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June 14, 2017

Mr. Eric Miller
Director, Business Development
Invenergy LLC
One South Wacker Drive, Suite 1800
Chicago, IL 60606
Tel: (301) 610-6413
Email: emiller@invenergyllc.com

Re: Case 17-F-0282 - . Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Proposed Wind Energy Project, Located in Allegany, Cattaraugus, and Wyoming Counties, New York, in the Towns of Arcade, Centerville, Farmersville, Freedom, New Hudson, Rushford, and Yorkshire.

Dear Mr. Miller,

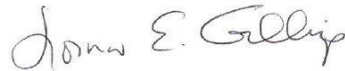
This letter is to inform you that Staff of the New York State Department of Public Service (“DPS Staff”) has reviewed the proposed Public Involvement Program Plan (“PIP Plan”) for the proposed Alle-Catt Wind Farm (“the Project”) filed on May 15, 2017, by Alle-Catt Wind Energy LLC, an affiliate of Invenergy LLC (“ACWE or the “Applicant”).

While we recognize that the Applicant has made significant efforts in its public outreach, in an effort to guide and assist you in preparing an adequate and robust PIP Plan, DPS Staff has prepared some specific recommendations, which are outlined in Attachment A. DPS Staff believes that the application process will be streamlined if the Applicant develops a thorough PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide developing the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), ACWE “shall within 30 days consider the measures recommended by DPS [Staff] and, in a final written Public Involvement Program plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program Plan to incorporate the DPS [Staff] recommendation, or provide a written explanation as to why the Applicant is not incorporating the DPS [Staff] recommendation.”

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at lorna.gillings@dps.ny.gov.

Sincerely,



Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

cc: (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Graham Jesmer, Assistant Counsel, Office of General Counsel
Anthony Belsito, Assistant Counsel, Office of General Counsel
Erin O’Dell-Keller, Manager, Officer of Consumer Services

New York State Siting Board Case 17-F-0282
Alle-Catt Wind Energy LLC

PIP Plan – DPS Staff Comments

Attachment A

The Department of Public Service (DPS) Staff provides the following recommendations with respect to the adequacy of the draft Public Involvement Program (“PIP”) Plan filed by Alle-Catt Wind Energy LLC, an affiliate of Invenergy LLC (the Project).

General Comments

1. DPS Staff recommends that in the final PIP Plan ACWE add the case number to the front cover page, and in the header of all pages where the case number is indicated.
2. The PIP should be defined as Public Involvement Program Plan (“PIP Plan”).
3. The proposed Project Area includes a municipality not identified (Town of Machias is within the Project Area) and mapping includes a municipality that does not exist (“Village of Rushford”).
4. The draft PIP Plan (DPIP) describes a transmission facility to provide interconnection to the existing electric grid that would be subject to Article VII, but does not specifically mention that this is subject to a separate regulatory process outside of Article 10. Several resource locations that will be important considerations in facility siting and impact evaluation are not identified, and the outreach efforts should identify potential stakeholder groups with interest in these areas. Specific contact recommendations are included.
5. DPS recommends that the Applicant include efforts to consult with DPS Staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement.

1.0: Introduction

1. DPS Staff recommends that the language be expanded to state that stakeholder concerns, interests, local knowledge, and recommendations will be evaluated, addressed and considered by the Applicant and Siting Board.

2.0: Applicant and Project Description

Section 2.2: Project Summary

1. There are two inconsistencies between this section and the website. The website states a proposed capacity of 381 MW, while the PIP Plan states 380 MW. Also, the website states up to 130 turbines could make up the project, while the proposed PIP Plan states 80-120 turbines. DPS Staff recommends that the Applicant provide the correct information in its Final PIP Plan and update the website accordingly.

2. The DPIP, at page 4 under “Project Facilities,” lists six towns where wind turbines would be located. The DPIP Project Area map dated May 15, 2017, depicts the Alle-Catt Project Area as including an area of over 500 acres in the northeasterly section of the Town of Machias, Cattaraugus County, in the vicinity of Hooper Road. DPS Staff notes that the Town of Machias is listed in DPIP Appendix A as an “Adjacent Municipality”. The relationship of the Project Area to the Town of Machias should be clarified and the final PIP Plan corrected accordingly.
3. The list of municipalities within the Project Area should be rearranged so that the towns are listed with their respective counties, e.g. the Town of Arcade, Allegany County.
4. Page 4 also describes “an overhead 345–kV interconnection line approximately 4 miles long from a Project substation in the Project Area to a new 345-kV switchyard in the Town of Yorkshire to be built adjacent to the existing Homer City-Stolle Road 345-kV line owned by NYSEG and National Grid.” DPS Staff advises that a transmission facility of these design characteristics would be subject to Public Service Law (PSL) Article VII, and not part of the jurisdictional generating project facilities subject to Article 10.
 - a. The PIP Plan should be revised to provide a clear description of the proposed Project, including identifying the location of facilities subject to the relevant facilities siting statutes. Project Area and Facilities Maps and descriptions should be clarified and the stakeholder lists modified as appropriate to include all Project components.
 - b. A brief description of the Article VII process and whether the developer anticipates approaching a coordinated review process for the Article VII and Article 10 facilities should be addressed.
 - c. Outreach efforts and development of information for the Preliminary Scoping Statement (PSS) should address the need to develop information regarding construction and operation of both component facilities in cumulative impact assessments required by Article 10 findings at PSL 168.2.
5. The “Economic Benefits” section indicates that construction jobs would last approximately one year, and the operations and maintenance jobs would last for the life of the Project. DPS Staff recommends that language be added to indicate ACWE plans to “hire local construction workers, to the greatest extent possible.” Also, the Final PIP Plan should indicate the anticipated life of the project.
6. The PIP Plan provides an estimate with regards to overall payroll for construction, and estimate for taxes and tax–related payments. DPS Staff advises that the Final PIP Plan include an estimate of the possible lease payment total to landowners, either for the life of the project or on an annual basis.

Section 2.3: Project Area and Study Area

1. As the developer is well aware, the Project Area overlaps to a significant degree with the proposed Allegany Wind, LLC project (see petition in Case 17-F-0200, filed April 19, 2017). There is potential for a degree of confusion among the potential stakeholders as to which project is proposing to site facilities in various locations; whether there are overlapping facilities arrangements; and what regulatory processes are applicable by

various “lead agencies”. The PIP Plan should be conservative in its approach to explaining and clarifying the distinction between projects and developers and applicable jurisdictions. Finally, the developer of the Allegany Wind Project should be considered a stakeholder in this instance, since that project has leasehold arrangements, and an interest in the ongoing development of wind projects in the Project Area proposed by Invenergy.

2. The DPIP lists New York State Forest Lands owned by the State and managed by the Department of Environmental Conservation (NYS DEC). The PIP Plan states that “no wind turbines are proposed to be located on state land” (pg. 5) however DPS Staff notes that: the extent of NYS Forest Lands within the Project Area is significant; the state land parcels provide important attributes, features and resources that may be affected by the proposed project development; and that there are generally user groups with interests in the uses and potential impacts on these properties that should be considered in developing the PIP Plan and engaging in outreach. Attached *Figure A* to these comments provides an indication of the location of the State Forest Land Parcels within the Project Area and the Study Area. In addition, two Wildlife Management Areas are in the Study Area. Unit Management Plans for the project area State Forests should be reviewed with NYS DEC forest managers to identify potential resources of interest (hiking and recreational trails, camping areas, scenic overlooks, and habitat areas; and Wildlife Management Areas should be reviewed for habitat and use characteristics that may be important considerations in developing impact analysis on wildlife and habitats.
3. This section of the PIP Plan should identify the municipalities within the Study Area rather than referencing Figure 1. This list should also include the Town of Friendship, Allegany County and the Town of Hinsdale, Cattaraugus County since Figure 1 indicates that these municipalities are within the Study Area. Erie County and the Town of Sardinia should also be included here.
4. The Study Area includes two waterways listed on the National Rivers Inventory (NRI), which are “study rivers” for potential inclusion in the federal Wild, Scenic and Recreational Rivers program. The Genesee River east of the Project Area, and Cattaraugus Creek west of the Project Area are listed for recreation, scenic and other characteristics. The National Park Service maintains the NRI program and should be included in the PIP Plan outreach program.
5. The North Country National Scenic Trail, a multi-state long distance hiking trail coordinated by the U.S. Department of Interior, National Park Service, traverses the Project Area (including several of the NYS Forest Land properties). *Figure A*, attached to these comments, provides an indication of the location of this trail in the vicinity of the Project Area. Stakeholder outreach should include contacting the National Park Service (NPS), as well as the Finger Lakes Trail Conference (FLTC), the interest group that maintains the Finger Lakes Trail which comprises the route of the North Country National Scenic Trail in the Project Area.
 - a. NPS contact information is available at:
<https://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html>
 - b. FLTC Contact information is available at:
<http://www.fltconference.org/trail/index.php?cID=348>

6. NYS DEC has acquired Public Fishing Rights (PFR) easements on several streams within and adjacent to the Project Area. Clear Creek, Elton Creek, Lima Lake Outlet, and McKinstry Creek. Maps showing areas with PFR easements are available at: <http://www.dec.ny.gov/outdoor/44879.html>. Outreach to engage conservation and sporting clubs in the area and other users may be appropriate.

3.0: Public Involvement Program Overview

Section 3.3: Stakeholder Involvement

1. “Stakeholder Notifications:” Based on the description provided in this section, it appears that only “Stakeholders” would be mailed information on Open Houses. However, these notifications should go to all addresses in the Project Area by U.S. Mail. Although this outreach activity is clarified later in Section 4.15, DPS Staff recommends that it also be stated more clearly in this section. In addition, there should be a notation that Section 5 provides more details about the notification and distribution activities.

4.0: Stakeholders

1. DPS Staff advises that language be added in these sections to state that “inclusion of certain agencies is mandated by regulation.”
2. DPS Staff advises that this section indicate that the stakeholder list will be updated prior to each project milestone/outreach event and the updated list will be used for notification purposes.
3. The last sentence of the second paragraph indicates that interested parties can request by mail to be added to the stakeholder list. The contact information should include a person or entity for receipt of requests, as well as the physical address.
4. The stakeholder list should also indicate whether there are communities such as Native American, Amish or Mennonite in the Project and Study Areas.
5. Given that host and adjacent landowners may not be identified in the early stages of the Project, DPS Staff recommends that all landowners within the Project Area be included in mailings, outreach activities and notifications that are provided to the stakeholders identified in this PIP Plan until the project layout has been determined and a host/adjacent landowner mailing list is developed.
6. DPS Staff recommends that ACWE document all notifications, including date of the interaction, the letter/outreach material(s) sent and a copy of the stakeholder list used (i.e. PIP Plan version or updated). For example, for the mass mailing planned prior to the Open House, ACWE should consider obtaining an affidavit certifying the zip codes that were used in the mailing. In addition, for privacy purposes, the stakeholder list may include addresses or parcel numbers rather than landowner identification.

Section 4.9: Adjacent Municipalities

1. Given that Erie County is adjacent to the project area, the section should include the word “county” identifying the kinds of municipalities that may be in the Study Area.

Section 4.10: Utilities

1. In addition to utility companies, there are natural gas production wells and collection pipelines in the Project Area. Owners/operators of these facilities should be identified and included in outreach efforts as appropriate during the pre-application phase. Well locations can be identified from review of well permits issued by the NYS DEC Minerals Bureau.

Section 4.14: Adjacent Landowners

1. Remove phrase “that with property” from the first sentence.

5.0: Public Involvement Program Elements Section 5.1: PIP Activities, Schedule, and Goals

1. Stakeholder Consultations: DPS Staff advises that outreach to municipalities should include review of flood hazard area designations, content of local flood hazard ordinances, and permitting and design standards. Siting and construction of facilities within flood hazard areas may require notice and coordination with municipalities downstream from development zones, to maintain appropriate flood hazard protection and insurance program coverages. Attached map *Figure A* includes indications of mapped Flood Hazard Areas within the Study Area.
2. DPS Staff recommends that ACWE include efforts to consult with DPS staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement.
3. This section should include the actions ACWE will take to reach out to the population in the Environmental Justice communities discussed in Section 6 to notify them of the project, outreach activities, milestones, etc.
4. If Amish/Mennonite communities are identified, the outreach section should identify the method(s) used to inform these communities about participation as a Stakeholder as applicable.
5. Town Board Meetings: ACWE should clarify whether the town board meetings include municipalities within the Study Area.
6. Open House: ACWE indicates that it will hold two open houses, but does not specify whether the public meetings will be conducted at the same time or at different stages of the project. DPS Staff recommends that ACWE conduct public involvement events for different project milestones (e.g. two in the summer to introduce the project to the public

and two when the PSS is filed). In addition, the open-house style meetings should be held at different times on the same day or on different days and should be held in different towns to capture a wider audience within the project/study area. This will accommodate workers' schedules and provide the best opportunity for interested persons to attend. According to Appendix C, the Open House(s) will be held this summer. Even if specific date and location are not set, the Final PIP Plan should include specifics on month and general vicinity of the events.

DPS Staff recommends that notification of the open house(s) be made by mail/email and published in a newspaper of general circulation at least fourteen days before the event. Given that the landowners (host and adjacent) are not included in the stakeholder list at this time, explain how these entities will be advised of the public meetings.

DPS also requests that Applicant provide DPS Staff with informal notice of pending public meetings or open house activities.

5.2: Communication Tools

1. **Project Representatives:** The contact information for project representatives should include mailing addresses for at least the local representatives. The PIP Plan should also identify a response period for inquiries and comments received. A response process should include same day recognition that a request was received. A response should be no more than 2-3 days where feasible, and if the request involves obtaining written documents the response should include estimated mailing date of the materials.

DPS Staff recommends that in the Final PIP Plan the Applicant clearly state the hours of operation when Project representatives will be available to the public. The Applicant should indicate if there will be a local Project office and how it will advertise the hours of the field office other than the Project Website. This section should also indicate how it will address calls/comments received on the toll-free line during non-business hours.

2. **Toll-free Number:** A response should be no more than 2-3 days where feasible, and if the request involves obtaining written documents the response should include estimated mailing date of the materials. The toll-free number should also be advertised in any outreach materials developed for the project.
3. **Website:** The draft PIP Plan states "when more information becomes available several items will be posted to the website including project layout maps." DPS Staff requests that ACWE also provide project layout to Staff, when it is available
4. **Document Repositories:** DPS Staff recommends that local libraries in the Project Area be considered as document depositories, in addition to the town halls. The local libraries may have hours of operation that are longer and at varying times of the day that better meet individuals schedules than the town halls' hours.
5. **Notifications to the General Public:** To avoid confusion, ACWE should note that the newspaper publications will be in addition to stakeholder notifications as described in previous sections and Appendix C. ACWE will provide a notice of the PSS and Application submittals to the entire stakeholder list, including host and adjacent landowners and interested parties that have requested to be added to the list. However,

for privacy purposes, the stakeholder list may include addresses or parcel numbers rather than landowner identification.

6.0: Environmental Justice Areas

1. As stated in Section 5.0 [5.1], ACWE should provide outreach information conducted to the population in these areas.
2. The discussion of “Environmental Justice Group outside the Project Area but within the Study Area” should note that the area in Granger, Grove, and Hume is “east” rather than “north” of the Project Area.

7.0: Language Access

1. A review of zip codes in the Study Area found the following that were not included in Table 1.
 - 14134 Sardinia
 - 14727 Cuba
 - 14739 Friendship
 - 14743 Hinsdale

Figure 1: Project Area Map

1. The map page should be titled “Figure 1” or some other defining title. The map is difficult to read in print form, particularly with all of the road names. The names of the townships should be in larger print, as should the map legend and the map distance scale. The map should also have a small inserted section that shows the Project and Study Areas in relation to the rest of NYS. An additional map(s) should be considered for showing just the Townships’ borders, the borders of Erie, Wyoming, Cattaraugus and Allegany Counties, and the Project and Study Area borders, to provide greater clarification of these borders.

The map should have a page number and be referenced accordingly in the Table of Contents.

2. DPS Staff notes from close review of the DPIP Project Area map dated May 15, 2017 that there is a place name label for the “Village of Rushford” in the Town of Rushford, Allegany County. While there is an obvious town center and central business district at what might be informally known as the village, there is no indication in municipal and other information sources that a separate incorporated municipal entity comprising a village within the Town of Rushford exists.
3. DPS Staff notes that the Project Area Map outlines the location of the “Bliss Wind Farm” in the Town of Eagle, Wyoming County; however the location of the proposed “Allegany Wind Farm” which overlaps to some degree with the location of the proposed Alle-Catt project is not indicated. As described above, there is likely to be some confusion among stakeholders about the relative location of these two projects.

Exhibit A: Stakeholder List

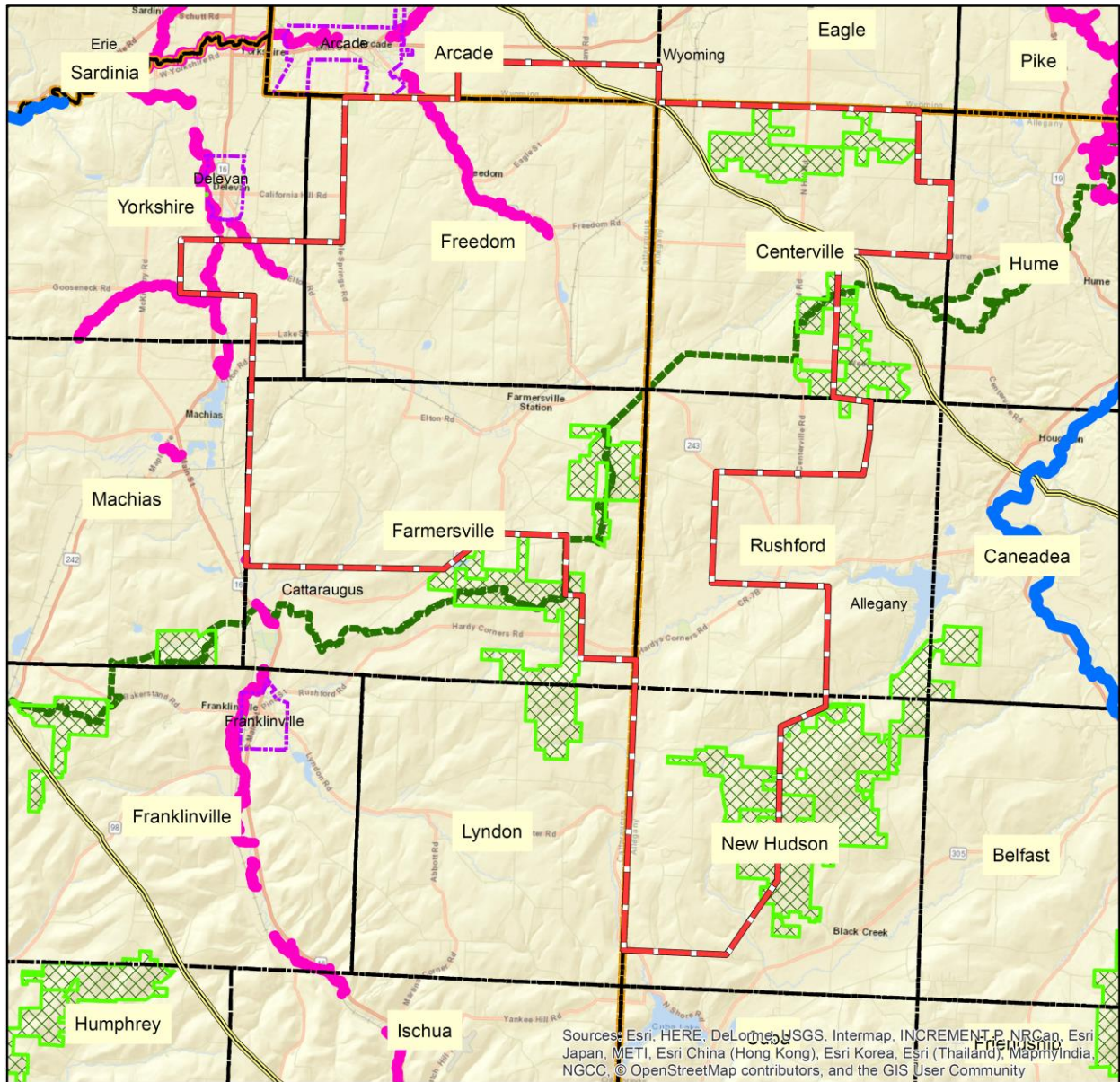
1. Add the following entities listed below: Note the comments above regarding municipalities (Town of Machias) and status as Host Communities or Adjacent Communities.
 - Host Communities:
 - The Town Clerks of Yorkshire and Centerville. This information is available on the respective towns’ websites.
 - Town of Machias
 - County Agencies:
 - Cattaraugus Chamber of Commerce
 - Adjacent Municipalities:
 - Erie County
 - Town of Hinsdale
 - Town of Friendship
 - Village of Arcade
 - Village of Delevan
 - Village of Franklinville
 - Highway Departments (Adjacent)
 - Erie County
 - State Agencies:
 - Gregg Sayre, Interim Chair and Interim Chief Executive Officer, NYS Department of Public;
 - James Denn, Public Information Officer, NYS Department of Public Service;
 - Lorna Gillings, Outreach Contact, NYS Department of Public Service
 - Utilities:
 - National Fuel Gas Supply Corp., which operates a major gas transmission facility traversing the Project Area; and
 - National Fuel Gas Distribution Corp. which operates gas distribution facilities in parts of the Project Area.
 - Also, Rochester Gas and Electric Corp. operates electric distribution facilities in the Town of Rushford, and should be added to the list of Utility Stakeholders.

2. Contact persons as well as addresses, email addresses should be established for those stakeholders without an individual or contact email listed.
3. Document repositories should be noted in the Stakeholder list.







Exhibit C: PIP Meeting Log

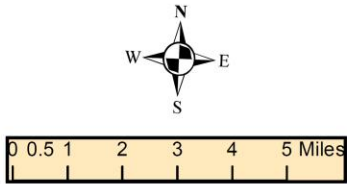
1. DPS Staff advises that when ACWE indicates it has conducted a mailing to the stakeholder list (e.g. prior to the open house meetings), ACWE should provide an affidavit stating that it used its stakeholder list (including participating and/or adjacent landowners) and file a copy of the list with the Secretary to the Commission.

Figure A



Alle-Catt Project Area

-  AlleCatt Project Area
-  NRI_New_York
-  North Country Nat'l Scenic Trail
-  DEC_Lands
-  DEC Fishing Easement
-  Pipelines



DPS Figure A