in the Application to be located at approximately Milepost 14.3 will instead be placed wholly within the existing National Grid ROW.

32. The Project is consistent with the goals of the 2009 New York State Open Space Conservation Plan, in that the plan recognizes that energy production and distribution capacity are important to New York State and the Northeast as a whole, and the Project makes use of a statewide planning and siting process that takes into consideration natural and recreational open spaces as well as the state's natural and cultural heritage. Local land use plans or policies of the towns of Throop, Brutus, and Sennett, and the city of Auburn within Cayuga County, and the Town and Village of Elbridge within Onondaga County were considered to guide routing, locations and configurations of the proposed circuit and substation to promote compatibility with existing and future land use.

33. The Project does not traverse any state or local parks.

[3] All mileposts on the Project are approximate and are measured from Milepost 0.0, which is located at the State Street Substation, to Milepost 14.5, which is located at the Elbridge Substation.

b. Visual Resources

34. As discussed in Exhibit 4, visual impacts are greatest when the viewer sensitivity is high, the scenic integrity of the landscape is high and the visual absorption of the landscape is low. This combination of factors is likely where the ROW runs parallel to the Millstone Golf Course in the Town of Elbridge, south of NYS Route 5. The existing National Grid ROW already exists south of the golf course; however, it is likely that open areas in the south side of the golf course will experience some view of the ROW clearing and an expanded view of the transmission facilities. In order to minimize that visual impact to the extent practicable, NYSEG has engaged the services of a professional landscape architect with experience in design for Millstone Golf Course. NYSEG will develop a visual impact mitigation plan, in consultation with the professional landscape architect, to be included in the EM&CP.

35. The ROW traverses the Rolling Wheels Raceway Park property in the Town of Brutus south of NYS Route 5. The existing National Grid ROW already crosses an open area and the racetrack's private drive located between the state highway and racetrack facilities. The visual impact will be minimal because the existing transmission line facilities are already a prominent feature in this cleared portion of the viewshed.

36. The Proposed Line will be located closer than the existing lines to certain scattered residences and commercial properties adjacent to the Project. These residences and commercial properties are already in the viewshed of the existing ROW. In the Town and Village of Elbridge, commercial properties at the corner of NYS Route 5 and Fikes Road and residential properties north of the ROW on Kingston Road, Hamilton Road, Dodier Drive, and Scott Circle may be impacted. One or more properties in the immediate vicinity of the Elbridge Substation also may be impacted, due to the expansion of the substation that is

necessary to connect it to the Proposed Line and Relocated Line 15. The Applicants will work with DPS Staff to develop an appropriate landscaping plan to screen the view of the expanded substation, consistent with the goal of the previous plan approved by the Commission in Case 26251.

37. In the Town of Brutus, the residences north of NYS Route 5 and residences north of the Project ROW on Stevens Road, Shepherd Road, and the residences south of the ROW on NYS Route 34 may be visually impacted. In the Town of Throop, the expansion of the existing ROW will also place a transmission line closer to numerous residences on Potter Road near Manrow Road, Reyer Road, and Butler Drive.

38. Residences and commercial properties on Jericho Road and Weedsport-Sennett Road in the Town of Sennett and Carpenter Road, Potter Road, Turnpike Road, and Butler Drive in the Town of Throop, will likely have visual impacts from the Project ROW. These residences and commercial properties are already in the viewshed of the existing transmission lines, so overall the additional impacts will be minimal. The expansion of the existing ROW will reduce the forested buffer area between the ROW and the residences on Weedsport-Sennett Road in the Town of Sennett.

39. The remaining visual resources within 3 miles of the Project, identified in Exhibit 4, are not anticipated to have significant additional views of the Project, thus the Applicants do not anticipate any significant affects to the visual and aesthetic character of scenic, recreational and historical areas. Existing corridors take advantage of existing forested areas and topography to effectively screen most views and minimize the visual impacts to local roadways and residences. Impacts have been minimized by locating the Project for its entire length along existing ROW.

c. Cultural Resources

40. As discussed in Exhibit 4, a site file search and review was conducted using online databases, primarily the State Preservation Historical Information Network Exchange ("SPHINX") system of the NYS Office of Parks, Recreation, and Historic Preservation ("OPRHP") and the National Park Service's Focus interface for properties listed on the National Register of Historic Places ("NRHP"). The primary information concerning the archaeological sites was obtained during a visit to the OPRHP's research center at Peebles Island, Cohoes, New York. Information on all recorded cultural resources (archaeological resources and historic structures) within three miles of the Project ROW was obtained. Cultural resources recorded on the NRHP or considered eligible for inclusion were identified. Based on this review, there are no known archaeological sites within the Project ROW.

41. A total of thirty-eight archaeological sites were identified in a three-mile buffer around the Project ROW. Twenty-nine of these sites result from Native American occupation during the prehistoric and early historic periods and nine were associated with historic Euro-American occupation after circa 1800 A.D. None of the documented archaeological sites were mapped within the Project ROW. Seven were located within 1,000 feet of the Project ROW, and four of these were mapped within 500 feet of the Project ROW.

42. This preliminary model of land use, based on the location of recorded Native American sites within three miles of the Project, provided a definition of moderate to high probability of archaeological sensitivity of the Project. Specifically, relatively level areas within 700 feet of a stream or wetland within the Project ROW, and other areas of Project-related ground disturbance, have a moderate to high probability for containing Native American archaeological sites if they have not been previously disturbed.

43. There are 143 previously evaluated historic architectural properties (properties listed in or determined eligible for listing in the NRHP) situated within five miles of the Project ROW. Thirty-four of the 143 historic properties are listed in the State Register and/or the NRHP; the remaining 109 have been determined eligible for listing in the NRHP.

44. Nineteenth century structures are mapped in close proximity to the Project ROW at three locations: (1) at the crossing of Potter Road in Throop; (2) at the crossing of NYS Route 34 in Brutus; and (3) at the crossing of Hamilton Road in Elbridge. Based on the background research conducted to date, areas with moderate to high sensitivity for 19th century historic archaeological sites extend 300 feet along the Project ROW where it will cross roads established in the 19th century. Because earlier historic settlements (circa 1790 through 1810 A.D.) were more frequently located along watercourses rather than established roadways, areas of moderate to high archaeological sensitivity for sites of this age overlap entirely with areas of moderate to high archaeological sensitivity for Native American sites.

45. In order to mitigate impacts to Cold Spring Cemetery, a historic cemetery located adjacent to the State Street Substation, NYSEG has surveyed to determine whether any grave shafts are located on or adjacent to the Project ROW. The Signatory Parties have determined that, in the area between Mileposts 0.0 and 1.4 (Turnpike Road), the use of steel monopole structures for the Proposed Line and Rebuilt Line 972 (the majority of which would be approximately 28 feet taller than Line 972's existing 56.5 foot wood H-frame structures), as well as a rebuilding of existing Line 971 (to create "Rebuilt Line 971") using steel monopole structures (the majority of which would likewise be approximately 28 feet taller than Line 971's existing 56.5 foot wood H-frame structures) and a number of structure connections configured vertically, will minimize impacts to the cemetery. This will also minimize the

need for additional ROW from residential landowners north of State Street substation to the area of Butler Drive in the Town of Throop (approximately Milepost 1.2).

46. In addition, the Signatory Parties have determined that, between Mileposts 1.4 and 4.2, the Proposed Line and Rebuilt Line 972 should be placed on steel monopole structures (the majority of which would be approximately 28 feet taller than Line 972's existing 56.5 foot wood H-frame structures). This will minimize impacts to residential use adjacent to the ROW and to agricultural uses on and adjacent to the ROW in this area to the greatest extent practicable.

47. Prior to submission of the EM&CP, Phase I archeological investigations will be conducted in areas of moderate to high archeological sensitivity in coordination with the OPRHP. The Certificate Holder will submit OPRHP's recommendations or a "no effect" letter to the Secretary prior to submitting the EM&CP.

d. Terrestrial Ecology and Wetlands

48. The dispersion and density of vegetative land cover (including invasive plant species) throughout the Project ROW correlate with adjacent land use, land development, and existing natural resources and include cultivated cropland, wetland communities, and intermixed forested upland communities along the existing ROW.

49. The most significant effect on vegetation is the long-term conversion of existing forested communities to managed grassland or shrubland that will occur as a result of construction and maintenance of the Project. Widening of the existing ROW will require the permanent removal of forest cover, while improved road access and other construction activities will require the selective clearing of undesirable woody species and/or saplings. The extent of direct impacts will vary depending on the quality of vegetation and soils, the type of proposed Project activity, and the methods used to facilitate construction. The

estimated acreage of forest cover types that may be removed as a result of the Project is approximately 35 acres using Laser Illuminated Detection and Ranging (digital model) data and the proposed cross section profiles. The existing NYSEG and National Grid ROWs have been cleared to provide adequate clearance from the existing conductors, but not unnecessarily cleared to the existing edge of the ROW. The 35 acres includes approximately 9 acres of wooded areas within the existing NYSEG and National Grid ROWs. Vegetation clearing and management techniques employed by each Applicant will include mechanical and chemical applications, or a combination of the two, in accordance with such Applicant's currently effective Long-Range ROW Management Plan. Implementation of an invasive species management plan will mitigate potential spread of invasive plant and insect species (e.g., Emerald ash borer).

50. As stated in Exhibit 4, a delineation of wetland areas completed in October 2012 identified 30 wetland areas and 11 associated streams within the Project ROW and adjacent areas. There are approximately 52 wetland acres within the Project ROW based upon field delineations. These wetland acres include both federal wetlands and wetlands associated with the six NYSDEC regulated wetlands (A-4, A-7, JOR-15, JOR-16, JPR-17, and W-35). All six of these NYSDEC-regulated wetlands are NYSDEC Class II wetlands (per NYCRR Part 664, §664.5) that have shallow emergent marsh ("PEM") wetland community characteristics within the existing ROW, and have various degrees of PEM and palustrine forested ("PFO") wetland community characteristics in the areas immediately adjacent to the existing ROW.

51. Potential effects to wetland areas may occur directly or indirectly during Project construction and operation. Every practical attempt will be made to avoid wetlands and minimize the area of permanent disturbance. The long-term or permanent loss of wetlands

and wetland functions during construction are not anticipated, although the conversion of forested wetland communities to shallow emergent marsh and/or scrub-shrub wetland communities is anticipated as a result of the widening of the existing ROW. Mitigation strategies will be utilized to address short-term (temporary) wetland impacts during construction. Sediment and erosion control methods will also be implemented, which may include silt fencing, use of water bars, and planting/seeding/mulching of exposed soils to prevent soil erosion and sedimentation in nearby wetlands and surface waters due to runoff. Wetland disturbance will be minimized to the extent practicable by scheduling construction activities during drier periods of the year and staging construction materials outside of wetlands when possible, and utilizing equipment mats when moving equipment in wetlands. All mitigation strategies, erosion and sediment control techniques, and temporary and permanent access roads to be used by each Applicant will be identified during final design, and will be included in the EM&CP.

52. It is expected that Project construction activities in wetlands and other waters over which the U.S. Army Corps of Engineers ("USACE") has regulatory jurisdiction will be authorized by the USACE under Section 404 of the Clean Water Act (33 U.S.C. § 1344); this authorization will be sought from the USACE concurrently with the submission of the EM&CP for approval.

53. For invasive species control near wetlands and agricultural areas by each Applicant, such Applicant will follow the construction practices contained in the Certificate Conditions set forth in Appendix D.

54. Wildlife habitats in Cayuga and Onondaga Counties are largely associated with the primary land uses including active agricultural, rural residential, urban, upland forests, and wetland/riparian areas. Those wildlife species and habitats occurring within the Project

ROW are common throughout Cayuga and Onondaga Counties. Since the Project is located along an existing utility ROW, the level of impacts associated with the expansion of the existing ROW is expected to result in a minimal change in the structure and function of wildlife habitats within the Project ROW. Species often found within pastureland and row crop fields are often transient, temporarily using these areas for bedding and forage opportunities. It is expected that these species may be temporarily displaced during Project construction and are expected to return upon the completion of construction and restoration activities. Removal of woody vegetation during Project construction and maintenance will likely require wildlife species to temporarily seek suitable habitat in adjacent areas. Those species preferring edge and early successional habitats are expected to return following construction and restoration activities. The greatest impact to wildlife is expected to occur in those limited areas where forested communities will be permanently converted to other community types (e.g., old field, shrubland, shallow emergent marsh, etc.). Although some species would benefit from an increase in early successional and edge habitats, species that require forest cover types for food, shelter, and nesting may be adversely affected. It is also possible that early successional habitat would provide new foraging corridors for predatory species.

55. In October 2012, a biologist hired by NYSEG conducted a field study of the Project ROW and did not encounter any threatened or endangered species within the Project area. A letter request was submitted to the New York Natural Heritage Program ("NYNHP") for information regarding the presence of threatened and endangered species and unique natural communities in the Project area. In a letter dated November 15, 2012, the NYNHP responded that they had no records of rare or state listed animals or plants, or significant natural communities, on or in the immediate vicinity of the Project. A request for an update

to such letter will be submitted to NYNHP prior to submission of the EM&CP for approval. The response will be included in the EM&CP submitted for approval.

56. A proposal to address wetland mitigation will be included in the EM&CP.

e. Topography and Soils

57. As noted in Exhibit 4, the Project is located in the Finger Lakes Region of Central New York. The topography along the Project ROW consists of hills (drumlins), valleys and lowlands bisected by south to north flowing streams. Elevations range from about 500 feet in the valleys to approximately 750 feet in the drumlins.

58. The Project ROW does not cross or follow any significant ridge lines. The highest point along the ROW is located at approximately Milepost 4.5 and is at an elevation of approximately 747 feet above sea level. There are three areas where the Project ROW crosses areas of steep slope. One area is located just east of the highest point near Milepost 4.5 and is approximately 26 percent, and another is located at Milepost 6.6 and is approximately 27 percent. The steepest slope the Project ROW crosses is a hillside with approximate slope of 28%, for approximately 350 feet. This area of steep slope is located approximately 1,000 feet southwest of NYSEG's existing Hamilton Road Substation, which is near Milepost 10.3.

59. Bedrock underlying the Project ROW is from the Middle Devonian Period and includes the Hamilton Group and the Onondaga Formation. The Hamilton Group consists of black or gray calcareous shale or siltstone divided by three thin persistent limestone beds. The Onondaga Formation consists of coarse-grained limestone with shaly partings and bentonite interbeds. According to the U.S. Department of Agriculture's Natural Resources Conservation Service ("USDA-NRCS") Web Soil Survey, depth to bedrock along the Project ROW averaged greater than 80 inches except for Camillus silt loam (CaB 20 – 40 inches)

and Ontario silt loam (OrB 20 – 40 inches). No gravel pits, mines or gas/oil wells are located along the Project ROW.

60. In general, soils identified within the Project range from very poorly drained soils and mucks in wetland areas to somewhat excessively drained soils in uplands. Of the soils mapped along the Project ROW in Cayuga County, 10 are classified as Prime Farmland, four are classified as Prime Farmland if drained, and two are classified as Farmland of Statewide Importance as defined by the USDA-NRCS. In Onondaga County, 10 are classified as Prime Farmland, three are classified as Prime Farmland if drained, and five are classified as Farmland of Statewide Importance.

61. Construction and maintenance within the Project ROW will not result in cumulative effects relative to topographic and soil conditions. Extensive alterations of slope and gradient are not anticipated in the Project ROW. Minor changes to topography will occur due to grading in work areas and construction of access roads. The Project will be designed and constructed to be compatible with onsite geologic conditions. No geologic or environmental concerns exist that would have a long-term effect on the integrity of structures, as demonstrated by the long-standing presence of existing transmission lines in the existing ROW. Unless a permanent change of grade associated with access roads or workpads to be left in place is necessary, disturbed soils will be re-graded to pre-construction contours, and compacted soils will be returned to their native state after construction activities are complete. The avoidance, minimization, and mitigation measures for disturbed soils and topography along the portion of the Project ROW and along access roads to be used by each Applicant will be specified in the EM&CP.

62. Each Applicant will manage its construction in active agricultural areas to protect farm soils from erosion, compaction, and soil mixing. Such Applicant will make a

reasonable attempt to locate active drain tiles that may cross the Project ROW to avoid tile damage during construction and maintenance activities. After construction is complete in a given area, such Applicant will repair or replace any damaged tiles and return the ROW to the original contours subject to field conditions. The EM&CP will describe the restoration procedures that will be used to restore or to minimize impacts to active farmland.

f. Transportation

63. There is one public use airport, Whitfords Airport (FAA id: B16), within five miles of the Project ROW. There are four private use airports within five miles of the Project ROW: Flying K Airport (6NK8), Marcellus Airport (NK71), Walls Airport (NY19), and Anthonson Airport (NY28). There are two heliports within five miles of the Project ROW: New York State Police Heliport (0NY6) and Auburn Memorial Hospital Heliport (NY12). The Project Lines will be located within the existing ROW and are not likely to exceed obstruction standards and, thus, are not expected to have any adverse impact on the above airports and heliports. Currently, NYSEG's Lines 971 and 972 and National Grid's Circuits #2, #7, #5, and #15 in the existing ROW are not an obstruction to navigable airspace.

64. The only active railroads near the Project ROW are the CSX/Amtrak located to its north and the Finger Lakes Rail to its south. The Project ROW does not cross either of these, or any other railroads, so the Project will have no effect on railroads.

65. The Project ROW crosses a total of 16 state, county, or local roadways in Cayuga and Onondaga Counties. Throughout construction, the Project ROW will be accessed at these public road crossings and potentially from new or existing construction access roads. The specific locations of access points to the ROW from local roadways will be developed with consideration for the maintenance of safe traffic operations. The EM&CP will address traffic control measures, including temporary signs, construction entrance locations,

procedures for the movement of equipment and materials to the ROW, and potential road closure locations each Applicant will use for construction of its Project Components. The EM&CP will also identify potential temporary storage locations for materials and equipment that each Applicant will use for construction of its Project Components. The traffic control measures set forth in the EM&CP will also address procedures for conductor stringing to ensure maintenance and protection of traffic ("MPT") during construction of the Project.

66. To minimize potential conflicts with traffic patterns and lane usage, the Applicants intend to locate transmission structures outside of road rights-of-way and as far from road crossings as feasible. Issues related to temporary parking along local roadways will be addressed in the MPT included in the EM&CP.

67. The number of trips generated by the construction crews for Project ROW clearing, transmission structure erection, and conductor stringing will be minimal and short-term. Construction-related truck traffic will consist of equipment and material deliveries to the structure sites, and removal of select cleared vegetation and construction debris from the Project ROW. The locations of construction marshaling yards and staging areas will be selected so as to minimize cost, delay, and environmental impact; their locations will be identified in the EM&CP. To the extent that delivery of oversized components is required for an Applicant's Project Components, such Applicant intends that it, or its suppliers, will obtain any required permits from applicable agencies.

68. All required work permit applications will be submitted for all applicable road crossings. Each Applicant will fully comply with the permit conditions contained within its respective work permits.

69. Soil washed, dropped, spilled, or tracked onto public rights-of-way will be removed at the end of each work day, or more often if a safety hazard is created. All work within state

highway rights-of-way will be designed and performed in accordance with the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled *Accommodation of Utilities Within State Highway Right-of-Way*, applicable design standards of the American Association of State Highway and Transportation Officials, including the Manual of Uniform Traffic Control Devices, the Highway Design Manual, and the Policy and Standards for Entrances to State Highways.

70. With the exception of snowmobile trails, there are no public pedestrian paths or multi-purpose trails known to cross the Project ROW. For the snowmobile trails, and any additional paths or multi-purpose trails identified during the development of the EM&CP that could be impacted by construction of the Project, the Applicant responsible for that Project Component will implement appropriate construction safety practices, identified in the EM&CP, such as temporary barricades and fencing, to prevent pedestrians from entering construction work zones and avoid conflicts with pedestrian traffic during construction.

g. Water Quality and River Corridors

71. The Project ROW is located within the Seneca River Basin (Hydrologic Unit Code 04020201), which drains much of central New York State. Major streams within the Project ROW include Skaneateles Creek, Carpenter's Brook, and their associated tributaries.

72. Because the Project will be installed on overhead lines exclusively, structures will be located to span streams within the Project ROW and will avoid the discharge of fill material to jurisdictional wetlands that would require a USACE permit pursuant to Section 404 of the Clean Water Act, to the extent practicable. Additionally, the Project will not be constructed in, on, or over a navigable water body therefore, a Section 10 permit is not anticipated.

73. Project-related impacts to surface waters could potentially result from clearing and grading in areas adjacent to, within, and downstream of the Project ROW for construction access, installation and maintenance of the Project lines. Danger trees will be removed beyond the Project ROW where Danger Tree Rights exist and danger tree removals are required.

74. Vehicular access across streams and other watercourses will be avoided, to the maximum extent practicable, by interrupting access along the Project ROW and precluding traffic through these areas. These areas will be designated "No Vehicular Access" on EM&CP plan and profile drawings. If possible, stream crossing will take place when stream beds are dry or where existing stream crossings are available to the extent possible. Stream crossings will utilize equipment mats and other minimally-intrusive bridge materials that are designed to minimize stream bed and bank disturbance and water quality impacts. Each Applicant will identify each stream crossing type for each crossing location for its Project Components on the plan and profile drawings to be provided in the EM&CP.

75. Nothing herein will limit the right of NYSDEC to enter and inspect the Project to assess compliance with any NYSDEC-issued permit or applicable substantive statute or regulation under NYSDEC's jurisdiction. NYSDEC Staff field representatives will notify the DPS Staff representative and the Applicants' appropriate representatives of any activities that violate, or may violate, either the terms of the Certificate or the Environmental Conservation Law.

h. Noise

76. Overhead transmission line construction will generate noise levels that are periodically audible along the Project route, access roads, structure sites, conductor pulling sites, staging areas and marshaling yards. Noise sources may also include power tools and

construction equipment. The construction equipment to be used is similar to that used during typical public works projects and tree service operations. Construction at substations will include equipment modification and installation of new equipment and is not anticipated to be a significant source of construction noise.

77. Noise generated by the operation of 115kV transmission lines typically contributes little to area noise levels. Since the Project design is below the corona threshold, operation of the proposed transmission lines is not expected to result in adverse noise impacts. The operation of substations involves switching, protection and control equipment and typically one or more transformers, which generate the sound generally described as a low humming, which will attenuate with distance at different rates depending on the transformer dimensions, voltage rating, and design. Substation maintenance will generate short-term, daytime traffic noise during Project maintenance and inspection that is not expected to result in adverse noise impacts.

i. Communications

78. The Project is expected to have no adverse effects on communications (e.g., cellular, television, radio) during construction or operation. Each Applicant will comply with applicable sections of the latest version of the National Electrical Safety Code ("NESC") related to appropriate spacing between power and communication cables with respect to such Applicant's Project Components. The Applicants have not received any complaints from communication facility operators or the public; however, if either Applicant receives any complaints of suspected interference with radio, television or other communications from the Project, interference that is determined to result from the Project will be resolved by the Applicant owning the facilities responsible for that interference.

79. Each Applicant will identify any existing underground facilities with respect to such Applicant's Project Components on the EM&CP Plan and Profile drawings based on input from the facility owner and any above ground features. Any existing underground facilities that would potentially interfere with the design of the Project will be verified via an actual field mark out and surveyed for accurate placement on the drawings for the EM&CP.

j. Electric and Magnetic Fields

80. The Electromagnetic Field ("EMF") Calculations Report (Exhibit 16 of the Evidentiary Record) indicates that the maximum calculated electric and magnetic fields are within the Commission's guidelines in all cases.

81. Under the Commission's September 11, 1990, "Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities," the peak field at the edge of the ROW as measured at one meter above ground when the circuit phase currents are equal to the winter normal conductor rating shall not exceed 200 milligauss ("mG"). The calculated magnetic field for the winter normal rating for the Project varies from 6.8 mG to 88.6 mG at the edge of the ROW for the various Project cross sections investigated, which is within the standard limit. Under the standard set forth in Commission Opinion No. 78-13, the maximum electric field at the edge of the ROW shall not exceed 1.6 kV/m. The calculated electric field for the Project ranges from 0.017 kV/m to 0.535 kV/m for the various cross sections analyzed, which is within the standard limit.

D. The Availability and Impact of Alternatives

82. The Application and exhibits agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding describe the availability and impact of alternatives to the Project and are briefly summarized below. Considering all factors, the Signatory Parties agree that the Project as described in Appendix B is preferable, on balance, to any of the

alternatives considered. The location is preferred due to its relatively minimal impacts to wetlands, floodplains, topography, and residential areas. The selected route and configurations are preferred because they use existing electric transmission corridors and avoid impacts to existing land uses.

Alternative Routes

83. The Signatory Parties considered and rejected three route options other than the Project: the "String A-C/C-E" Alternative Route, the "String A-F/F-D/D-E" Alternative Route, and undergrounding.

84. The "String A-C/C-E" would necessitate the removal of the existing 34.5kV transmission line on Segment A-C (an existing NYSEG 34.5kV electric transmission ROW which follows an abandoned Lehigh Valley Rail Road corridor) to accommodate an additional 115kV transmission line. This would include removal of all structures, conductor, and hardware of the existing 34.5kV line and a complete rebuild of the facilities to support both a 34.5kV and a 115kV line. In addition, use of this alternative would require expanding the current ROW to accommodate the new 115kV line. This alternative was rejected primarily because it would require extensive forest clearing and create a greater number of land use conflicts than the proposed route, and it would result in greater total cost due to this increased amount of clearing and also because it would necessitate demolition of existing transmission structures and a rebuild to facilitate the construction of a new 115kV line, which would double conductor costs by requiring installation of a new 34.5kV conductor in addition to the 115kV conductor.

85. The "String A-F/F-D/D-E" Alternative Route was considered far inferior to both the proposed route and the "String A-C/C-E" Alternative because it would require extensive

clearing of forested lands and create a substantially greater number of land use conflicts than the either of the other overhead alternatives.

86. An underground transmission line alternative for the entire 14.5 miles was considered and rejected for this Project. This alternative consisted of an underground installation of the Proposed Line and Relocated Line 15 for the entire 10.3 mile National Grid ROW and of the Proposed Line in the 4.2 mile NYSEG ROW, while performing the two other major Project elements (Rebuilt Line 972 and Bused Line 5) the same as presently proposed. The Applicants rejected this 14.5 mile underground alternative after a high-level conceptual review based on its significantly higher cost, additional environmental impacts, and lower levels of reliability as compared to overhead transmission lines. Furthermore, with the exception of visual impacts, the negative impacts to environmental resources that result from construction and future maintenance of an underground line tend to be greater than for an overhead line. Typically, the impacts of underground installation are significantly greater than those of overhead installation because the methodology and materials of construction are more like those of an underground pipeline installation. For example, an overhead line can be designed to span wetlands and agricultural lands to the maximum extent possible, whereas an underground line would require large excavations within these resources. The impacts on resources would not only be for installation; they would recur if repairs to the line are needed. An open trench is usually dug for placement of the conduit that would contain the conductor and communications fiber, although horizontal directional drill and jack-and-bore techniques can be used for limited distances. The width of the work area that would be required if this Project were built underground would be approximately 60 feet. Underground transmission lines tend to have significantly longer restoration time than overhead lines: while the average repair time for a 115kV overhead line can be from 24 to 48

hours, the average repair time for an underground line of the same voltage can be several weeks to a month. Underground lines are not immune to storm-related outages; they are vulnerable to outages due to flooding associated with such storms. For all of the foregoing reasons, the Signatory Parties do not support this 14.5 mile underground alternative.

87. At the request of stakeholders concerned about Project impacts to visual resources and to agricultural resources on lands covered by AFT conservation easements, the Applicants considered an alternative of undergrounding the Proposed Line and Relocated Line 15 adjacent to the areas of the AFT easements along the National Grid ROW. Specifically, this would entail two 2.2 mile underground lines running west from the Elbridge Substation adjacent to the AFT easements; all of the other major Project elements would be the same as presently proposed, including overhead installation of the Proposed Line and Relocated Line 15 on the rest of the Project ROW. This underground alternative would present all of the problems discussed in the foregoing paragraph, as well as a number of additional ones. Deciding to underground only a portion of a longer overhead transmission line does not result in a proportionately reduced cost. This is because any amount of undergrounding necessitates incurring the cost of installing "transition structures." These structures are required to terminate the overhead line, transition it from overhead to underground, and provide a platform on which to install any additional equipment (switches, circuit breakers, protective relaying equipment, etc.) required to operate the overall "hybrid" overhead/underground system. Two transition structures are required for every continuous length of underground transmission line. Undergrounding only a portion of the Project also creates operational issues for the overall transmission system, which include: (a) capacity issues because it is often impossible to match the power ratings of an overhead transmission line with a single underground cable; this can result in the need to install two or more

underground cables in order to match the capacity of each overhead line; and (b) voltage control issues that arise because of the unique electrical characteristics of underground 115kV transmission lines; voltage control issues on the transmission system could require the installation and operation of additional substation and line equipment. The Applicants' general estimate was that this underground alternative through such a rural area would cost at least three times, and as much as ten times, more than the cost of equivalent lengths of overhead construction. NYSEG quantifies the potential environmental impacts of installing a 2.2 mile underground transmission line running west from the Elbridge Substation, using a 60 foot wide temporary installation work area for construction, as follows: excavation of bed and bank for 4 stream crossings, 1.8 acres of direct wetland impacts, and 8.0 acres of agricultural land impacts. In addition, a road facilitating unimpeded access to the underground lines via the multiple surface manholes that would be installed along the underground route is necessary to minimize the time necessary to identify and rectify line faults. At an optimal width of 22 feet, this access road would result in a permanent loss of approximately .61 acres of wetlands and 3.02 acres of active agricultural lands. For all of the foregoing reasons, the Signatory Parties also do not support these underground alternatives.

Alternative Methods to Fulfill Energy Requirements

88. Alternative methods to fulfill energy requirements considered by the Applicants included a "no-action" alternative, alternative transmission line technologies, and the feasibility of demand-side management and distributed generation.

89. The no-action alternative is not a viable alternative to the Project as it would not enable NYSEG to meet its obligation to provide reliable electric service within Cayuga and Onondaga Counties. Also, a new line connecting the State Street Substation to the Elbridge Substation (a 345kV to 115kV substation) will provide a source from the high voltage system

to strengthen the transmission system throughout the Auburn Division. Furthermore, under the no-action alternative, NYSEG would remain dependent on the Cayuga Generating Facility in the central area, and NYSEG would remain at risk indefinitely of (a) equipment overloads, (b) having to load shed or request customer curtailments during peak period power plant outages, and (c) a permanent shutdown of the Cayuga Generating Facility units.

90. Alternative transmission line technologies such as High Voltage Direct Current ("HVDC") were not considered practicable or feasible for this application. HVDC transmission lines can be a cost-effective technology for long transmission lines primarily due to reductions in conductors, ROW size and line power loss. These benefits become feasible only for very long stretches of new transmission line, as high costs are incurred to tie this type of technology into an AC system.

91. Energy efficiency measures, demand-side management and distributed generation are all viable methods to reduce load and alleviate potential overload situations during peak load. However, these actions do not address reliability concerns, and the Project does. Both phases of the Project are needed to alleviate transmission limitations in the Auburn area and to maintain adequate normal and contingency service throughout the Auburn Division during extended outages (planned or forced) of the Cayuga Generating Facility units. An effective way to alleviate such reliability problems is to introduce additional capacity to the load center. As a result, energy efficiency measures, demand-side management, and distributed generation were not considered viable alternatives to the Project.

92. The interim operation of the Cayuga Generating Facility pursuant to a Reliability Support Services Agreement ("RSSA") and the potential repowering of the facility are the subjects of Cases 12-E-0400 and 12-E-0577 pending before the Commission.

E. Conformance to Long-Range Plans for Expanding the Electric Power Grid

93. The Project conforms to the requirements and planning objectives of the NYISO and is consistent with the Applicants' long-range plans for the expansion of their transmission facilities. The Project will serve the interests of electric system economy and reliability. Completion of this Project will improve the reliability of the transmission system for the loads served by the Project and avoid service interruptions due to planned or forced outages of one or both generating units at the Cayuga Generating Facility.

F. System Impact Study

94. The NYISO has indicated that the Project would not adversely impact the New York State Transmission System because the Project is expected to affect NYISO interface transfer capability by less than 10 MW. The NYISO requires a system impact study for Transmission Owner transmission projects that are expected to affect interface transfer capability by more than 10 MW.

G. State and Local Laws

95. Exhibit 7 of the Application, as supplemented on May 7, 2015 (Exhibit 7 of the Evidentiary Record and referred to herein as "Exhibit 7") identifies, for each local jurisdiction, every substantive local legal provision (ordinance, law, regulation, standard, and requirement) potentially applicable to the Project, as well as every such local legal provision that the Applicants request that the Commission not apply because, as applied to the Project, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or the needs of consumers. Except for those provisions the Applicants specifically requested that the Commission refuse to apply, the Applicants will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions that are applicable to the Project. Due to the preemptive effect of PSL

Section 130, procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

96. The following are examples of local laws that the Applicants request the Commission not apply, as well as the corresponding justifications for such requests: (i) noise, odor, emission and vibration prohibitions, on the grounds that these impacts from construction equipment are technically impossible or impracticable to limit to levels specified in the ordinances, and mitigation will be accomplished by the Project's use of industry standard methods that muffle heavy equipment noise and emissions and that suppress the spread of dust and fly ash; (ii) prohibitions on sign placement near utility poles, on the grounds that the placement of warning and safety signs is warranted and appropriate to most effectively warn the general public of dangers associated with energized electrical equipment; (iii) minimum lot width, frontage, and depth requirements, because these requirements have no necessary nexus or relevance when considered in light of the Applicants' contiguous linear ROW lots; (iv) maximum height requirements, because compliance is technologically impossible; and (v) shielding and/or screening requirements and prohibitions on cutting existing vegetation, on the grounds that these requirements cannot be reconciled with the Clearing and Slash Disposal Procedures in the EM&CP and the Applicants' Long-Range ROW Management Plans.

97. No local jurisdiction has filed any objection to the Applicants' requests, set forth in Exhibit 7, that the Commission not apply specified local laws. The Signatory Parties agree that the justifications set forth in Exhibit 7 provide sufficient basis for the Commission to refuse to apply the identified ordinances.

H. Public Interest, Convenience, and Necessity

98. The Applicants conducted public outreach and information efforts in support of the Project. Public Notices were published in the *Citizen* and the *Post Standard* for two consecutive weeks prior to filing each of the initial Article VII application and the Supplement. In addition, copies of the Application and Supplement were provided to the following libraries for public inspection: Elbridge Free Library, Jordan Bramley Library, Port Byron Library, Seymour Library, and Weedsport Free Library. Owners of property within 150 feet of the Project ROW were sent two letters dated July 10, 2013 and December 2, 2013, which explained the Project and provided a toll-free number (for people seeking additional information about the Project). A letter dated November 19, 2013 was sent to owners of property adjacent to the Project ROW, which provided notification regarding survey activity along the ROW. Between September 2013 and May 2015, representatives of the Applicants engaged in conversations and in-person meetings with elected representatives of and landowners residing in the municipalities traversed by the Project. The Applicants conducted informational meetings prior to the Commission's Public Statement Hearings held on December 9, 2013 and December 10, 2013, and representatives of the Applicants familiar with all aspects of the Project were available to informally address questions and concerns from the public. The Applicants held an informational "open house" for the public on July 24, 2013. Shortly before commencement of construction, the Applicants will notify adjacent landowners and residents of construction commencement and include a safety message and the toll-free phone number that can be used to obtain additional information.

IV. PROPOSED FINDINGS

99. The Signatory Parties agree that the record in this proceeding supports the Proposed Commission Findings set forth in Appendix C attached hereto.

V. PROPOSED CERTIFICATE CONDITIONS

100. The Signatory Parties agree that the Proposed Certificate Conditions set forth in Appendix D attached hereto are acceptable and appropriate for inclusion in a Certificate of Environmental Compatibility and Public Need authorizing construction and operation of the Project.

VI. ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

101. The Signatory Parties agree that the Specifications for the Development of the Environmental Management and Construction Plan set forth in Appendix E attached hereto are acceptable and appropriate for application to the Project as described herein.

VII. WATER QUALITY CERTIFICATION

102. The Signatory Parties agree that the record in this proceeding supports the water quality certification substantially in the form of Proposed 401 Water Quality Certification set forth in Appendix F attached hereto.

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

New York State Electric and Gas Corporation

By: Francisco Javier Bonilla Ruiz de Valdivia

New York State Electric and Gas Corporation

By: Joseph J. Syta

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

Lisa M. Zafonte

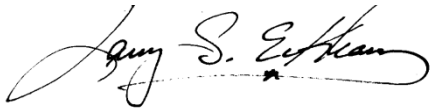
Niagara Mohawk Power Corporation d/b/a National Grid

By: Lisa M. Zafonte, Esq.

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

Staff of the New York State Department of Public Service
designated to represent the public interest in this proceeding
By: Heather P. Behnke, Esq.

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



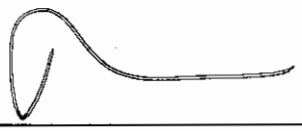
_____

New York State Department of Environmental Conservation

By: Larry S. Eckhaus, Esq.

The Department of Agriculture & Markets' endorsement of this Joint Proposal and the supporting documents does not apply to the portions of the Project ROW abutted by parcels that are encumbered by conservation easements granted to American Farmland Trust (AFT) and New York Agricultural Land Trust (NYALT) to the extent that the language in the Applicants' proposed vegetative management easement conflicts with the provisions of the conservation easements. In particular, it is the Department's position that the applicants' easement would prohibit construction and crops, such as hops and trees, in areas where that right is expressly permitted or permitted with permission under the conservation easements between Hourigan Farms of Elbridge and AFT (recorded in the Onondaga County Clerk's Office in Book 4767 at Page 282), the easement between Robert K, Jr. and Shirley Hill and AFT (recorded in the Onondaga County Clerk's Office in Book 4783 at Page 230), and the easement between Hourigan Farms of Elbridge and NYALT (recorded in the Onondaga County Clerk's Office in Book 5264 at Page 478).

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



New York State Department of Agriculture & Markets

By: Tara B. Wells, Esq.

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

Nucor Steel Auburn, Inc.

By: James Brew, Esq.

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

6/4/15

Ratepayers and Community Intervenors

By: Irene Weiser

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

Sierra Club

By: Joshua Berman, Esq.

APPENDIX A
LIST OF TESTIMONY, AFFIDAVITS AND EXHIBITS TO BE ADMITTED

Testimony:

Direct Testimony of Antonio Domingo Asensio; Anthony Vincent; Carol Howland; Michal Bartczak; Kevin Becken; David Smith; William Trembath; Jason Clough; Ed Belmonte; Phyllis A. Wall; David Pantalone; Michael Sherman; Derrick Bradstreet; Joseph Sopata; William Maxwell; and Timothy Lynch sponsoring Exhibits 1 through 9 (Exhibits 1 through 9 to the Application as supplemented in this proceeding (the "Application")), Exhibits 10 through 15 (Exhibits E-1 through E-6 to the Application), and Exhibits 16 through 25.

Affidavits:

Affidavits of Antonio Domingo Asensio; Anthony Vincent; Carol Howland; Michal Bartczak; Kevin Becken; David Smith; William Trembath; Jason Clough; Ed Belmonte; Phyllis A. Wall; David Pantalone; Michael Sherman; Derrick Bradstreet; Joseph Sopata; William Maxwell; and Timothy Lynch.

Exhibits:

Exhibit 1: The Application, and General Information (Exhibit 1 to the Application)

Exhibit 2: Location of Facilities (Exhibit 2 to the Application)

Exhibit 3: Alternatives (Exhibit 3 to the Application)

Exhibit 4: Environmental Impacts (Exhibit 4 to the Application)

Exhibit 5: Design Drawings (Exhibit 5 to the Application)

Exhibit 6: Economic Effects of Proposed Facility (Exhibit 6 to the Application)

Exhibit 7: Local Ordinances (Exhibit 7 to the Application)

Exhibit 8: Other Pending Filings (Exhibit 8 to the Application)

Exhibit 9: Cost of Proposed Facilities (Exhibit 9 to the Application)

Exhibit 10: Description of Proposed Transmission Facilities (Exhibit E-1 to the Application)

Exhibit 11: Other Facilities (Exhibit E-2 to the Application)

Exhibit 12: Underground Construction (Exhibit E-3 to the Application)

Exhibit 13: Engineering Justification (Exhibit E-4 to the Application)

Exhibit 14: Effect on Communications (Exhibit E-5 to the Application)

Exhibit 15: Effect on Transportation (Exhibit E-6 to the Application)

Exhibit 16: EMF Report

Exhibit 17: ATP Construction/Rebuild Sequence

Exhibit 18: *NYSEG RG&E EM&CP Best Management Practices Environmental and Agricultural Land Protection* (November 2012)

Exhibit 19: National Grid's *EM&CP Best Management Practices for Article VII Electric Transmission Line Projects* (September 2013)

Exhibit 20: NYSEG's *Auburn Transmission Project - Updated Need Study Report* (January 30, 2015)

Exhibit 21: ROW Cross-Section Profiles (8 sheets, Mileposts 0.0 - 14.5)

Exhibit 22: Aerial Location of Proposed Facility (20 sheets)

Exhibit 23: Responses to DPS-3, 48, 56, 58, 59, 63, 67, 70, 74, 79, 83, 84, 88 and 99

Exhibit 24: Responses to DAM-2, 3, 5, 6 and 7

Exhibit 25: Responses to NSA-1.1 through NSA-1.9 and NSA-2.1 through NSA-2.15

APPENDIX B
DESCRIPTION AND LOCATION OF PROJECT

General Project Description

The Auburn Transmission Project ("Project") consists of: (a) NYSEG constructing a new 115kV electric transmission line along sections of existing[1] National Grid and NYSEG rights-of-way ("ROW"), a distance of approximately 14.5 miles ("Proposed Line") in the City of Auburn, Town of Throop, Town of Brutus, and Town of Sennett in Cayuga County and the Town and Village of Elbridge in Onondaga County; (b) increasing the capacity of an existing 115kV electric transmission circuit along portions of existing National Grid and NYSEG ROW by (i) NYSEG rebuilding the existing NYSEG #972 115kV electric transmission line along existing NYSEG ROW ("Rebuilt Line 972"), and (ii) National Grid busing together two existing National Grid 115kV electric transmission lines in portions of existing National Grid ROW ("Bused Line 5"); and (c) NYSEG installing improvements to its State Street Substation, and National Grid installing improvements to its Elbridge Substation.

The following additional Project elements are necessary or beneficial to accomplish the above Project objectives: NYSEG will relocate by reconductoring with new conductor the existing National Grid Line #15 115kV electric transmission line along portions of existing National Grid ROW ("Relocated Line 15"); and NYSEG will rebuild a portion of its existing 115kV Line 971 for approximately 1.4 miles from its State Street Substation to Turnpike Road in the Town of Throop ("Rebuilt Line 971").[2]

Each of the foregoing elements of the Project is described in more detail below.

Detailed Project Description

Exhibit 21 of the Evidentiary Record is comprised of eight cross-section profile drawings on the NYSEG and National Grid ROWs and depict the existing and proposed ROW edges and the

[1] All references to *existing* facilities and ROW are intended to refer to such facilities and ROW as of the date of this Joint Proposal.

[2] Prior to commencement of construction on the Project, National Grid will remove the portion of its retired Line 5 located between the intersection of the existing NYSEG ROW and existing National Grid ROW at approximately Milepost 4.2 ("ROW Intersection") and approximately Milepost 10.3 ("Retired Line 5"). Removal of Retired Line 5 is not part of the Project.

relative locations of the structures for the Project as proposed at three atypical locations near the State Street Substation (Sheets 1-3) and five typical locations on the Project ROW (Sheets 4-8).

Exhibit 22 of the Evidentiary Record is comprised of aerial depictions of the Project route, facilities and ROW.

The depictions of the locations of Project facilities in Exhibits 21 and 22 are approximate and subject to change in final detailed design during development of the Environmental Management & Construction Plan ("EM&CP").

Proposed Line

NYSEG will construct the Proposed Line in two sections. One section will run 4.2 miles from the State Street Substation to the ROW Intersection and traverse the existing NYSEG ROW, parallel to the centerlines of existing Lines 971 and 972 in the vast majority of that ROW.

The other section of the Proposed Line will run 10.3 miles from the ROW Intersection to the Elbridge Substation, parallel to the existing National Grid lines located in the existing National Grid ROW, and be located predominately within the portion of the National Grid ROW that National Grid will convey to NYSEG, whether in fee simple absolute or by easement, as the case may be, for the purposes of the Project (the "NYSEG Acquired ROW"). For this section, NYSEG will install the Proposed Line predominately on double circuit phase-over-phase self-supporting steel monopole structures, and also install Relocated Line 15 predominately on the same structures. From the ROW Intersection to approximately Milepost 6.2,[3] the centerline of the new steel self-supporting monopole structures will be located approximately 50 feet to the south of the centerline of the structures that hold Existing Line 5 and Existing Line 15.

Presently, the structures that support National Grid's Retired Line 5 are the southernmost structures from the ROW Intersection to approximately Milepost 10.3 on the existing National Grid ROW. National Grid's removal of Retired Line 5 and its structures prior to commencement of construction on the Project will provide the space required for NYSEG's installation of the Proposed Line and Relocated Line 15.[4]

[3] All mileposts on the Project are approximate and are measured from Milepost 0.0, which is located at the State Street Substation, to Milepost 14.5, which is located at the Elbridge Substation.
[4] All portions of the Application (as supplemented since July 2013) that state or suggest that the removal of Retired Line 5 is a part of the Project shall be deemed of no force and effect.

At approximately Milepost 6.2, the Proposed Line will roll from its vertically-configured double circuit structure to a horizontally-configured three-pole crossing structure in the southern portion of the proposed expanded National Grid ROW. This will allow the circuit to cross under all existing National Grid lines in the existing National Grid ROW in its own separate span from south to north at an approximately 90 degree angle before rolling back from a second horizontally-configured three-pole crossing structure to the next vertically-configured double-circuit structure on the northern portion of the proposed expanded National Grid ROW.

From approximately Milepost 6.2 to the Elbridge Substation, the centerline of the double circuit steel monopole structures supporting the Proposed Line will be located approximately 50 feet to the north of the centerline of the double circuit structures supporting National Grid Lines 2 and 7.

The Proposed Line will be built with 1192.5 aluminum conductor steel reinforced (ACSR) 45/7 "Bunting" conductor, and the shield wires will be 0.583-inch AFL Optical Ground Wire (OPGW). The Normal Winter Rating for this conductor is 1,635 amps. All new conductors will have a non-specular finish.

The Proposed Line will be supported with self-weathering steel monopole structures containing davit arms and dark brown porcelain suspension insulators from the State Street Substation to the ROW Intersection. The self-weathering structures will, over time, become brown in color and form a natural rust color finish. From the ROW Intersection to the Elbridge Substation, the Proposed Line will be supported with galvanized steel monopole structures containing galvanized steel davit arms and gray porcelain suspension insulators. The color of these structures and davit arms will be gray, and their finish will be galvanized.

Based on preliminary design, the most common height of the steel monopole structures will be 80 feet for the NYSEG ROW and 90 feet for the National Grid ROW. The tallest and shortest structures on the NYSEG ROW will be 115 feet and 70 feet, respectively, and the tallest and shortest structures on the National Grid ROW will be 150 feet and 45 feet, respectively. The average structure height will be approximately 91 feet above grade to the highest point (the tops of the steel monopoles) for the NYSEG ROW and 99 feet above grade to the highest point for the National Grid ROW. The most common width at the widest point (across the two longest opposing davit arms) for the NYSEG ROW will be approximately 14.5 feet plus the structure width which varies depending upon various design factors. The most common width at the

widest point for the National Grid ROW will be approximately 20 feet plus the structure width which varies depending upon various design factors.

Relocated Line 15

NYSEG will install Relocated Line 15 on the north side of the new double circuit structures from Milepost 4.2 to approximately Milepost 6.2. At approximately Milepost 6.2, like the Proposed Line, Relocated Line 15 will roll from its vertically-configured double circuit structure to a horizontally-configured three-pole crossing structure in the southern portion of the proposed expanded National Grid ROW. This will allow the circuit to cross under all existing National Grid lines in the existing National Grid ROW in its own separate span from south to north at an approximately 90 degree angle before rolling back from a second horizontally-configured three-pole crossing structure to the next vertically-configured double-circuit structure on the northern portion of the proposed expanded National Grid ROW. (The two three-pole crossing structures used for Relocated Line 15 will be separate structures from those used for the Proposed Line.) From approximately Milepost 6.2 to the Elbridge Substation, Relocated Line 15 will again be located on the double-circuit structures supporting the Proposed Line, now running on the north side of the ROW to Milepost 14.5 at the Elbridge Substation.

Relocated Line 15 will be built with 1192.5 ACSR 45/7 "Bunting" conductor and the shield wire will be 0.433-inch Alumoweld 7x7. The Normal Winter Rating for this conductor is 1,635 amps. All new conductors will have a non-specular finish. Relocated Line 15 will be primarily supported by the open side of the new double circuit, phase-over-phase, galvanized steel, monopole structures containing galvanized steel davit arms and gray porcelain suspension insulators being installed for the Proposed Line. The color of these structures and davit arms will be gray, and their finish will be galvanized.

Bused Line 5

National Grid will bus together the existing National Grid Line 5 ("Existing Line 5") and the existing National Grid Line 15 ("Existing Line 15") in the section between existing structures 633 (at approximately Milepost 4.2) and 736 (at approximately Milepost 14.4) in the portion of the National Grid ROW that NYSEG will not acquire from National Grid (the "National Grid Retained ROW"). Busing will occur approximately every mile for this section. The sections of Existing Line 5 to be reconductored are the first span outside of Elbridge Substation and the two spans where the line electrically connects to Line 972 near the ROW Intersection. Additionally,

Structure 633 will be replaced; a new steel three-pole structure, to be designated Structure 633-A (at approximately Milepost 4.2), will be constructed between Structure 633 and the last NYSEG-owned structure on Line 972; and Structure 736 will be reinforced or replaced. Structure 633 will be replaced with a single circuit galvanized steel monopole containing galvanized steel davit arms and gray porcelain insulators. Structure 633-A will be a single circuit galvanized steel three-pole dead-end angle structure with gray porcelain insulators. For Structure 736, National Grid will either reuse the existing lattice tower or replace it with a galvanized steel double circuit monopole with galvanized steel davit arms and gray porcelain suspension insulator. The length of Bused Line 5 will be approximately 10.3 miles.

The conductor type of Existing Line 5 and Existing Line 15 is 336.4 kcmil "Oriole" ACSR.

The conductor used to bus the lines will consist of 477 kcmil "Hawk" ACSR. The first span of Existing Line 5 west of Elbridge Substation (approximately 540 feet) and the two spans (totaling approximately 510 feet) near the ROW Intersection where Existing Line 5 transitions to Rebuilt Line 972, will be reconductored with 1113 kcmil "Finch" ACSR. The Normal Winter Rating for this conductor is 780 amps. All new conductors will have a non-specular finish.

Rebuild of Line 972

NYSEG Line 972, which is approximately 4.2 miles long, presently traverses the existing NYSEG ROW parallel to, and approximately 50 feet to the east of, Line 971 from the State Street Substation to the ROW Intersection. NYSEG will rebuild the existing NYSEG Line 972.

Rebuilt Line 972 will be built with 1192.5 ACSR 45/7 "Bunting" conductor, and the shield wire will be Alumoweld 7x7. The Normal Winter Rating for this conductor is 1,635 amps. All new conductors will have a non-specular finish.

The primary structure type supporting Rebuilt Line 972 will be single circuit self-weathering, self-supporting steel monopole structures containing davit arms and dark brown porcelain suspension insulators. The self-weathering structures will, over time, become brown in color and form a natural rust color finish.

Based on preliminary design, the most common height of the steel monopole structures will be 90 feet. The tallest and shortest structures will be 135 feet and 80 feet, respectively. The average structure height will be approximately 92 feet above grade to the highest point (the tops of the

steel monopoles). The most common width at the widest point (across the two longest opposing davit arms) will be approximately 14.5 feet plus the structure width which varies depending upon various design factors.

Partial Rebuild of Line 971

NYSEG will rebuild existing Line 971 in the area between Mileposts 0.0 and 1.4 (Turnpike Road) using steel monopole structures and a number of structure connections configured vertically. The primary structure type that will support the rebuilt Line 971 in this area will be single circuit self-supporting self-weathering steel monopole structures containing davit arms and dark brown porcelain suspension insulators. The self-weathering structures will, over time, become brown in color and form a natural rust color finish.

Rebuilt Line 971 will be built with 1192.5 ACSR 45/7 "Bunting" conductor, and the shield wire will be Alumoweld 7x7. The Normal Winter Rating for this conductor is 1,635 amps. All new conductors will have a non-specular finish.

Based on preliminary design, the most common height of the steel monopole structures will be 85 feet. The tallest and shortest structures will be 135 feet and 65 feet, respectively. The average structure height will be approximately 88 feet above grade to the highest point (the tops of the steel monopoles). The most common width at the widest point (across the two longest opposing davit arms) will be approximately 14.5 feet plus the structure width which varies depending upon various design factors.

State Street Substation

The existing NYSEG State Street Substation is located in the northern part of the City of Auburn, east of State Route 38. The existing State Street Substation consists of an open air 115/34.5kV straight bus arrangement with single bus-bar configuration.

NYSEG will perform the required work at the State Street Substation, which includes the relocation of the existing 115kV line bay for NYSEG's existing Line 976 (Wright Avenue-State Street) and construction of a new 115kV line bay, as well as the installation of additional equipment related to the new bay. An H-Frame dead-end and bus support structures and their associated foundations will be installed to connect the Proposed Line to the State Street

Substation. The material of the H-frame dead-end structures will be galvanized steel. New foundations and expansion of the existing substation footprint will be required to accommodate the new 115kV electrical equipment and new dead-end structures. The proposed expansion area will be cleared, graded, filled, fenced, and properly drained. In order to relocate the existing 115kV line bay for Line 976, the existing single bus bar must first be extended to the northwest in the Substation to align with the Proposed Line. Then, the existing line bay for Line 976 will be relocated approximately 45 - 60 feet to the northwest to accommodate installation of the new line bay. The new configuration of State Street Substation will be single bus bar with tie breaker separated into two (2) bus bars.

Elbridge Substation

The existing Elbridge Substation is located in the eastern part of the Town of Elbridge, east of Kester Road. The existing Elbridge Substation is an open air 345/115/34.5kV facility owned by National Grid. The Elbridge Substation is a straight bus arrangement with a two bus-bar configuration.

At the Elbridge Substation, National Grid will install a new bay for the Proposed Line and another new bay for Relocated Line 15. It will also install new foundations and expand the existing substation footprint by 100 feet to the north (50 feet for the Proposed Line, and an additional 50 feet for the Relocated Line 15) to accommodate the two new 115kV bays and expanded A-frame dead-end structures. The material of the A-frame dead-end structures will be galvanized steel.

Responsibility for Project Facilities

NYSEG Components: NYSEG will construct and own the following components of the Project (the "NYSEG Components"):

- the Proposed Line, and all structures supporting said line, from the State Street Substation to the first structure west of the fenceline of the Elbridge Substation.
- Relocated Line 15, and all structures supporting said line, from the ROW Intersection to the first structure west of the fenceline of the Elbridge Substation.
- Rebuilt Line 972.
- a new bay and all pertinent equipment at the State Street Substation to receive the Proposed Line and Rebuilt Line 972.

- Rebuilt Line 971.

National Grid Components: National Grid will construct and own the following components of the Project (the "National Grid Components"):

- the southernmost new bay and all pertinent equipment at the Elbridge Substation to receive the Proposed Line, and that part of the Proposed Line, and all structures supporting said line, east of the first structure west of the fenceline of the Elbridge Substation.
- the northernmost new bay and all pertinent equipment at the Elbridge Substation to receive Relocated Line 15, and all structures supporting said line, east of the first structure west of the fenceline of the Elbridge Substation.
- Bused Line 5.
- all pertinent equipment at the Elbridge Substation to receive Bused Line 5, and all structures supporting said line.

Project Phases

The Project is comprised of two phases:

Phase 1

The Project's "Phase 1" need is to add a new 115kV circuit between the NYSEG State Street Substation and the National Grid Elbridge Substation. The Project would meet this need by construction of the Proposed Line and connecting it to the two substations. The additional Project elements that need to be performed at or prior to the foregoing are: (1) the rebuilding of NYSEG's existing Lines 971 and 972 south of Turnpike Road on the NYSEG ROW to allow for construction of the Proposed Line as intended; and (2) National Grid's conveyance to NYSEG of the NYSEG Acquired ROW.

Phase 2

The Project's "Phase 2" need is to increase the capacity of the existing 115kV circuit between the NYSEG State Street Substation and the National Grid Elbridge Substation. The Project would meet this need by the rebuild of NYSEG Line 972 and the busing together of National Grid Lines 5 and 15, connecting Rebuilt Line 972 and Bused Line 5 to the State Street and

Elbridge Substations, respectively. The additional Project elements that need to be performed at or prior to the foregoing are: (1) the construction of Relocated Line 15; and (2) the connection of the eastern terminus of Relocated Line 15 to the Elbridge Substation and its western terminus to the existing National Grid Line #15 at the ROW Intersection.

Project Construction/Rebuild Sequence

Exhibit 17 of the Evidentiary Record sets forth the intended sequence of performing the principal elements of the Project. This sequence reflects the intended time when the majority of the work will be done. Some activities may be done outside of this sequence due to outage constraints, delays in acquisition of property rights, or other unforeseen delays that would contribute to work being done outside of this sequence.

Additional Property Rights[5]

In order to construct, operate and maintain the Project facilities, NYSEG will acquire the following property rights:

1. On the NYSEG ROW, (a) an irregular-shaped easement, the northwestern edge of which is a line 50 feet from the centerline of the Proposed Line, on the cemetery property immediately north of the NYSEG State Street Substation from the substation to approximately Milepost 0.08, (b) easements on an approximately 75-foot wide corridor from approximately Milepost 0.15 to approximately Milepost 1.4 on the east side of the ROW, (c) easements on an approximately 100-foot wide corridor from approximately Milepost 1.4 to approximately Milepost 4.2 on the east side of the ROW, except such easements on the easternmost approximately 25 feet of such corridor will not grant NYSEG the right to install permanent transmission facilities, and (d) Danger Tree Rights (as defined in Paragraph 27 of the Joint Proposal) on the west side of the easement on the

[5] This section of Appendix B replaces Section 2.4 of the Application. Any references in the Application to Section 2.4 shall be deemed references to this section of Appendix B. The additional rights described in this section of Appendix B are more fully detailed in Paragraph 26 of the Joint Proposal.

cemetery property described in clause (a) above and on other parcels of varying widths abutting the eastern edge of the corridors described in clauses (b) and (c) above; and

2. On the National Grid ROW, in addition to the NYSEG Acquired ROW, (a) easements on a mostly 53.5-foot wide corridor immediately adjacent to the southern edge of the Existing ROW from approximately Milepost 4.2 to approximately Milepost 6.2 (except for the vicinity of approximately Milepost 4.2 and approximately Milepost 6.2, where NYSEG would acquire irregular-shaped easements on three properties), (b) easements on a mostly 35.5-foot wide corridor immediately adjacent to the northern edge of the Existing ROW from approximately Milepost 6.2 to approximately Milepost 14.0 (except for the segment from approximately Milepost 6.2 to approximately Milepost 6.4 where NYSEG would acquire easements on a corridor of a varying width from approximately 66 to 35.5 feet), and (c) Danger Tree Rights (as defined in Paragraph 27 of the Joint Proposal) on parcels of varying widths abutting the southern and northern edges of the corridors described in the above clauses (a) and (b) respectively.

APPENDIX C
PROPOSED COMMISSION FINDINGS

1. Based upon the information provided in Exhibits 13, 20 and 25, supported by the testimony of Timothy Lynch and David Pantalone, the electric transmission project ("Project") for which New York State Electric & Gas Corporation ("NYSEG") and Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (NYSEG and National Grid together referred to as the "Applicants") seek a certificate is needed to reinforce NYSEG's electric transmission system in its Auburn Division. Currently, NYSEG's ability to ensure reliable service to customers in the Auburn Division is dependent on both of the generating units at the Cayuga Generating Facility being available to operate. This dependency exists only because of limitations in transmission capacity to the Auburn Division. The Project is needed under NERC Bulk Electric System Planning Criteria for N-1 contingency and NYSEG's internal planning criteria to reinforce NYSEG's electric transmission system in its Auburn Division, by enabling NYSEG to maintain adequate system normal and single contingency service throughout the division during temporary or extended outages of generating units at the Cayuga Generating Facility. Both phases of the Project are needed to improve transmission system reliability throughout the Auburn Division and accommodate future growth in that division.

2. Based upon the information provided in Exhibits 2, 3, 4, 14, 15, 16, 17, 18, 19, 22, 23 and 24, supported by the testimony of Carol Howland, Michael Sherman, Antonio Domingo, Anthony Vincent and Derrick Bradstreet, the Project will be designed, constructed and operated in a manner that avoids or minimizes impacts to environmental resources. The nature of the probable environmental impacts resulting from the Project includes:

    (a) temporary construction impacts on active agricultural lands, which will be minimized by the use of existing transmission corridors to the maximum extent practicable;
    (b) minimal incremental visual impacts from the construction of the Proposed Line and the busing, relocation, and reconstruction of certain existing lines;
    (c) construction impacts on certain regulated wetlands and protected streams and waterbodies;
    (d) selective clearing of undesirable woody species or saplings on some segments of the Project's right-of-way, but because almost the entire Project will be built along existing electric transmission corridors, the amount of clearing is more limited than it would be if new corridors were being created;
    (e) temporary disturbance and inconvenience, including noise and debris, associated with construction activities; and
    (f) maximum calculated electromagnetic fields at the edge of the Project's right-of-way that comply with the Commission's guidelines.

3. Based upon the information provided in Exhibits 2, 3, 4, 14, 15, 17, 18, 19, 22, 23 and 24, supported by the testimony of Carol Howland, Michael Sherman, Antonio Domingo and Anthony Vincent, the Project represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. By utilizing existing transmission corridors

to the maximum extent practicable, the effect of the Project on agricultural lands, wetlands, and river corridors traversed is minimized. The Project does not traverse any parklands. The Project will cross Skaneateles Creek, Carpenter's Brook, and their associated tributaries. The use of unguyed, self-supporting structures will facilitate continued agricultural operations within the right-of-way.

4. No part of the Project will be located underground. Underground alternatives to the Project were examined; however, undergrounding the Project would have significantly increased: costs, environmental and construction impacts, and system operating impacts.

5. Based upon the information in Exhibits 13, 20 and 25, supported by the testimony of Timothy Lynch and David Pantalone, the Project conforms to the requirements and planning objectives of the New York Independent System Operator and is consistent with the Applicants' long-range plans for the expansion of their transmission facilities. The Project will serve the interests of electric system economy and reliability.

6. Based upon the information provided in Exhibit 7, sponsored by Carol Howland and Anthony Vincent, the location of the Project conforms to the substantive provisions of the applicable local laws and regulations issued thereunder, except those local laws and regulations which the Commission refuses to apply because it finds, based on the justifications set forth in Exhibit 7, that as applied to the Project, such are unreasonably restrictive in view of the existing technology, or of factors of cost or economics, or of the needs of consumers whether located inside or outside of such municipality.

7. Based on the entire record as listed on Appendix A, the Project will serve the public interest, convenience and necessity.

APPENDIX D
PROPOSED CERTIFICATE CONDITIONS

A. Conditions of the Order

The Commission orders:

1. Subject to the conditions set forth in this Order, New York State Electric & Gas Corporation ("NYSEG") and Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (NYSEG and National Grid together referred to as the "Certificate Holders") are granted a Certificate of Environmental Compatibility and Public Need (the "Certificate"), pursuant to Article VII of the New York Public Service Law ("PSL"), authorizing a project (the "Auburn Transmission Project" or the "Project") to construct, relocate, reconstruct, operate and maintain certain existing and proposed electric transmission lines in Cayuga and Onondaga Counties; specifically, in the Towns of Throop, Brutus, Sennett, and Elbridge; the City of Auburn; and the Village of Elbridge.

2. Each Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (the "Secretary") either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate for the Project. Failure of either Certificate Holder to comply with this condition shall invalidate the Certificate.

3. If the Certificate Holders decide not to commence construction of any portion of the Project, they shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

4. If construction of the Project hereby certified is not commenced within 18 months after the issuance of the Certificate the Certificate may be vacated by the Commission with notice to the Certificate Holders and Signatory Parties.

5. Except for the deadlines in Certificate Conditions 2, 3 and 34(h), the Secretary may extend any deadlines established by this order for good cause shown.

B. Description and Location of Project

6. Appendix B, entitled "Description and Location of Project," identifies the Project components (the "Project Components") that would be constructed and owned by NYSEG (the "NYSEG Components") and those that would be constructed and owned by National Grid (the "National Grid Components"). The proposed location of the Project as set forth in Appendix B is approved.

C. Laws and Regulations

7.

a) Each substantive Federal, State, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has

expressly refused to apply any substantive local law or regulation as being unreasonably restrictive as discussed herein.

b) No State or municipal legal provision purporting to require any approval, consent, permit, certificate or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except (i) those of the PSL and regulations and orders adopted thereunder, (ii) those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of the Project, and (iii) those permits issued under a federally-delegated or -approved environmental permitting program.

c) Each Certificate Holder shall construct its Project Components in a manner that conforms to all applicable standards of the American National Standards Institute ("ANSI") including, without limitation, the National Electrical Safety Code ("NESC"), Institute of Electrical and Electronics Engineers ("IEEE"), Standard IEEE C2-2012, 2012 Edition, and any stricter standards adopted by such Certificate Holder. Upon completion of the Project, each Certificate Holder shall send a letter to the Secretary certifying that its Project Components were constructed in full conformance with the NESC.

8. Each Certificate Holder's maintenance of its Project Components will be in accordance with such Certificate Holder's Transmission Right-of-Way Management Plan ("TROWMP") adopted pursuant to 16 NYCRR Part 84, as it may be amended from time to time.

9.

a) Each Certificate Holder shall coordinate all work on its Project Components that it performs during construction at State and municipal road and highway crossings with the appropriate State and municipal officials and shall obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate.

b) Each Certificate Holder, with respect to all work it performs on its Project Components, shall coordinate with the appropriate municipal agencies and police departments for traffic management of roads under municipal jurisdiction.

c) A copy of each permit or approval received by each Certificate Holder from the issuing agencies, including all necessary USACE Nationwide permits for construction in federal wetlands affected by the Project, any required permit pursuant to §404 of the Federal Clean Water Act, and the SPDES General Permit, shall be provided to the Secretary by such Certificate Holder promptly after receipt by the Certificate Holder of such permit or approval and before commencement of construction across any affected area.

10. If one or both Certificate Holders believe that any action taken, or determination made, by a State or municipal agency in connection with this Certificate is unreasonable or unreasonably delayed, it or they may petition the Commission, upon reasonable notice to that agency, to seek a resolution of any such unreasonable or unreasonably delayed determination. Such agency may respond to the petition, within five (5) business days, to address the reasonableness of any requirement or delay.

D. Public Health and Safety

11. Each Certificate Holder shall design, engineer and construct its Project Components such that operation thereof shall comply with the electric field standard established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the electromagnetic field limit set by the Commission in Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.

12. Each Certificate Holder shall engineer and construct its Project Components so as to be fully compatible with the operation and maintenance of nearby electric, gas, telecommunication, water, sewer, and related facilities; details of such other facilities and measures to protect the integrity, operation, and maintenance of those facilities shall be presented in the Environmental Management & Construction Plan ("EM&CP"). Each Certificate Holder shall design and construct its Project Components so as to avoid adverse effects on the cathodic protection system and physical conditions of existing structures and any fuel gas pipelines within the project ROW and within 25 feet of the edge of the Project ROW. Such Certificate Holder shall provide the details and design measures that will be implemented to protect nearby facilities and structures in the EM&CP.

13. NYSEG shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.

14. In accordance with New York State Department of Environmental Conservation ("NYSDEC") regulations and guidance, each Certificate Holder with knowledge of any fuel or chemical spill shall immediately notify DPS Staff and NYSDEC of such spill.

15. Each Certificate Holder with respect to its Project Components shall comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753 "Protection of Underground Facilities."

16. Each Certificate Holder, with respect to its Project Components from its construction activity, shall take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources. If surface waters are used, equipment (such as intake hoses) used in collecting water for dust control shall be disinfected afterwards.

17. Each Certificate Holder shall ensure that parking for Project construction workers working on its Project Components shall be in designated areas which do not interfere with normal traffic, cause a safety hazard, or interfere with existing land uses. These parking areas shall be designated in the EM&CP.

18. Each Certificate Holder, with respect to its Project Components, shall avoid direct disturbance to properties by accessing the Project ROW from existing roadways or off-ROW access roads listed in the EM&CP.

19. Each Certificate Holder, with respect to its Project Components, shall implement a Maintenance and Protection of Traffic ("MPT") plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway ROW. Such Certificate Holder also shall prepare MPT plans for each location

where construction vehicles will access the Project ROW from the local roadway for the portion of the Project such Certificate Holder is responsible to construct. The MPT plans shall address temporary signage, lane closures, placement of temporary barriers, and traffic diversion. Each Certificate Holder, with respect to its Project Components, shall ensure that:

a) All signage utilized shall comply with the New York State Department of Transportation ("NYSDOT") Manual of Uniform Traffic Control Devices. Placement of signs shall be determined in consultation with the jurisdictional agency. At a minimum, signs shall be placed at the following distances:

    i. Signs announcing construction at 500 feet and 1,000 feet;

    ii. Signs depicting workers at 300 feet;

    iii. Where blasting is to take place within 50 feet of a road, a blast-warning sign at 1,000 feet.

b) Flagmen shall be present at all times when equipment is crossing any public road, when equipment is being loaded or unloaded from a vehicle parked on a public road, and where two-lane traffic has been reduced to one lane. All flagging operations shall comply with 17 NYCRR Part 131.

20. To the extent required in connection with the delivery of oversized components for a Certificate Holder's Project Components, such Certificate Holder or its suppliers shall obtain any required permits from applicable agencies.

21. Each Certificate Holder shall have the right to require that any person seeking to access such Certificate Holder's portion of the Project area first be appropriately trained in environmental protection and safety.

E. Environmental Management and Construction Plan

22. Each Certificate Holder, with respect to its Project Components, shall adhere to NYSDEC's then effective "New York State Standards and Specifications for Erosion and Sediment Control," also known as the "Blue Book" ("NYSSESC") or take such alternative measures as identified in the Stormwater Pollution Prevention Plan ("SWPPP") included in the EM&CP.

23.

a) Each Certificate Holder shall include the SWPPP and NYSDEC's letter of acknowledgement for its Project Components authorized under the SPDES General Permit in the EM&CP. Each Certificate Holder shall develop the EM&CP for its Project Components in accordance with the SWPPP requirements in NYSDEC's then current SPDES General Permit for Stormwater Discharges from Construction Activity.

b) Each Certificate Holder shall install temporary erosion control devices (e.g., silt fence, hay bales and structural diversions) as soon as practicable and appropriate with respect to its Project Components as indicated in the EM&CP.

c) In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures shall be initiated by the end of the next day and completed in accordance with the NYSSESC or prior to a significant rain event.

d) Specific structural controls to divert stormwater runoff, and the location of culverts, with respect to a Certificate Holder's Project Components shall be shown on the EM&CP Plan and Profile drawings.

e) Special conditions and erosion and sedimentation controls with respect to a Certificate Holder's Project Components shall be prescribed on the EM&CP Plan and Profile drawings by work location.

24. The terms of this Certificate and the environmental protection measures contained in the Application shall be incorporated into the EM&CP. The EM&CP shall be prepared in accordance with the Specifications for Development of EM&CP attached as Appendix E to the Joint Proposal ("EM&CP Specifications"), and shall not be inconsistent with the respective Certificate Holder's TROWMP with respect to that Certificate Holder's Project Components, except where a conflict with a provision of the Certificate would otherwise be created.

25. Upon completion of the Project, each Certificate Holder shall conduct its routine vegetation maintenance in accordance with its TROWMP. Applicable provisions of the Certificate, the approved EM&CP, and orders approving the EM&CP shall be accommodated in any design, construction, ownership, or maintenance contracts associated with the Project.

26. If a Certificate Holder includes in the EM&CP any environmental protection or mitigation measure(s) not set forth in the *NYSEG RG&E EM&CP Best Management Practices Environmental and Agricultural Land Protection* or National Grid's *EM&CP Best Management Practices for Article VII Electric Transmission Line Projects* attached as Exhibit 22 as indicated in Appendix A of the Joint Proposal (the "NYSEG EM&CP Best Practices Manual" and the "National Grid EM&CP Best Practices Manual"), such Certificate Holder shall also include with the EM&CP a listing of each such measure, where such Certificate Holder proposes to use such measure, and an explanation as to why such Certificate Holder selected that measure rather than a measure included in its EM&CP Best Practices Manual.

27. Each Certificate Holder, in preparing the EM&CP, shall consult with each transportation department or agency normally having jurisdiction over any roads in the vicinity of such Certificate Holder's Project Components, which roads will be crossed by the certified transmission facilities or used for direct access to the Project ROW. If the access road takes direct access from, or lies within the limits of, such roads, such Certificate Holder shall notify each relevant transportation department or agency of the approximate date when work on the relevant Project Components will begin.

28. Before the preparation of the EM&CP, NYSEG shall contact the NYSDEC Regional Supervisor, NYS Natural Heritage Program and United States Fish and Wildlife Service ("USFWS") to check for any updates or changes of known rare, threatened or endangered ("RTE") species or habitat or Significant Natural Communities in the Project area and include the response in the EM&CP.

29. The Certificate Holders shall provide, as a part of the EM&CP:

a) A final design plan that conforms with the Project design set forth in the Certificate, applicable federal, state and local requirements, including, but not limited to, applicable regulations promulgated by NYSDEC, the New York State Office of Parks, Recreation & Historic Preservation ("OPRHP"), the New York State Department of Agriculture & Markets ("NYSDAM"), the Commission, the Bureau of Alcohol, Tobacco and Firearms, the Occupational Safety and Health Administration, the NYS Department of Labor, and local government chemical and waste-storage use and handling regulations; and

b) A discussion of the status of efforts by each Certificate Holder to obtain permits necessary for construction of such Certificate Holder's Project Components from Federal agencies (such as the U.S. Army Corps of Engineers ("USACE")) and State agencies with federally-delegated authority.

c) The URL address for each Certificate Holder's website for a page containing Project information.

30. Deviations from the certified centerline, design height, location, number of structures, and structure types as described in Appendix B shall be allowed for appropriate environmental or engineering reasons, except where a conflict with a provision of the Certificate would be created. The Certificate Holder proposing such deviation shall include in the EM&CP an explanation for the proposed deviation and supporting documentation.

31. Neither Certificate Holder shall begin site preparation or construction (except for surveying, soils testing, and such other related activities as are necessary for preparation of the final design plans), nor shall it commence any proceedings under the Eminent Domain Procedure Law to acquire permanent ROW, temporary ROW, or off-ROW access until the Commission has approved the EM&CP. To calculate the three-year period for acquisition of property pursuant to the Eminent Domain Procedure Law, the date of Commission approval of the EM&CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed.

32. The Certificate Holders shall file the proposed EM&CP with the Commission in the manner directed by the Secretary and, unless otherwise directed by the Secretary, shall serve it as follows: two electronic copies on the staff of the NYSDEC Central Office in Albany; one electronic copy and one hard copy on the Region 7 office of the NYSDEC; one electronic copy on the staff of NYSDAM; one electronic copy on the Region 3 office of the NYSDOT; one electronic copy on any other New York State agency (and its relevant regional offices) that requests the document; and one electronic copy on every other Signatory Party and on any party on the service list who requests the document. Service upon State agencies shall be performed at or prior to the time of filing with the Secretary. The Certificate Holders also shall place one hard copy and one electronic copy for inspection by the public in at least one public library or other convenient location in each municipality in which construction will take place.

33. Contemporaneously with filing and serving the proposed EM&CP, NYSEG shall disseminate, in the manner specified below, a written notice, in language reasonably understandable to the average person, that the proposed EM&CP has been filed (the "EM&CP Filing Notice").

a) NYSEG shall serve a copy of the EM&CP Filing Notice on all parties to this proceeding (except those upon whom the foregoing paragraph requires the Certificate Holders to serve one or more copies of the proposed EM&CP), on all persons required to be served with the Application by statute or regulation, and on all persons from whom property rights are required.

b) The Certificate Holders shall include a copy of the EM&CP Filing Notice in the proposed EM&CP.

c) NYSEG shall publish a copy of the EM&CP Filing Notice in a newspaper or newspapers of general circulation in the vicinity of the Project.

34. The EM&CP Filing Notice required for the proposed EM&CP shall contain, at a minimum, the following:

a) a statement that the proposed EM&CP has been filed;

b) a general description of the certified Project, the need for the Project, and the proposed EM&CP;

c) the EM&CP Filing Notice served on identified persons with a record interest in property to be acquired, as described in the proposed EM&CP, shall be accompanied by a description of the type of property rights required for the Project with respect to such property;

d) a listing of the locations and the website URL(s) where the proposed EM&CP is available for public inspection;

e) a statement that any person desiring additional information about a specific geographical location or specific subject may request it from the Certificate Holders;

f) the name, address, toll-free telephone number, and telephone number of an appropriate representative of each Certificate Holder;

g) the e-mail address and postal address of the Secretary; and

h) a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and both Certificate Holders within 45 days of the date the proposed EM&CP was filed with the Commission, or within 45 days of the date of the newspaper publication of a copy of the EM&CP Filing Notice, whichever is later.

35. A certificate of service indicating upon whom all copies of the EM&CP Filing Notice were served shall be filed by NYSEG with the Secretary within three (3) business days after the time the proposed EM&CP is filed, and shall be a condition precedent to approval of the proposed EM&CP. When available, proof of newspaper publication of a copy of the EM&CP Filing Notice, including a copy of such notice, shall be filed with the Secretary.

36. After the EM&CP has been approved by the Commission:

a) Each Certificate Holder that desires to make any changes to the approved EM&CP shall report such proposed changes to DPS Staff. DPS Staff will refer any proposed changes that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided by the Administrative Law Judge or the Commission during the proceeding to the Chief of the Environmental

Certification and Compliance Section for approval. DPS Staff will refer all other proposed changes to the Commission for approval.

b) Upon being advised that DPS Staff will refer a proposed change to the Commission, the requesting Certificate Holder shall notify all parties to the proceeding, as well as property owners and lessees whose property is affected by the proposed change. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at specified locations; and (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.

c) The Certificate Holders shall not execute any proposed change until the requesting Certificate Holder has received oral or written approval, except in emergency situations threatening personal injury, property, or severe adverse environmental impact. Any oral approval from DPS Staff will be followed by written approval from the Chief of the Environmental Certification and Compliance Section in the Office of Utility Rates and Services or the Commission.

F. Notices and Public Complaints

37.

a) Until notice of Project completion is provided to the Secretary as provided in Certificate Condition 7(c), each Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of such Certificate Holder's Project Components. That number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with the name of each Certificate Holder's representative: (i) the number to be called at any time in case of emergency; (ii) the phone number and email address of the Secretary; and (iii) the phone number of the DPS Environmental Certification and Compliance Section in the Office of Utility Rates and Services.

b) Both Certificate Holders' websites shall provide a means for the public to register complaints, ask questions, etc., either through a direct link to a complaint form/email or by providing the contact information (phone and/or email address) of an agent of the Certificate Holder that can address the public's concerns.

c) Each Certificate Holder shall report to the DPS Environmental Certification and Compliance Section Compliance Staff every complaint it receives that cannot be resolved within ten (10) business days after receipt of the complaint.

38.

a) No less than two (2) weeks before commencing Project construction activities, except for work being performed within the existing fence line of the State Street Substation and the Elbridge Substation, NYSEG shall notify the public of the anticipated date that construction will commence, as follows:

i. provide notice to local officials and emergency personnel along the entire Project route;

ii. provide notice to local media for dissemination;

iii. provide notice for display in public places (such as general stores, post offices, community centers, and conspicuous community bulletin boards); and

iv. Provide notice to persons who own properties that are crossed by or abut the ROW, and persons who reside on such properties (if different from the owner).

b) NYSEG shall write the notice or notices under this paragraph in language reasonably understandable to the average person and shall ensure that the notice or notices contain:

i. a map of the Project;

ii. a brief description of the Project;

iii. the anticipated date for start of site preparation;

iv. the name, mailing address, local or toll-free telephone number, and email address of an employee or agent of each Certificate Holder who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project; and,

v. a statement that the Project is under the jurisdiction of the New York State Public Service Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address, email, and telephone number to be provided in the notice.

c) Upon distribution, a copy of the form of the notice or notices under this paragraph shall be submitted to the Secretary by NYSEG.

d) NYSEG shall notify persons who own properties that are crossed by or abut the ROW, and persons who reside on such properties (if different from the owner), of the planned transmission line construction activities, and any substation construction activities outside the existing fence line of the State Street Substation and the Elbridge Substation, and schedule affecting their residences at least seven (7) days, but no more than thirty (30) days, prior to the commencement of such construction in these areas. NYSEG shall give notice by direct mail and may affix such notice to the doors of residences. After such notices are given, and prior to the commencement of such construction, NYSEG shall provide a copy of the generic form of such notice to the Secretary.

39. Each Certificate Holder shall provide all contractors providing services for construction of its Project Components ("Contractors") with complete copies of the Certificate, the approved EM&CP, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, NYSDEC's then-current State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Construction Activity ("SPDES General Permit"), any permit issued pursuant to Section 404 of the Federal

Clean Water Act, and the Section 401 Water Quality Certification. To the extent that the listed documents are available before contracts for construction services are executed, such copies shall be provided by the applicable Certificate Holder to its Contractors prior to the execution of such contracts.

40. Each Certificate Holder shall notify its Contractors that the Commission may seek to recover penalties for any violation of the Certificate and other orders issued in this proceeding, not only from such Certificate Holder, but also from its Contractors and that Contractors also may be liable for other fines, penalties, and environmental damage.

41. NYSEG shall inform the Secretary in writing at least five (5) days before commencing construction for the Project.

42. Each month after providing notice specified in the preceding paragraph, NYSEG shall provide DPS Staff, NYSDAM, and NYSDEC with monthly status reports summarizing construction and indicating construction activities and locations scheduled for the next month.

43. Within ten (10) days after each line of the Project is in service, NYSEG shall notify the Secretary in writing of that fact.

44. NYSEG, within ten (10) days of the completion of final restoration, shall notify the Secretary that all such restoration has been completed in compliance with this Certificate and the Order(s) approving the EM&CP.

G. ROW Construction, Operation, Maintenance and Restoration

45.

a) At least two (2) weeks prior to the start of construction, NYSEG shall hold a preconstruction meeting to which it shall invite National Grid, DPS Staff, NYSDAM, NYSDOT, and NYSDEC. An agenda, the location, and an attendee list shall be agreed upon between DPS Staff and the Certificate Holders.

b) NYSEG shall supply draft minutes from this meeting to all attendees and invitees, the attendees may offer corrections or comments, and thereafter NYSEG shall issue the finalized meeting minutes to all attendees and invitees.

c) If, for any reason, the Contractors cannot finish the construction of the Project, and one or more new construction contractors are needed, NYSEG shall hold another preconstruction meeting with the same format as outlined above.

46. Each Certificate Holder shall confine construction and subsequent maintenance for its Project Components to the certified ROW and approved additional work areas as detailed in the EM&CP applicable to such Project Components.

47. At least two (2) weeks before Project construction begins in any area, NYSEG shall cause both edges of the Project ROW to be delineated in such area, and any known danger trees to be removed in such area will be marked for review and acceptance by DPS Staff within such two weeks. Also, such Certificate Holder shall stake and/or flag all on- or off-ROW access roads and other areas needed for such construction, such as structure work areas and laydown and storage areas.

48. Each Certificate Holder, with respect to its Project Components, shall schedule construction activities on the Project to occur between the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements, such construction activities are required to occur on a Sunday or after 7:00 p.m., such Certificate Holder shall notify DPS Staff and the affected municipality. Such notice shall be given at least 24 hours in advance unless the Sunday or after 7:00 p.m. construction activities are required for safety reasons that arise less than 24 hours in advance. Each Certificate Holder, with respect to its Project Components, shall implement noise mitigation measures set forth in Section 4.10 of Exhibit 4 of the Application.

49. Construction shall not commence in any segment of the Project until the real property rights necessary to construct and operate at least 70% of the length of the portion of the Project on such segment are obtained. Each of the following locations is considered to be a segment: the south to north portion of the Project from the State Street Substation to the ROW Intersection; the west to east portion from the ROW Intersection to the Elbridge Substation; the Elbridge Substation; and the State Street Substation. All four segments shall be identified in the EM&CP. Each Certificate Holder shall provide a detailed construction schedule to DPS Staff prior to its construction in any segment, together with evidence of such property rights.

50. In connection with ROW vegetation clearing, each Certificate Holder, with respect to its Project Components, shall:

    a) comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and ECL § 9-1303 and any quarantine orders issued thereunder;

    b) note on the EM&CP drawings the clearing and disposal techniques;

    c) not create a maximum wood chip depth greater than three (3) inches, except for chip roads, nor store or dispose chips in wetlands, within stream banks, floodways, or active agricultural fields; and

    d) utilize the wood resource generated by the clearing in accordance with sound environmental techniques. This shall be accomplished through coordination with wood processing businesses and through cooperation with landowners.

51. NYSEG shall, as part of its purchasing of new ROW and/or danger tree rights, negotiate in good faith with each landowner the purchase of rights to all logs over six (6) inches in diameter at the small end and eight (8) feet or longer ("Merchantable Logs"); NYSEG's removal of the Merchantable Logs resulting from clearing the Project ROW will be to an off-ROW location(s) and NYSEG will provide notice of the location(s)to be included in the EM&CP.

52. Each Certificate Holder, with respect to its Project Components, shall include in the EM&CP a plan for removal, reuse, recycling, and disposal of all existing equipment (e.g. transformers, wood poles, conductors, etc.). Each Certificate Holder, with respect to its Project Components, shall remove from the ROW to appropriate destinations and handle in accordance with the EM&CP existing transmission facility equipment that it or its Contractor removes or replaces as part of such Certificate Holder's work on the Project.

53. During the initial construction of the Project, there shall be no mid-span splices in any of the new conductor installed on the Proposed Line, Relocated Line 15, Rebuilt Line 971, and Rebuilt Line 972.

54. Neither Certificate Holder shall construct, or allow any Contractor in its employ to construct, any new access road or improve any existing access road, unless such road is described in the EM&CP. Should a Certificate Holder need additional off-ROW access, it shall follow the procedures recited in Certificate Condition 36.

55. Each Certificate Holder, with respect to its Project Components, shall restore disturbed areas, ruts, and rills to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. Disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or improved.

56. Each Certificate Holder, with respect to its Project Components, shall be responsible for checking all culverts and assuring that they are not crushed or blocked during construction and restoration of the Project, and, if a culvert is blocked or crushed, or otherwise damaged, such Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage.

57. Each Certificate Holders shall, upon completion of its respective Project Components:

a) conduct an assessment of the need for landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Project with respect to road crossings, residential areas, and substations;

b) prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate;

c) consult with DPS Staff on the content and execution of its assessment, resultant landscaping plan specifications and materials list; details shall include measures for third party or wildlife damage to any landscape and vegetation plantings; and,

d) present draft assessments and plans to DPS Staff for review, and file a final plan with the Secretary within one year after the date the Project is placed in service.

58. Unless described otherwise in the EM&CP, all trees over four (4) inches in diameter (measured four feet above ground) or shrubs over four feet in height damaged or destroyed by a Certificate Holder's activities during construction, operation, or maintenance, regardless of where located, shall be replaced by such Certificate Holder with the equivalent type trees or shrubs, subject to the provisions of 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, except where:

a) an approved EM&CP permits otherwise;

b) equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;

c) replacement would be contrary to sound ROW management practices or to any approved TROWMP applicable to the Project; or

d) a property owner (other than either Certificate Holder) on whose land the damaged or destroyed trees or shrubs were located declines replacement (or other recorded

easement or license holder with the right to control replacement declines replacement).

59. Each Certificate Holder shall ensure that the EM&CP shall: (a) identify plans for tree protection; and (b) indicate on the drawings where tree protection measures will be applied (if any are known at the time of EM&CP preparation).

60. Each Certificate Holder, with respect to its Project Components, shall include plans in the EM&CP to prevent unauthorized access to and along the ROW, which plans shall include the following:

a) posting signs at the edges of the Project ROW in those locations where the Project ROW intersects public roads;

b) performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access;

c) working with local law enforcement officials in an effort to prevent future trespassing;

d) identifying construction and material details of gates and berms; and

identifying existing and proposed gate locations on the Plan and Profile drawings. Final determination of locations of gates and berms shall be made during a post-construction assessment of the Project, in consultation with DPS Staff.

61. Prior to restoration within a given area of each Certificate Holder's respective Project Components, that Certificate Holder shall thoroughly clear the areas of the ROW and work areas where construction occurred of debris related to electric line construction or removal, such as nuts, bolts, spikes, wire, and pieces of steel.

H. Herbicide Use During Construction

62. Each Certificate Holder applying herbicides on the Project shall do so only under the direct supervision of a NYS Certified Applicator who shall own or be employed by a New York State-registered business. The supervising certified applicator shall be familiar with and understand the provisions of this Certificate and shall be present in the field to ensure that the Certificate Holder's application of herbicides complies with their respective TROWMP and the Certificate.

63. Each Certificate Holder applying herbicides on the Project shall ensure that all herbicides it uses have valid registrations under applicable state and federal laws and regulations. If a Certificate Holder desires a change to the herbicides specified in the EM&CP for use during construction of the Project, including mix proportions, additives (with the exception of dyes), or method of application, such Certificate Holder shall submit the proposed change for approval pursuant to Certificate Condition 36 of this Certificate. No change inconsistent with the pesticide labeling shall be proposed.

64. Each Certificate Holder applying herbicides on the Project shall apply such herbicides only in conformity with all label instructions and all applicable state and federal laws and regulations. It shall apply herbicides in compliance with their respective TROWMP and

the Certificate. It shall ensure that its applicators reference maps which indicate treatment areas, and wetland and adjacent area boundaries, prior to treating. It shall ensure that applications required in seasonally flooded freshwater wetlands are undertaken during a dry season.

65. Each Certificate Holder applying herbicides on the Project shall ensure that its application of herbicides within wetlands and the 100 foot adjacent areas associated with State-regulated wetlands shall be performed only by backpack treatment or squirt bottle method.

66. Each Certificate Holder applying herbicides on the Project shall ensure that, in doing so, it does not allow equipment wash water or excess herbicide to enter wetlands, streams or waterbodies.

I. Oversight and Supervision

67. Each Certificate Holder shall use at least five (5) individuals for Project oversight of its Project Components (or at least four (4) if such Certificate Holder elects to use the same qualified individual as both environmental monitor and agricultural inspector):

a) One environmental monitor employed full-time on the Project;

b) One construction supervisor employed full-time on the Project;

c) One agricultural inspector employed part-time on the Project;

d) One safety inspector who will inspect the work site from time to time; and

e) One quality assurance inspector who will inspect the work site from time to time.

The Certificate Holders are not required to use different individuals between them for the above oversight purposes.

68.

a) During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, a Certificate Holder, with respect to its Project Components, may temporarily decrease the number of hours worked by inspectors and the extent of their presence at the Project site commensurate with the decline in Project activity; likewise, during periods of relatively high activity on the Project, the number of inspectors and the extent of their presence at the Project site may temporarily increase commensurate with the increase in Project activity. Each Certificate Holder shall ensure that the frequency of inspections, with respect to its Project Components, by the environmental monitor shall comply with the requirements of the SPDES General Permit.

b) The environmental monitor shall have stop work authority over all aspects of the Project.

c) Each Certificate Holder shall provide to DPS Staff, NYSDAM and NYSDEC the cell phone numbers of such Certificate Holder's environmental monitor and construction supervisor.

d) Each Certificate Holder shall ensure that its environmental monitor and construction supervisor are equipped with sufficient access to documentation, transportation, and communication equipment to effectively monitor such Certificate Holder's Contractor's compliance with the provisions of every Order issued in this proceeding with respect to such Certificate Holder's Project Components and to those sections of the PSL, Environmental Conservation Law, Section 401 Water Quality Certification, and the EM&CP.

69. Each Certificate Holder shall ensure that the names and qualifications of its environmental monitor and construction supervisor are submitted to DPS Staff at least two (2) weeks prior to the start of construction on such Certificate Holder's Project Components. Each Certificate Holder shall ensure that its environmental monitor's qualifications satisfy those of a "Qualified Inspector" pursuant to the SPDES General Permit.

70. The Certificate Holders' employees, contractors and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities.

71. The authority granted in the Certificate and any subsequent order(s) in this proceeding is subject to the following conditions necessary to ensure compliance with such order(s):

a) Each Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §8) as the Commission's designated representatives in the field. In the event of any emergency resulting from the specific construction or maintenance activities that violate, or may violate, the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.

b) A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. DPS Staff shall give the Certificate Holders notice by electronic mail of any application to a Commissioner to have a stop work order confirmed. If a stop work order is confirmed, either or both Certificate Holders may seek reconsideration from the confirming Commissioner or the whole Commission. If the emergency prompting the issuance of a stop work order is resolved to the satisfaction of the Commissioner or the Commission, the stop work order will be lifted. If the emergency has not been satisfactorily resolved, the stop work order will remain in effect.

c) Stop work authority will be exercised sparingly and with due regard to potential environmental impact, economic costs involved, possible impact on construction activities, and whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will consult (wherever practicable) with the Certificate Holders' representative(s) possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be brought immediately to the attention of the Certificate Holders' Project Managers and the Director of the OEEE. In the event that a DPS Staff representative issues a stop work order, neither the Certificate Holders nor the Contractor will be prevented from undertaking any safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop

work order or the implementation of measures as described below may be directed at the sole discretion of the DPS Staff representative during these discussions.

d) If a DPS Staff representative discovers a specific activity that represents a significant environmental threat that is, or immediately may become, a violation of the Certificate or any other Order in this proceeding, the DPS Staff representative may -- in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action -- direct the field crews to stop the specific potentially harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the Certificate Holders' Construction Inspector(s) and/or Environmental Monitor(s) of the action taken. The stop work order may be lifted by the DPS Staff Representative if the situation prompting its issuance is resolved.

e) If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holders or the relevant Contractors to implement the corrective measures identified in the approved EM&CP. The field crews shall comply with the DPS Staff representative's directive immediately. The DPS Staff representative will immediately thereafter inform that Certificate Holders' Construction Inspector(s) and/or Environmental Monitor(s) of the action taken.

f) DPS Staff will promptly notify the NYSDEC Region 7 representative of any activity that involves a violation of the Certificate within NYSDEC's jurisdictional areas (e.g., a State-regulated wetland or its adjacent area, a protected stream or other waterbody, or a threatened or endangered species).

72. Each Certificate Holder shall organize and conduct site-compliance inspections for DPS Staff as needed during construction of such Certificate Holder's Project Components, but for transmission line Project Components, such inspections shall be conducted no less frequently than once per month during the site preparation, construction, and restoration phases of such Project Components. Inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector.

a) The monthly inspection shall include a review of the status of compliance with all conditions contained in the Certificate and any other Order issued in this proceeding, other legal requirements and commitments, as well as a field review of the Project site, if necessary. The inspection also may include:

i. Review of all complaints received, and their proposed or actual resolutions;

ii. Review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies and indicate how the Certificate Holder(s) has responded to the public, local governments, or other agencies;

iii. Review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and

iv. Other items the Certificate Holders or DPS Staff consider appropriate.

b) Each Certificate Holder, with respect to its Project Components, shall provide a written record of the results of the inspection, including resolution of issues and additional measures to be taken, to agencies involved in the inspection audit.

73. Each Certificate Holder shall ensure that the required safety rules and regulations are communicated to site inspectors in a documented tailboard meeting prior to entry onto the site of work on such Certificate Holder's Project Components. Site inspectors are responsible for interpreting these rules for their non-English speaking and reading-impaired employees. Once a site inspector has received the Safety Awareness training session, he or she is authorized to visit that site for which the training was held. A separate training session is required for each jobsite.

74. The Certificate Holders may require site inspectors to supply their own personal protective equipment for any tours of construction sites. This shall include a properly fitted, currently valid, hardhat, safety glasses with side shields, and steel or ceramic-toed boots at any time while on site, unless the visitor is in a vehicle or in a construction trailer.

J. Roads and Highways

75. The Certificate Holders shall delineate on the EM&CP drawings the locations of proposed temporary access roads, proposed permanent access roads, and existing access roads. Each Certificate Holder shall ensure that proposed access road improvements and measures for environmental impact minimization and access control are included in the EM&CP.

76. Each Certificate Holder shall minimize the impact of the construction of its Project Components on traffic circulation. Each Certificate Holder shall ensure that traffic control personnel and safety signage are employed to ensure safe and adequate traffic flow when roadways are affected by construction of such Certificate Holder's Project Components.

77. Each Certificate Holder shall consult periodically as necessary with municipal highway transportation agencies about traffic conditions near the site of work on such Certificate Holder's Project Components and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction for its Project Components.

78. NYSDOT shall have authority to place inspectors on site to monitor and observe the Certificate Holders' activities on state highways, and/or to request the presence of state or local police to assure the safety of freeway travelers, at such times and for such periods as NYSDOT deems appropriate. All costs thereof shall be borne by the Certificate Holders.

79. Each Certificate Holder, with respect to its Project Components, shall coordinate all State Highway crossings and longitudinal occupations with NYSDOT. Each Certificate Holder, with respect to its Project Components, shall obtain the necessary permits from

NYSDOT, including, as appropriate, a Highway Work Permit and Use and Occupancy Permit pursuant to 17 NYCRR Part 131, including, if necessary, the filing by NYSDOT of a request with the Federal Highway Administration for an exception to the Accommodation Plan for Longitudinal Use of Freeway Right-of-Way by Utilities, for the construction, operation and maintenance of the Project in the right-of-way of State highways. Said Use and Occupancy Permit shall include payment of a fair market value-based fee for use of State property.

80. Each Certificate Holder, with respect to its Project Components, shall coordinate with DPS Staff and NYSDOT for all work to be performed in the State highway rights-of-way. Prior to submitting the construction plan for any State highway right-of-way segment for its Project Components, the Certificate Holder shall provide to DPS Staff and NYSDOT a preliminary design marked to avoid conflict with potential future transportation projects that NYSDOT may seek to undertake in the future and shall offer to consult with NYSDOT concerning any comments it may offer and shall use reasonable efforts to accommodate any NYSDOT concerns.

81. Each Certificate Holder, with respect to its Project Components, shall ensure that:

a) all work within State highway rights-of-way shall be designed and performed according to the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled *Accommodation of Utilities Within State Highway Right-of-Way* and applicable design standards required by law or governmental regulation; and

b) the EM&CP for street work provides details, including provisions for minimizing the duration and extent of open excavation, traffic disruptions, and work within adjoining public streets and right-of-way.

K. Cultural Resources

82. Each Certificate Holder, with respect to its Project Components, shall ensure that no construction is undertaken in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including OPRHP and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.

83. Each Certificate Holder, with respect to its Project Components, shall ensure that, should archeological materials be encountered during construction, such Certificate Holder shall stabilize the area and cease all ground-disturbing activities in the immediate vicinity of the find and protect the find from further damage. Within twenty-four (24) hours of such discovery, such Certificate Holder shall notify and consult with DPS Staff and OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the vicinity of the find until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

84. Each Certificate Holder, with respect to its Project Components, shall ensure that, should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity of

the find is halted immediately and the remains are protected from further disturbance. Within twenty-four (24) hours of any such discovery, such Certificate Holder shall notify and consult with DPS Staff and OPRHP Field Services Bureau. Such Certificate Holder shall ensure that treatment of human remains is done in accordance with the OPRHP's Human Remains Discovery Protocol, and that all archaeological or remains-related encounters and their handling is reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

85. Each Certificate Holder shall ensure that the creation of adverse impacts on historic structures in the Project vicinity is avoided by implementing Project location, design, and vegetation management measures, specified in the EM&CP.

86. Each Certificate Holder, with respect to its Project Components, shall have a continuing obligation during construction to respond promptly to complaints of negative archeological impacts and, if necessary, to mitigate any actual impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.

L. Terrestrial and Wildlife Resources

87. Each Certificate Holder, with respect to its Project Components, shall promptly notify DPS Staff, and the NYSDEC Region 7 Natural Resources Supervisor if any threatened or endangered animal species or animal species of special concern or rare, threatened or endangered plants listed in New York (collectively, "RTE" species) is encountered on the Project ROW, access roads and marshaling yards so as to determine the appropriate measures to be taken to protect such species. If necessary to protect a species or its habitat from immediate harm, such Certificate Holder shall stabilize the area and cease construction or ground-disturbing activities in the area. The Certificate Holders shall refer to 6 NYCRR Part 182 and Part 193 & http://www.dec.ny.gov/animals/7494.html for current lists of RTE species.

M. Water Resources

88. Each Certificate Holder, with respect to its Project Components, shall ensure that adverse effects to streams, waterbodies, wetlands, and the one hundred (100) foot adjacent area associated with any State-regulated wetland ("adjacent area") during the construction, operation, and maintenance activities of its Project Components are avoided or minimized. Each Certificate Holder, with respect to its Project Components, shall ensure that the following provisions to protect streams, waterbodies, and wetlands are followed:

    a) Wetland locations and adjacent areas located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved, or maintained for the Project, shall be delineated in the field prior to construction and indicated on the approved EM&CP drawings.

b) Any activities which may affect wetlands shall be designed and controlled to avoid or minimize adverse impacts, giving due consideration to the environmental features and functions of the wetlands.

c) If construction through wetlands cannot be avoided it shall be done with tracked equipment or on temporary mats and shall be restricted to access roads and work areas set forth on the EM&CP drawings; provided, however, if geotextile/gravel access roads are proposed, such proposal shall be justified in the EM&CP.

d) Equipment or machinery shall not be washed in any stream, waterbody, wetland or adjacent area, and runoff resulting from washing operations shall not be permitted to directly enter any stream, waterbody, or wetland.

e) Any excess excavated material resulting from structure installation that is to be removed from any stream, waterbody, or wetland or adjacent areas shall not be stored inside wetlands or adjacent areas. Excavated material shall be disposed of in approved upland locations.

f) In wetlands, slash that is cut may be left in place (drop and lop) or removed from the wetland. No slash shall be collected and permanently piled in the wetland.

g) Construction vehicle access across streams and waterbodies shall be limited to existing bridges and culverts and to crossings installed in accordance with the provisions set forth in the approved EM&CP.

h) During periods of work activity, stream or waterbody flow immediately downstream of the worksite shall equal such flow immediately upstream of the worksite.

i) There shall be no increase in turbidity downstream of the construction activity that will cause a visible contrast to natural conditions.

j) Unless otherwise specified in the approved EM&CP, work in streams, when necessary, shall be prohibited between March 1 and July 15 for warm water fisheries, and October 1 and May 31 for cold water fisheries habitat.

k) Within one hundred (100) feet of a stream or waterbody or wetland, the Certificate Holders shall not: (i) store, mix, or handle open containers of or load herbicides, chemicals labeled "toxic," or petroleum products. Refueling of vehicles and equipment within 100 feet of waterbodies is prohibited, except as provided in such Certificate Holder's EM&CP Best Practices Manual and the EM&CP.

l) Water from dewatering operations shall be pumped into a temporary straw bale/silt fence barrier or filter bag to settle suspended silt material prior to discharge. Direct discharge to wetlands, streams, and waterbodies shall be avoided.

89. Unless one or both Certificate Holders are to be credited for permanent impacts to regulated wetlands through an in-lieu payment, a wetland mitigation plan shall be submitted in the EM&CP to mitigate for clearing of forested wetland habitat and functions and other adverse wetland impacts resulting from permanent structures in wetlands and damage to wetland vegetation from roadways. Mitigation for clearing forested wetlands shall be at a ratio of at least 1 acre for 1 acre cleared. The Certificate Holders shall work with NYSDEC and DPS Staff to develop any such Wetland Mitigation Plan, following NYSDEC's wetland mitigation guidelines, before the proposed EM&CP is filed.

90. Upon filing a permit application with the USACE, NYSEG shall provide a copy to DPS Staff.

N. Agricultural Resources

91. Each Certificate Holder, with respect to its Project Components, shall retain a qualified Agricultural and Soil Conservation Specialist/Inspector ("Agricultural Inspector") for each phase of Project development, including design, construction, initial restoration, post-construction monitoring, and follow-up restoration. Both Certificate Holders may use the same Agricultural Inspector. The Agricultural Inspector shall be available to provide site-specific agricultural information as necessary for such Certificate Holder's EM&CP development through field review as well as to have direct contact with affected farm operators, County Soil and Water Conservation Districts, NYSDAM, and others. The Agricultural Inspector shall maintain regular contact with the Environmental Monitor(s) and/or the Construction Inspector(s) throughout the construction phase. The Agricultural Inspector also shall maintain regular contact with the affected farmers and County Soil and Water Conservation Districts concerning farm resources and management matters pertinent to the agricultural operations and the site-specific implementation of the EM&CP. Whenever such Certificate Holder submits a request for an EM&CP change for its Project Components concerning agriculture, such Certificate Holder shall consult with NYSDAM.

92. Each Certificate Holder, with respect to its Project Components, shall identify Black Cherry trees located on the Project ROW near active livestock use areas during development of the EM&CP. During the clearing phase, such vegetation shall be disposed of in a manner which prevents access by livestock.

93. In agricultural areas, logs, stumps, brush, or chips shall not be piled or buried in active agricultural fields or improved pasture.

94. Each Certificate Holder shall design its Project Components, to the extent possible, to avoid or limit the placement of structures on crop fields or on other active agricultural land where the structures may significantly interfere with normal agricultural operations or activities. Where the location of a structure on such agricultural land is unavoidable, such Certificate Holder shall attempt to site the structure in a location that minimizes impact to normal farming operations.

95. Each Certificate Holder, with respect to its Project Components, shall ensure that, during preparation of the EM&CP, and in accordance with the EM&CP Specifications, a detailed drainage line repair procedure shall be developed, in consultation with NYSDAM or the local Soil and Water Conservation District, for the repair of crushed/severed clay tile and plastic drain lines. Drawings showing the generic technique to be implemented for drain line repairs shall be provided by such Certificate Holder. All new plastic drain tubing shall meet or exceed the AASHTO M252 specifications. The plan for the replacement of functional stone drainage systems severed during construction shall be prepared during the restoration phase, in consultation with NYSDAM or the local Soil and Water Conservation Districts.

96. Each Certificate Holder, with respect to its Project Components, shall ensure that, where construction entrances are required from public roadways to the Project ROW in agricultural fields, an underlayment of durable, geotextile fabric is placed over the exposed subsoil surface prior to the use of temporary gravel access fill material. In locations where underground utilities are located within 10 feet of the shoulder of the roadway, the Certificate Holder may elect, in order to minimize disturbance and protect the underground utilities, to place the geotextile fabric directly over the surface without stripping topsoil. In locations where underground utilities are located 10 feet or more from the shoulder of the roadway, but still within the limits of the construction entrance, the Certificate Holder may elect to mat over the underground utilities instead of placing geotextile fabric and gravel access fill material. Complete removal of the construction entrance upon completion of the Project and restoration of the affected site is required prior to topsoil replacement, except where retention of the construction entrance would be more conducive to the existing land use than removal.

97. Each Certificate Holder, with respect to its Project Components, shall ensure that segments of farm roads that need improvement in order to be utilized for access are improved in consultation with the farm operator and NYSDAM prior to use. Such improvements may include the installation of geotextile fabric and crushed stone.

98. Each Certificate Holder, with respect to its Project Components, shall ensure that farm drainage features, fences, and gates affected by construction are rebuilt to like new condition upon completion of construction, and the base of all new posts are secured to a reasonable depth below the surface to prevent frost heave.

99. Each Certificate Holder, with respect to its Project Components, shall ensure that where mats are installed; the mats are layered where necessary to provide a level access surface; and once access is no longer required, the mats are removed and the Agricultural Inspector uses a soil penetrometer to determine if soil compaction has occurred as a result of construction activities. All compacted areas shall be remediated.

100. Each Certificate Holder, with respect to its Project Components, shall ensure that: where the installation of mats is not practical, topsoil is removed, including all of the "A" horizon down to the beginning of the subsoil "B" horizon, generally not to exceed a maximum of twelve (12) inches (topsoil removal up to a depth of sixteen (16) inches may be required in specially-designated soils encountered along the Project route and identified in the EM&CP); all topsoil is stockpiled directly adjacent to the travel way on the Project ROW and separated from other excavated materials; the Agricultural Inspector determines depth of topsoil stripping on each affected farm by means of the County Soil Survey and on-site soil augering, if necessary; all topsoil material is stripped, stockpiled, and uniformly returned to restore the original soil profile; during the clearing/construction phase, site-specific depths of topsoil stripping is monitored by the Agricultural Inspector; and the use of topsoil stripping for construction access, as opposed to matting, is done only with approval from DPS Staff in consultation with NYSDAM.

101. Each Certificate Holder, with respect to its Project Components, shall ensure that: in agricultural areas of till over bedrock where blasting is required, matting or controlled blasting is used to limit the dispersion of blast rock fragments; all blasted rock not used as backfill is removed from croplands, haylands and improved pastures; the till and topsoil

is returned in natural sequence to restore the soil profile; and farm owners/operators are given timely notice prior to blasting on farm property.

102. Each Certificate Holder, with respect to its Project Components, shall ensure that: in all agricultural sections of the Project ROW disturbed during construction, the subsoil compaction is eliminated to a depth of 18 inches (unless bedrock is encountered at a depth less than 18 inches) with deep tillage by such devices as a deep-ripper (subsoiler); final soil compaction results shall not be more than 250 pounds per square inch (PSI) as measured with a soil penetrometer; following the deep ripping, all stone and rock material four (4) inches and larger in size, which has been lifted to the surface, is collected and taken off site for disposal; following the deep ripping, all debris shall be disposed of in a manner consistent with Certificate Condition 61; the topsoil temporarily removed for the period of construction shall then be replaced; deep subsoil shattering shall be performed with a subsoiler tool having angled legs; and stone removal shall be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. Should subsequent construction and/or restoration activities result in compaction, then restoration activities shall include additional deep tillage.

103. Each Certificate Holder, with respect to its Project Components, shall ensure that: all structure foundations and guy anchors removed from agricultural areas as part of the construction activities are removed to a minimum depth of 48 inches below the soil surface; all holes or cavities created by the removal of the old facilities are filled with material similar to native soil to the same level as the adjacent area, plus six (6) to twelve (12) inches of additional soil to allow for settling; all holes or cavities created by the installation of new structures or facilities are filled with material appropriate for the structure being installed to the same level as the adjacent area; and all fill material is compacted.

104. Each Certificate Holder, with respect to its Project Components, shall ensure that: wherever existing structures are removed from agricultural fields, the area is restored to allow the resumption of agricultural activities; such restoration includes the removal of all vegetation from the structure area and grading of the ground surface to match the adjacent field; and all stone and rock material four (4) inches and larger in size are removed from the surface. All debris shall be disposed of in a manner consistent with Certificate Condition 61.

105. Each Certificate Holder, with respect to its Project Components, shall provide a monitoring and remediation period of two (2) growing seasons following completion of ROW restoration in active agricultural areas. Such Certificate Holder shall retain the services of an Agricultural Inspector on at least a part-time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with construction of such Certificate Holder's Project Components that are in need of mitigation and to implement the follow-up restoration. During this phase, the Agricultural Inspector shall also maintain a list of invasive species observed on such portion of the Project ROW in agricultural areas, adjoining ROW areas, and other areas utilized by the current field operator. In agricultural areas where invasive species are documented along such portion of the Project ROW, such Certificate Holder, in consultation with the Agricultural Inspector, DPS Staff and NYSDAM, shall determine whether such species were pre-existing or whether such species were introduced by its

work on its Project Components. If it is determined at the end of the Certificate Holder's work on such Project Component that such work was directly responsible for the introduction of invasive species to the agricultural areas, such Certificate Holder shall consult with the farm operator, DPS Staff, and NYSDAM to determine the appropriate control measures to implement.

106. Each Certificate Holder, with respect to its Project Components, shall ensure that, during the monitoring and remediation period of such Project Components, on-site monitoring shall be conducted at least three times during each growing season and shall include a comparison of growth and yield for crops on and off such portion of the Project ROW. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected agricultural land, the Agricultural Inspector, in conjunction with such Certificate Holder and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for such Certificate Holder to implement (soil de-compaction, topsoil replacement, etc.). Each Certificate Holder, with respect to its Project Components, shall ensure that, during the various stages of the Project, all affected farm operators are periodically apprised of the duration of remediation by the Agricultural Inspector. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period shall not obviate such Certificate Holder's responsibility to fully redress the impacts of its Project Components. After completion of the specific remediation period, such Certificate Holder shall continue to respond to the reasonable requests of the farmland owner/operators to correct effects related to such Project Components on the impacted agricultural resources.

107. Each Certificate Holder, with respect to its Project Components, shall provide all affected farm owners/operators with a telephone number to facilitate direct contact with such Certificate Holder and the Agricultural Inspector(s) through all of the stages of the work on such Project Components. Such Certificate Holder shall also ensure that the farm owner/operators are provided with a telephone number to facilitate direct contact with such Certificate Holder's Project Managers during operation and maintenance of the transmission line.

108. The Agricultural Inspector shall work with the farm operators during the planning phase to develop a plan to delay the pasturing of the Project ROW following construction of each segment of the Project until pasture areas are adequately revegetated. Each Certificate Holder, with respect to its Project Components, shall be responsible for maintaining the temporary fencing on the applicable portions of the ROW until the Agricultural Inspector determines that the vegetation on such portions of the ROW is established and able to accommodate grazing. At such time, such Certificate Holder shall be responsible for removal of the fences.

109. Each Certificate Holder, with respect to its Project Components, shall ensure that: on affected farmland, restoration practices are postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist; restoration is not conducted while soils are in a wet or plastic state; stockpiled topsoil is not regraded until plasticity, as determined by the Atterberg field test, or a similar soil moisture test, is significantly reduced; and no Project restoration activities occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. Such Certificate Holder shall monitor and advise NYSDAM and DPS Staff regarding tentative restoration

planning for its Project Components. Potential schedules will be determined by conducting the Atterberg field test, or a similar soil moisture test, at appropriate depths into topsoil stockpiles and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.

110. Following restoration of all disturbed areas, excess topsoil shall be distributed in agricultural areas of the site, provided this is practicable and can be accomplished without having any adverse impact on site drainage. All such activity shall be as directed by the Agricultural Inspector, based on guidance provided by the landowner.

111. After the moisture of the soil profile on the affected portion of the project ROW has been returned to equilibrium with the adjacent off-ROW land, subsoil compaction shall be tested using an appropriate soil penetrometer or other soil-compaction measuring device.

112. Each Certificate Holder, with respect to its Project Components, shall ensure that: topsoil stockpiles on agricultural areas left in place prior to October 31 are seeded with Aroostook Winter Rye or equivalent at an application rate of three (3) bushels (168 #) per acre and mulched with straw mulch at rate of two (2) to three (3) bales per 1,000 sq. ft.; topsoil stockpiles left in place between October 31 and May 31 are mulched with straw mulch at a rate of two (2) to three (3) bales per 1,000 sq. ft.; and straw (not hay) mulch is used to prevent soil loss on stockpiled topsoil from October through May.

113. Each Certificate Holder, with respect to its Project Components, shall ensure that, after topsoil replacement, seedbed preparation (final tillage, fertilizing, liming) and seeding follow either NYSDAM recommendations as contained in *Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in New York State* (revised 9-25-2012) or landowner specifications.

O. Petroleum and Hazardous Substances

114. The EM&CP shall include a plan for storage of all petroleum and hazardous substances which may be used during, or in connection with, the construction, operation, or maintenance of the Project Components.

115. The EM&CP shall include a plan for responding to and remediating the effects of any spill of petroleum and hazardous substances in accordance with applicable law and regulations. Such plan shall be developed in accordance with applicable state and federal laws, regulations and guidance, and shall include proposed methods of handling spills of petroleum products and hazardous substances which may be stored or utilized during the construction, operation, or maintenance of the Project.

116. The Certificate Holders shall comply with §175 of the Navigation Law, 6 NYCRR §613.8 (petroleum spills), and 6 NYCRR §595.3(b) (hazardous substance spills).

P. Contractors and Contractor Supplies/Materials

117. At least two (2) weeks prior to a Certificate Holder's construction of a transmission line Project Component, such Certificate Holder shall submit a report to the Secretary confirming that all required construction materials are available for that transmission line

Project Component. For purposes of this paragraph, an item of construction material is available if: (i) it is located at a marshaling yard; (ii) it is in a Certificate Holder's warehouse or other routine Certificate Holder inventory stocking location; or (iii) it is on order from a vendor with a scheduled delivery date prior to the time scheduled for its use in the Project.

118. All equipment shall be located within approved marshaling yard(s) or within designated areas of the Project ROW, provided, however, that if a local contractor is used for the work, the local contractor's facility may be considered as an acceptable marshaling yard.

119. DPS Staff will provide the name of a contact person(s) ("DPS Staff Representative") and the contact information (mailing address, phone number, e-mail, etc.) of that individual for purposes of this Certificate Condition and Certificate Conditions 120 through 124 of this Certificate. If a reportable accident occurs in connection with work on a Project Component, the Certificate Holder responsible for that Project Component shall report such accident to the DPS Staff Representative as soon as possible, and shall provide a copy of the accident report, if any, to the DPS Staff Representative after it has been finalized.

120. Each Certificate Holder shall provide the DPS Staff Representative with a monthly audit report reflecting material inventory and usage by such Certificate Holder during its work on its Project Components.

121. Each Certificate Holder, with respect to its Project Components, shall provide the DPS Staff Representative with a copy of any police report and any insurance claim filed in connection with any theft of Project-related materials, as well as a list of the stolen items. Subsequently, such Certificate Holder shall provide the DPS Staff Representative with an accounting of all replacement materials. Such Certificate Holder's accounting of replacement materials shall include documentation of the insurance company's coverage and the contractor's costs for replacement.

122. Each Certificate Holder shall, within six (6) months following completion of restoration of its Project Components, provide to the DPS Staff Representative a full accounting of all costs incurred to date for such Project Components, including an explanation of variances, if any, between projected and actual costs.

123. Each Certificate Holder, with respect to its Project Components that are transmission lines, shall ensure that a company engineer who designed such Project Components, or a representative from the engineering design firm that designed such Project Components or another Consultant selected by such Certificate Holder, shall conduct field reviews on a bi-weekly basis and prepare a written report of the firm's findings on whether such Project Components are being constructed in accordance with the design for such Project Components. Such Certificate Holder shall provide a copy of each such report to the DPS Staff Representative within three (3) business days after such Certificate Holder receives the report. Such Certificate Holder shall notify the DPS Staff Representative of when the field reviews will occur.

124. If a Contractor installs materials, structures, or components that do not conform to those specified in the EM&CP, the Certificate Holder of the relevant Project Components, within one (1) month after becoming aware of such incident, shall prepare and deliver to the DPS Staff Representative a summary report detailing the incident, the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the

incident, and the manner in which such costs will be accounted for separately from such Certificate Holder's other Project costs.

125. Each Certificate Holder shall develop a quality control plan ("Quality Control Plan") for its Project Components to be included in the EM&CP describing how it will ensure that the transmission line structures and components it purchases for its Project Components conform to the specification for structures and components described in the EM&CP. At a minimum, the Quality Control Plan shall include: (i) the name(s) and qualifications of the individual(s) who will conduct audits under the Quality Control Plan ("Quality Control Audits"); and (ii) the frequency with which the Quality Control Audits will be performed.

126. Within 5 days following completion of each Quality Control Audit, each Certificate Holder shall provide to Staff a report of such audit that includes: (i) a description of the results of the audit, particularly with respect to results that identify that one or more structures or components each Certificate Holder purchased for installation in the Project did not conform to the specification for structures or components described in the approved EM&CP; and, (ii) any notes pertinent to the subject matter of such audit which were made at audit meetings by each Certificate Holders' personnel and contractors who performed the audit.

127. If any Quality Control Audit conducted by the Certificate Holders identifies that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specification for structures and components described in the approved EM&CP, the Certificate Holder shall: (i) provide written notification to the Secretary within 24 hours of the Certificate Holders' discovery of such non-conformity; and (ii) describe the steps the Certificate Holders will take to correct the non-conformity, including whether any components must be dismantled and sent back to the manufacturer, as well as a detailed estimate of all costs and expected delays in construction resulting from such non-conformity.

128. All costs incurred by each Certificate Holder as a result of its purchase of a structure or component for installation in the Project that did not conform to the specification for structures and components described in the approved EM&CP shall be accounted for separately from each Certificate Holder's overall Project costs.

Q. Invasive Species

129. Each Certificate Holder, with respect to its Project Components, shall perform the following activities to identify and address potential invasive species hazards:

a) Meet in person or by phone to consult with the appropriate technical representatives of DPS Staff, NYSDEC's Region 7 Natural Resource Section and NYSDAM to determine plant and insect species of special concern, i.e., invasive species which present an environmental or human health hazard that warrants the prescription of measures to control the spread or eradication, of such species during construction ("Invasive Species of Special Concern"). Each invasive species is to be considered in its landscape context, such as whether a species is contributing positively to vegetation management of the ROW and whether the same species has been observed, or is otherwise known to be abundant, on adjacent lands. Minutes of such meeting(s) shall be included in the EM&CP.

b) After consultation with NYSDEC Region 7 Natural Resource Section, NYSDAM and DPS Staff, and based upon field surveys, include in the EM&CP the locations of invasive species that constitute an environmental or human health hazard that warrants the prescription of measures to control the spread of such species during construction. Consider each species in its landscape context, such as whether a species is contributing positively to vegetation management of the Project ROW and whether the same species has been observed or otherwise is known to be abundant, on adjacent lands.
c) In order to prevent the potential introduction of invasive species from other areas or regions to the Project area: vehicles, equipment, and materials (including mats) shall be inspected for, and cleaned of, any visible soils, vegetation, insects, and debris before bringing them to the Project area. On a site-by-site basis and as prescribed on the EM&CP drawings, equipment and material shall be cleaned prior to leaving the Project ROW. The cleaning method shall include, as applicable, brushing, scraping, and/or the use of compressed air to remove visible soils and vegetation. Any matter cleaned from equipment and material shall remain within the infested area.
d) Where practicable, in upland areas identified for invasive species control, chipped brush and wood maybe used to create a layer of at least six (6) inches over access pathways on the Project ROW, thus providing a barrier between plant material and equipment. Areas where this shall be implemented shall be noted on the EM&CP drawings. The condition of this access shall be monitored by the Environmental Monitor during construction. Provided this barrier remains intact, the Environmental Monitor may exempt specific types of potential transporters, *e.g.*, pickup trucks and pedestrians, from cleaning requirements.
e) Train Project contractor(s) and subcontractor(s) on the various relevant cleaning methods to be used on the Project.
f) Minimize ground disturbances and vegetation removal as much as possible. The contractor(s) and subcontractor(s) shall be instructed to stay within access paths and work areas that are designated on the proposed EM&CP drawings.
g) For areas free of invasive species, ensure that any transported fill materials come from sources visibly free of invasive-species.
h) Stabilize and re-vegetate disturbed sites using an appropriate upland/wetland native seed mix having a labeled weed content that does not exceed the weed content limitations for such seeds under Agriculture and Markets Law §138(A)(4).
i) Coordinate with outside logging contractors for sale and use of the merchantable timber that will be cleared from the Project ROW.
j) Remove any wood from the Project ROW pursuant to the NYSDEC's firewood regulations to protect forests from invasive species found in 6 NYCRR Part 192 and any applicable quarantine orders and regulations.
k) Train clearing crews to identify the Asian Longhorned Beetle, the Emerald Ash Borer, and any other invasive insects that the NYSDEC identifies as a potential problem. If evidence of the existence of these insects is found, the facts shall be reported as soon as practicable to DPS Staff and the appropriate NYSDEC Region 7 forester, unless NYSDEC has already determined that such insects are a potential problem in the area.

R. Water Quality Certification

130. Concurrent with Commission approval of the EM&CP for this Project, the Chief of the Environmental Certification and Compliance Section in the Office of Utility Rates and Services, pursuant to §401 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1341, and PSL Article VII, will execute the certification, substantially in the form of Appendix F to the Joint Proposal, that the Project will comply with the applicable requirements of §§301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended, and will not violate New York State water quality standards and requirements.

APPENDIX E
SPECIFICATIONS FOR THE DEVELOPMENT OF ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

Section A of the Specifications for the Development of an Environmental Management and Construction Plan ("Specifications") addresses the development of the plan and profile drawings, and maps portion of an Environmental Management and Construction Plan ("EM&CP").

Section B addresses the description and statement of objectives, techniques, procedures, and requirements, i.e. the textual portion of the EM&CP. A table of contents will be included for the EM&CP and each section, appendix or exhibit containing ten or more pages.

If any particular requirement of the Specifications is not applicable, so indicate and briefly explain.

A. EM&CP Plan and Profile Drawings and Maps

The EM&CP maps, charts, photostrip maps, and illustrations shall include, but need not be limited to, all of the following information:

1. Plan and Profile Details

A Line[1] Profile (at an appropriate scale) and plan drawings (scale minimum 1 inch = 200 feet)[2] showing:

[1] The lowest conductor of an overhead design shall be shown in relation to ground at the maximum permissible conductor temperature for which the line is designed to operate, i.e., normally the short-time emergency loading temperature. If a lesser conductor temperature is used for the line profile, the maximum sag increase between the conductor temperature and the maximum conductor temperature shall be indicated for each ruling span. For underground project design, show relation of project to final surface grade, indicating design depth-of-cover.

[2] Contour lines (preferably at 5-foot intervals) are desirable on the photostrip map if they can be added without obscuring the required information.

a. The boundaries of any new, existing, and/or expanded right-of-way (ROW)[3] or road boundaries, and where cables are to be constructed overhead or underground; plus areas contiguous to the ROW or street within which the Certificate Holder(s) will obtain additional rights.

b. The location of each Facility structure (showing its height, material, finish and color, and type), structural foundation type (*e.g.*, concrete, direct bury), fence, gate, down-guy anchor, and any counterpoise required for the Facility (typical counterpoise drawings will suffice recognizing that before field testing of installed structures the Certificate Holder(s) may be unable to determine the specific location of all required counterpoise), conductors, insulators, mid-span splices, and static wires and other components attached to Facility structures.

c. Existing utility or non-utility structures on the ROW, and indicate those to be removed or relocated (include circuit arrangements where new structures will accommodate existing circuits, indicate methods of removal of existing facilities, and show the new locations, types and configurations of relocated facilities).

d. Any underground utility or non-utility structure.

e. The relationship of the Facility to nearby fence lines; roads; trails; railways; airfields; property lines; hedgerows; fresh surface waters; wetlands; other water bodies; significant habitats; associated facilities; flowing water springs; nearby buildings or structures; major antennas; oil or gas wells, and blowdown valves.

[3] The term "right-of-way" in these *Specifications* includes property, whether owned in fee or easement, to be used for substations, disposal sites, underground terminals, storage yards, and other associated facilities. Where such properties cannot reasonably be shown on the same plan or photo-strip, maps, or plan drawings used for the transmission line, additional maps or drawings at convenient scales should be used.

f. The location of any proposed new or expanded switching station, substation, or other terminal or associated utility or non-utility structure (attach plan[4] - plot, grading, drainage, and electrical - and elevation views with architectural details at appropriate scales). Indicate the type of outdoor lighting, including design features to avoid off-site illumination and minimize glare; the color and finish of all structures; the locations of temporary or permanent access roads, parking areas, construction contract limit lines, property lines, designated floodways and flood-hazard area limits, buildings, sheds, relocated structures, and any plans for water service and sewage and waste disposal.

g. The location and boundaries of any areas whether located on- or off- ROW proposed to be used for fabrication, designated equipment parking, staging, access, lay-down, and conductor pulling. Indicate any planned fencing, surface improvements, and screening of storage and staging areas.

h. The locations for ready-mix concrete chute washout and any other cleaning activities (e.g., control of invasive species).

2. <u>Stormwater Pollution Prevention</u>

a. Include on the plan and profile drawings the approved Storm Water Pollution Prevention Plan ("SWPPP") details. Include the locations of soil erosion and sediment control measures developed in accordance with the latest version of the New York Standards and Specifications for Erosion and Sediment Control (e.g., stabilized construction entrances, silt fences, check dams, and sediment traps).

[4] Preferably 1" = 50' scale with 2-foot contour lines.

b. Include on the plan and profile drawings the approved SWPPP locations of all permanent stormwater management controls that are required based on site-specific conditions or conditions of the Certificate.

3. <u>Vegetation Clearing and Disposal Methods</u>

Identify on the plan and profile drawings:

a. the locations of sites requiring trimming or clearing of vegetation and the geographic limits of such trimming or clearing;

b. the specific methods for the type and manner of cutting and disposition or disposal method for cut vegetation (e.g., chip; cut and pile; salvage merchantable timber, etc.);

c. the methods for management of vegetation to be cut or removed at each site;

d. any geographical area bounded by distinctly different cover types requiring different cut-vegetation management methods;

e. any geographical area bounded at each end by areas requiring distinctly different cut-vegetation methods due to site conditions such as land use differences, population density, habitat or site protection, soil or terrain conditions, fire hazards, or other factors;

f. different property-owners requesting specific vegetation treatment or disposal methods;

g. desirable vegetation species;

h. areas requiring (off-ROW) danger tree removal; and,

i. the location of any areas where specific vegetation protection measures will be employed and the details of those measures to avoid damage to specimen tree stands of desirable species, important screening trees, or hedgerows.

4. Building and Structure Removal

Indicate the locations of any buildings or structures to be acquired, demolished, moved, or removed.

5. Waterbodies

a. Indicate the name, water quality classification and location of all rivers and streams, (whether perennial and intermittent) and drainages crossed by, the proposed ROW or any off-ROW access road constructed, improved, or maintained for the Facility. On the plan and profile drawings, indicate:

   1) stream crossing method and delineate any designated streamside "protective or buffer zone" in which construction activities will be restricted to the extent necessary to minimize impacts on rivers and streams;

   2) the activities to be restricted in such zones; and,

   3) identify any designated floodways or flood hazard areas to be traversed by the Facility or access roads, or otherwise used for Facility construction or the site of associated facilities.

b. Show the location of all potable water sources, including springs and wells on the ROW or within 100 feet of the ROW or access roads, indicating, on a site-by-site basis, precautionary measures to be taken to protect each water source.

6. Wetlands

a. All wetlands and wetland 100-foot adjacent areas ("adjacent areas") located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved, or maintained for the Facility shall be depicted on EM&CP drawings. The plan and profile drawings shall

delineate the wetland "protective or buffer zone" in which construction activities will be restricted to the extent necessary to minimize impacts on wetlands.

b. Indicate the location and type (i.e., identification code for regulated town, state, or federal wetlands) of any wetland (e.g., marsh, meadow, bog, or scrub-shrub or forested swamp) within or adjoining the ROW or any access road, as determined by site investigation and delineation.

c. Indicate type and location of precautionary measures (e.g., mats) to be taken to protect all wetlands, associated drainage patterns, and wetland functions.

7. Land Uses

a. Agricultural Areas

1) Indicate the locations of sites under cultivation or in active agricultural use including rotational pasture, pasture, hayland, and cropland.

2) Indicate the location of any unique agricultural lands including maple sugarbushes, organic muckland and permanent irrigation systems, as well as areas used to produce specialty crops such as vegetables, berries, apples, and grapes.

3) Indicate the location of vulnerable soils in agricultural areas that are more sensitive than other agricultural soils to construction disturbance due to slope, soil wetness, and shallow depth to bedrock.

4) Indicate the location of all land and water management features including subsurface drainage, surface drainage, diversion terraces, buried water lines, and water supplies.

5) Designate the site-specific techniques to be implemented to minimize or avoid construction-related impacts to agricultural resources.

b. Sensitive Land Uses and Resources

Indicate the location and identification of sensitive land uses and resources that may be affected by construction of the Facility or by construction-related traffic (e.g., hospitals, emergency services, sanctuaries, schools, and residential areas).

c. Geologic, Historic, and Scenic or Park Resources

Indicate the locations of geologic, historic, and existing or planned scenic or park resources and specify measures to minimize impacts to these resources (e.g., fencing, signs).

d. Recreational

Indicate the locations where existing or planned recreational use areas, would affect or be affected by the Facility location, construction or other ROW preparation.

8. Access Roads, Lay-down Areas and Workpads

Indicate the locations of temporary and permanent on- and off-ROW access roads, lay-down areas and workpads. Provide construction type, material, and dimensions. Indicate provisions for upgrading any existing access roads.

9. Noise Sensitive Sites

Show the locations of noise-sensitive areas along the proposed ROW.

10. Ecologically and Environmentally Sensitive Areas

Indicate the general locations of any known ecologically and environmentally sensitive sites (e.g., archaeological sites; fish and wildlife habitat; rare, threatened, and endangered species or habitats; forest and vegetation; open space; areas of important aesthetic or scenic quality; deer winter yards, etc.), within or nearby the proposed or existing ROW or along the general alignment of any access roads to be constructed, improved or maintained for the Facility.

Specify the measures that will be taken to protect these resources (e.g., fencing, flagging, signs "Sensitive Environmental Areas, No Access").

11. Invasive Species of Special Concern

Identify the location(s) of invasive species of special concern and the prescribed method to control the spread and/or eradicate the identified species.

12. Herbicide

On the plan and profile drawing notes, indicate areas where herbicides will not be used.

B. Description and statement of objectives, techniques, procedures and requirements

The textual portion of the EM&CP for the Facility shall include, but need not be limited to, all of the following information:

1. <u>Facility Location and Description</u>

Describe the location and limits of the site or ROW and explain the need for any additional rights. For each structure type, indicate the GSA-595A Federal standard color designation or manufacturer's color specification to be used for painted structures. State any objections raised by Federal, State, or local transportation (highways, waterways, or aviation) officials to the final location or manner of installation of, or access to, the certified Facility. Provide a rationale for the inclusion of any mid-span splice locations proposed.

2. <u>Stormwater Pollution Prevention</u>

a. The accepted and/or acknowledged SWPPP.

b. In areas of coastal erosion hazard, include plans to demonstrate compliance with the standards for coastal erosion hazard protection as required by 6 NYCRR Part 505 -Coastal Erosion Management.

3. <u>Vegetation Clearing and Disposal Methods</u>

a. Describe the specific methods and rationale for the type and manner of cutting and disposition or disposal methods for cut vegetation.

b. Detail specific measures employed to avoid damage to specimen tree stands of desirable vegetation, rare, threatened and endangered species, important screening trees, and hedgerows.

c. Identify the factors such as the attributes of the site, outcome of landowner negotiations, and attributes of the logs, upon which the Certificate Holder's removal of the merchantable logs resulting from clearing the ROW for the Facility will be based.

d. Describe methods of compliance with 6 NYCRR Part 192 – Forest Insect and Disease Control, applicable New York State Department of Environmental Conservation ("NYSDEC") quarantine orders, and New York State Department of Agriculture and Markets ("NYSDAM") regulations.

4. Building and Structure Removal

Indicate the locations of any buildings or structures to be acquired, demolished, moved, or removed. Provide the rationale for the acquisition and removal of buildings or structures.

5. Waterbodies

a. Describe the measures to be taken to protect stream bank stability, stream habitat, and water quality including, but not limited to: crossing technique; crossing structure type; timing restrictions for in-stream work; stream bed and bank restoration measures; vegetation restoration measures; and other site-specific measures to minimize impacts, protect resources, and manage Facility construction.

b. Indicate the procedures that were followed to inventory such resources and provide copies of any resulting data sheets and summary reports.

c. Develop a table of waterbodies crossed by the Facility and include: Town (location), Existing Structure Span (mileposts), Stream Name, Field/Map Identification Name, Perennial or Intermittent, New York Stream Classification, Water Index Number, Crossing Method and Length, Fishery Type, GPS coordinates.

6. Wetlands

a. For each State-regulated wetland, indicate the following: town (location); existing Structure Span (milepost); wetland field designation; NYSDEC classification code; wetland type; proposed structure located within wetland; total area of temporary disturbance/impact; dead end structures in NYSDEC wetlands; tangent structures in NYSDEC wetlands; total area of permanent disturbance in NYSDEC wetlands (sq. ft.); area crossed by Facility (sq. ft.); conversion of State-regulated forested wetlands (sq. ft.);.

b. Describe all activities that will occur within State-regulated wetlands or adjacent areas (e.g., construction, filling, grading, vegetation clearing, and excavation) and assure that the activity is consistent with the weighing standards set forth in 6 NYCRR 663.5(e) and (f). Describe how impacts to wetlands, adjacent areas, associated drainage patterns, and wetland functions will be avoided, and how impacts will be minimized.

c. Describe the precautions or measures to be taken to protect all other wetlands (e.g., town, federal wetlands) associated drainage patterns, and wetland functions.

7. Land Uses

a. Agricultural Areas

1) Describe programs, policies, and procedures to mitigate agricultural impacts such as soil compaction. Explain how construction plans either avoid or minimize crop production losses and impacts to vulnerable soils.

2) Indicate specific techniques and references to appropriate agricultural protection measures recommended by NYSDAM.

b. Sensitive Land Uses

Describe the sensitive land uses (e.g., hospitals, emergency services, sanctuaries, schools, residential areas) that may be affected by construction of the Facility or by construction-related traffic and specify measures to minimize the impacts on these land uses.

c. Geologic, Historic and Scenic or Park Resources

Describe the geologic, historic, and scenic or park resources that may be affected by construction of the Facility or by construction-related traffic and specify measures to minimize impacts on these resources. Indicate the procedures that were followed to identify such resources and specify the measures that will be taken to protect or preserve these resources. Reports prepared to identify and analyze such sites shall be made available to Department of Public Service ("DPS") Staff upon request.

d. Recreation Areas

Explain how proposed or existing recreation areas will be avoided or accommodated during construction, operation, and maintenance of the Facility.

8. Access Roads, Lay-down Areas and Workpads

a. Discuss the necessity for access to the ROW, including the areas where temporary or permanent access is required; and the nature of access improvements based on natural features, equipment constraints, and vehicles to be used for construction and maintenance, and the duration of access needs through restoration and the maintenance of the Facility.

b. Discuss the types of access which will be used and the rationale for employing that type of access including consideration of:

1) temporary installations (e.g., corduroy, mat, fill, earthen road, geotextile underlayment, gravel surface, etc.);

2) permanent installations (e.g., cut and fill earthen road, geotextile under-layment, gravel surface, paved surface, etc.);
3) use of roads, driveways, farm lanes, rail beds, etc.; and,
4) other access, e.g. helicopter or barge placement.

For each temporary and permanent access type, provide a figure or diagram showing a typical installation (include top view, cross section, and side view with appropriate distances and dimension). Where existing access ways will be used, indicate provisions for upgrading to meet appropriate standards.

c. Indicate the associated drainage and erosion control features to be used for access road construction and maintenance. Provide diagrams and specifications (include plan and side views with appropriate typical dimensions) for each erosion control feature to be used, such as:
    1) staked straw bale or check dam (for ditches or stabilization of topsoil);
    2) broad-based dip or berm (for water diversion across the access road);
    3) roadside ditch with turnout and sediment trap;
    4) French drain;
    5) diversion ditch (water bar);
    6) culvert (including headwalls, aprons, etc.);
    7) sediment retention basin (for diverting out-fall of culvert or side ditch); and,
    8) silt fencing.
d. Indicate the type(s) of stream crossing method to be used in conjunction with temporary and permanent access road construction. Provide diagrams and specifications (include plan and

side view with appropriate dimensions) for each crossing device and rationale for their use. Stream crossing devices may include but not be limited to:

1) timber mat;
2) culverts including headwalls;
3) bridges (either temporary or permanent); and
4) fords.

e. All diagrams and specifications should include material type and size to be placed in streams and on stream approaches.

f. If access and workpad areas cannot be limited to upland areas, provide justification for any access and workpad areas which are proposed to be located in a wetland or stream or waterbody.

9. Noise Sensitive Sites

Specify procedures to be followed to minimize noise impacts related to ROW clearing, and construction and operation of the Facility. Indicate the types of major equipment to be used in construction or Facility operation; sound levels at which that equipment operates; days of the week and hours of the day during which that equipment will normally be operated; any exceptions to these schedules; and any measures to be taken to reduce audible noise levels caused by either construction equipment or Facility operation.

10. Ecological and Environmentally Sensitive Sites

Indicate the procedures that were followed to identify ecological and environmental resources (e.g., archaeological sites; fish and wildlife habitat; rare, threatened, and endangered species or habitats; forest and vegetation; open space; areas of important aesthetic or scenic quality; deer winter yards) and specify the measures that will be taken to protect or preserve these resources.

Reports prepared to identify and analyze such sites shall be identified, and made available upon request.

11. Invasive Species of Special Concern

a. Provide an invasive species prevention and management plan for invasive species of special concern, prepared in consultation with DPS Staff, NYSDEC, and NYSDAM, based on the pre-construction invasive species survey of invasive species within the ROW.

b. The plan shall include measures that will be implemented to minimize the introduction of invasive species of special concern and the spread of existing invasive species of special concern during construction (e.g., soil disturbance, vegetation clearing, transportation of materials and equipment, and landscaping/revegetation).

12. Herbicides

a. Specify the locations where herbicides are to be applied. Provide a general discussion of the site conditions (e.g., land use, target and non-target vegetation species composition, height, and density) and the choice of herbicide, formulation, application method, and timing.

b. Describe the procedures that will be followed during application to protect non-target vegetation, streams, wetlands, potable waters and other water bodies, and residential areas and recreational users on or near the ROW.

13. Fugitive Dust Control

Specify appropriate measures that will be used to minimize fugitive dust and airborne debris from construction activity.

14. Petroleum and Chemical Handling Procedures

a. Include a plan for the storage, handling, transportation, and disposal of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be

used during, or in connection with, the construction, operation, or maintenance of the Facility. Address how to avoid spills and improper storage or application in the vicinity of any wetland, river, creek, stream, lake, reservoir, spring, well, or other ecologically sensitive site, or existing recreational area along the ROW and access roads.

b. Include a plan for responding to and remediating the effects of any spill of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances in accordance with applicable State and Federal laws, regulations, and guidance, and include proposed methods of handling spills of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be stored or utilized during the construction and site restoration, operation, and maintenance of the Facility.

15. <u>Environmental Supervision</u>

a. Describe protocols for supervising demolition, vegetation clearing, use of herbicides, construction, and site restoration activities to ensure minimization of environmental impact and compliance with the environmental protection provisions specified by the Certificate.

b. Specify the titles and qualifications of personnel proposed to be responsible for ensuring minimization of environmental impact throughout the demolition, clearing, construction, and restoration phases, and for enforcing compliance with environmental protection provisions of the Certificate and the EM&CP. Indicate the amount of time each supervisor is expected to devote to the project.

c. Specify responsibilities for personnel monitoring all construction activities, such as clearing, sensitive resource protection, site compliance, EM&CP change notices, etc.

d. Explain how all environmental protection provisions will be incorporated into contractual specifications, and communicated to those employees or contractors engaged in demolition, clearing, construction, and restoration.

e. Describe the procedures to "stop work" in the event of a Certificate violation.

f. Identify the company's designated contact including 24/7 emergency phone number, for assuring overall compliance with Certificate conditions.

16. <u>Clean-up and Restoration</u>

Describe the Certificate Holder's program for ROW clean-up and restoration, including:

a. the removal of any temporary roads; restoration of lay-down or staging areas; the finish grading of any scarified or rutted areas; the removal of waste (e.g. excess concrete), scrap metals, surplus or extraneous materials or equipment used;

b. plans, standards and a schedule for the restoration of vegetative cover; include, but not limited to, specifications to address:

    1) design standards for ground cover:

        a) species mixes and application rates by site;

        b) site preparation requirements (soil amendments, stone removal, subsoil treatment, or drainage measures);

        c) acceptable final cover % by cover type;

    2) planting installation specifications and follow-up responsibilities;

    3) a schedule or projected dates of any seeding and/or planting; and,

    4) plans to prevent unauthorized access to and along the ROW.

17. Visual Impact Mitigation

Provide details of screening or landscape plans prescribed at road crossings and for adjacent property owners. Discuss existing or proposed landscape planting, earthwork, or installed features to screen or landscape substations and other Facility components.

18. ROW Encroachment Plan

Provide detailed plans for identifying and resolving potential encroachments to the existing and proposed ROW.

19. Wetland Mitigation Plan

Provide a proposal to address wetlands mitigation, for all permanent impacts to State-regulated wetlands and Federally- regulated wetlands, if prescribed by the Army Corps of Engineers, including, but not limited to, the permanent conversion of forested wetland to scrub-shrub wetland. If such proposal is to prepare a detailed mitigation plan for State regulated wetlands, it shall separately address impacts to each of the wetlands benefits described in ECL § 24-0105(7). Plans shall provide for wetland mitigation in the same watershed to the maximum extent possible.

APPENDIX F
FORM OF
WATER QUALITY CERTIFICATION

NEW YORK STATE PUBLIC SERVICE COMMISSION
WATER QUALITY CERTIFICATION

Pursuant to: Section 401 of the Federal Water Pollution Control Act (33 U.S.C. Section 1341(a)(1)) and Article VII of the New York State Public Service Law

Certification Issued to: New York State Electric & Gas Corporation
18 Link Drive
P.O. Box 5224
Binghamton, New York 13902-5224
and
Niagara Mohawk Power Corporation d/b/a National Grid
300 Erie Boulevard West
Syracuse, New York 13202-4250

Project Description and Location

New York State Electric & Gas Corporation ("NYSEG") and Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (NYSEG and National Grid together referred to as the "Certificate Holders" and each as a "Certificate Holder") have proposed a project (the "Project") comprised of the following principal components: (1) NYSEG constructing a new 115kV electric transmission line along sections of existing National Grid and NYSEG rights-of-way ("ROW"), a distance of approximately 14.5 miles in the City of Auburn, Town of Throop, Town of Brutus, and Town of Sennett in Cayuga County and the Town and Village of Elbridge in Onondaga County; (2) increasing the capacity of an existing 115kV electric transmission circuit along portions of existing National Grid and NYSEG ROW by (i) NYSEG rebuilding the existing NYSEG #972 115kV electric transmission line along existing NYSEG ROW, and (ii) National Grid busing together two existing National Grid 115kV electric transmission lines in portions of existing National Grid ROW; and (3) NYSEG installing improvements to its State Street Substation, and National Grid installing improvements to its Elbridge Substation. The following additional Project elements are necessary or beneficial to accomplish the above Project objectives: NYSEG will relocate by reconductoring with new conductor the existing National Grid Line #15 115kV electric transmission line along portions of existing National Grid ROW; and NYSEG will rebuild a portion of its existing 115kV Line 971 for approximately 1.4 miles from its State Street Substation to Turnpike Road in the Town of Throop.

The Project is described in detail in the administrative record of Case 13-T-0235. This record includes a detailed description of the components of the Project that would be constructed

and owned by NYSEG (the "NYSEG Components") and the components of the Project that would be constructed and owned by National Grid (the "National Grid Components").

The Project ROW traverses a total of eight NYSDEC mapped surface water bodies: Carpenter's Brook (2 crossings), a tributary to Carpenter's Brook, Skaneateles Creek, three unnamed tributaries to Putnam Brook, North Brook (3 crossings), and Cold Spring (2 crossings). All of the water bodies crossed have a Class C Water Quality Classification, and Carpenter's Brook, Skaneateles Creek, and North Brook are designated C(t).

NYSEG will construct, operate and maintain the NYSEG Components in accordance with the Certificate of Environmental Compatibility and Public Need ("Certificate") granted in Case 13-T-0235, the Environmental Management & Construction Plan approved in Case 13-T-0235 ("EM&CP"), and NYSEG's Long Range Right-of-Way Management Plan adopted pursuant to 16 NYCRR Part 84, as it may be amended from time to time.

National Grid will construct, operate and maintain the National Grid Components in accordance with the Certificate granted in Case 13-T-0235, the EM&CP, and National Grid's Long Range Right-of-Way Management Plan adopted pursuant to 16 NYCRR Part 84, as it may be amended from time to time.

Certification

The New York State Public Service Commission hereby certifies, pursuant to Section 401 of the Federal Water Pollution Control Act (33 U.S.C. Section 1341(a)(1)) and Article VII of the New York State Public Service Law, that the Project, as conditioned herein, complies with applicable requirements of Sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act, as amended, and applicable New York State water quality standards, limitations, criteria and other requirements set forth in 6 NYCRR Section 608.9(a) and Parts 701 through 704, provided that all of the conditions listed herein are met. This certification ("Certification") is issued in conjunction with the Certificate issued to the Certificate Holders in, and based on the record of, Case 13-T-0235.

Conditions

1. No in-water work shall commence until all pre-construction conditions relating to such work contained in the Certificate and any Order approving the EM&CP have been met to the satisfaction of the Department of Public Service.

2. Each Certificate Holder's construction and operation of its Project Components shall at all times be in conformance with (a) the Application and Joint Proposal in Case 13-T-0235, to the degree not superseded by the Certificate, (b) all conditions of approval contained in the Certificate, (c) the EM&CP, and (d) all conditions incorporated in any order approving the EM&CP, to the extent the documents referenced in (a) through (d) above pertain to such Certificate Holder's compliance with New York State Water Quality Standards necessary and appropriate for issuance of, and compliance with, this Certification.

3. NYSEG shall provide a copy of this Certification to the U.S. Army Corps of Engineers along with a copy of the Application, Joint Proposal, Certificate, EM&CP, and all order(s) approving the EM&CP in Case 13-T-0235 so that the U.S. Army Corps of Engineers will have a complete record of the conditions that apply hereto.

4. Each Certificate Holder shall provide complete copies of the Certificate, the EM&CP, and this Certification to the construction contractors performing work on such Certificate Holder's Project Components.

Certified by:

_____ _____

Date

James D. Austin, Chief
Environmental Certification & Compliance Section
Office of Utility Rates and Services
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223